

Gender Equality Amendment Regulations 2023: Regulatory Impact Statement

Department of Families, Fairness, and Housing (February 2023)

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Executive Summary

The *Gender Equality Act 2020* (Vic) (the Act) was passed by the Victorian Parliament in February 2020 and came into force on 31 March 2021. The Act was established in response to Victoria's first gender equality strategy, *Safe and Strong*¹ and Victoria's 2015 Royal Commission into Family Violence, which found that Victoria must address gender inequality in order to reduce all forms of violence against women, both in the workplace and in other settings in the community.²

The Act establishes the Public Sector Gender Equality Commissioner (Commissioner), who is assisted to perform their functions under the Act by an office of personnel employed by the Secretary of the Department of Families, Fairness and Housing (Department). This office is externally known as the Commission for Gender Equality in the Public Sector (Commission), and reports to both the Commissioner and the Minister for Women. The Minister for Women is responsible for the development of the proposed regulations and presenting them for the approval of Governor in Council. The Commission has prepared the RIS on behalf of the Minister. The Commission has consulted with the Commissioner, in addition to a number of other relevant stakeholders, in the development of this RIS.

The Act imposes a positive duty on defined entities (being entities that fall within the definition at section 5(1) of the Act) to promote workplace gender equality, and contains a number of obligations in relation to advancing gender equality and addressing gender inequality.

The obligations under the Act reflect findings that countries with the highest rates of gender equality have established governance structures dedicated to coordinating and monitoring progress towards gender equality and the prevention of violence against women.

The benefits of progressing gender equality are well established. Making progress towards achieving gender equality in Victoria has significant economic benefits, not only for individuals and defined entities, but also for the Victorian community as a whole.³ Research has also found that tangible benefits accrue to both society and organisations through diverse and inclusive employment practices, including increased efficiency, productivity, innovation, creativity, and improved employee engagement.

Background

Regulations accompanying the Act are being developed by the Department in stages. The third stage of regulations is intended to help achieve the objectives of the Act, clarify sections of the Act as required, and support defined entities to meet their obligations under the Act in relation to progress reporting.

Section 19 of the Act requires defined entities to submit a progress report to the Commissioner on or before 31 October in every second year after submitting a Gender Equality Action Plan (GEAP), unless an extension is granted.⁴ The Commissioner has advised the Department that they interpret the relevant provisions of the Act to require progress reports to be submitted every two years. The costings under this RIS have been calculated based on the Commissioner's interpretation.

¹ Department of Premier and Cabinet (DPC), [Safe and Strong: A Victorian gender equality strategy](#), Victorian Government, 2016, accessed 26 July 2022, p. 10, accessed 26 July 2022.

² Royal Commission into Family Violence, [Report of the Royal Commission into Family Violence](#), Victorian Government, 2016, accessed 26 July 2022.

³ KPMG, [Ending workforce discrimination against women](#), KPMG, 2018, pp. 12 – 13, accessed 26 July 2022; Goldman Sachs [Australia's Hidden Resources: The Economic Case for Increasing Female Participation](#), ASX website, 26 November 2009, accessed 26 July 2022; KPMG, [She's Price\(d\)less: The economics of the gender pay gap](#), 13 July 2022, accessed 26 July 2022.

⁴ S. 19(1) and (2), Gender Equality Act 2020.

Under section 19 of the Act, progress reports must:

- a) report on the policies, progress and services that were subject to a gender impact assessment (GIA) and the outcome of those GIAs;
- b) report the defined entity's progress in relation to the strategies and measures listed in their GEAP; and
- c) demonstrate the defined entity's progress in relation to the workplace gender equality indicators and towards meeting any prescribed gender equality targets or quotas.

A comprehensive background to this Regulatory Impact Statement (RIS) is at Chapter 1.

The problem

The Act does not specify what information defined entities are required to include in a progress report to demonstrate progress in relation to the workplace gender equality indicators. Feedback from key stakeholders, including some defined entities and the Commissioner, indicates that this limits:

- defined entities' ability to demonstrate that progress is being made in relation to the workplace gender equality indicators and to implement evidence-informed strategies and measures; and
- the Commissioner's ability to assess defined entities' compliance with their obligations in relation to progress reporting requirements and in relation to making reasonable and material progress in relation to the workplace gender equality indicators, and therefore whether and what enforcement action should be taken by the Commissioner.

Additionally, the Commissioner has provided feedback that in the past, defined entities have not provided consistent and complete information in relation to the workplace gender equality indicators (WGEI Information). In particular, the Commissioner has provided feedback that information provided by defined entities has been inconsistent across the entities. While this did not necessarily impact defined entities' ability to comply with their obligations under the Act, the Commissioner has advised that it created difficulties for the Commissioner to assess information provided and that it limited the ability for learnings to be shared across defined entities and industries. If defined entities similarly provide inconsistent WGEI Information for the purpose of progress reporting, the Commissioner believes this will:

- limit their ability to effectively analyse the progress reporting information submitted by defined entities; and
- result in the Commissioner and defined entities expending valuable time and resources developing and dealing with issues caused by varying and inconsistent progress reporting infrastructure. It is noted that the template infrastructure relating to the previous workplace gender audit (WGA) process was developed by the Commissioner and provided to defined entities as guidance.

Lastly, not all Victorian public libraries are covered by the Act based on their legal status under the *Public Administration Act 2004*, despite these libraries delivering the same services.

These matters are set out in full at Chapter 2 of this RIS.

Objectives

The long-term, broader objective of the proposed regulations is to promote and advance gender equality within the Victorian public sector, universities, councils, and existing regional libraries under the *Local Government Act 2020* (Vic) (LG Act) (Library Corporations), which will also promote gender equality outcomes in the wider Victorian community, in accordance with the

objects of the Act. This includes by ensuring the Commissioner is able to effectively carry out their functions under the Act.

The shorter-term, immediate objectives of the proposed regulations include to:

- provide clarity on how to demonstrate progress against the workplace gender equality indicators;
- ensure that information submitted to the Commissioner is clear, consistent, and enables an effective and nuanced analysis of the state and nature of gender equality in the Victorian public sector, reduce the burden of information collection and analysis on defined entities, reduce the burden of compliance checking on the Commissioner, and provide a mutual benefit of reporting for defined entities and the Victorian public sector more broadly; and
- ensure gender equality is being advanced consistently across the delivery of public library services.

See Chapter 2.5 for further details in relation to the objectives of the Act and the proposed regulations.

Options

The RIS outlines three regulatory options the Victorian Government could implement to address the abovementioned problems and objectives, set out in detail at Chapter 3. Each option comprises 1 or more of the following 5 components:

1. prescribing the method of progress reports to require the submission of:
 - a. **limited WGEI Information**, requiring defined entities to collect a limited scope of WGEI Information excluding intersectionality information, compare this information to the WGEI Information collected in the immediately preceding WGA, and submit this information as part of their progress reports; or
 - b. **detailed WGEI Information** requiring defined entities to collect WGEI Information data excluding intersectionality information, compare this information to the WGEI Information collected in the immediately preceding WGA, and submit this information as part of their progress reports; or
 - c. **detailed WGEI Information, including limited intersectionality information**, requiring defined entities to collect WGEI Information, including a limited scope of intersectionality information, compare this information to the WGEI Information collected in the immediately preceding WGA, and submit this information as part of their progress reports; and
2. providing the Commissioner with the power to approve the **format of progress reports**. The Commissioner has advised that they intend to exercise this power by developing one or more templates for progress reports; and
3. including **Library Corporations** as defined entities and designated bodies under the Act so that they have obligations under the Act and can access the dispute resolution function.

For the purposes of components 1 and 2 above, WGEI Information is defined as organisation-wide gender-disaggregated data for each workplace gender equality indicator.

As outlined in detail in Chapter 3.4 below, the above components have been developed by the Department based on the Commissioner's anticipated implementation of the proposed regulations. As such, these components are described in the RIS with a higher level of specificity than in the proposed regulations.

Element	RIS Option 1	RIS Option 2	RIS Option 3
1.a. Submission of limited WGEI Information	X		
1.b. Submission of detailed WGEI Information		X	
1.c. Submission of detailed WGEI Information, including limited intersectionality information, if available			X
2. Format of progress reports	X	X	
3. Library Corporations included as defined entities and designated bodies		X	X

Assessment

Each option has been assessed against a consistent set of weighted criteria, to consider the degree to which the option is likely to achieve the objectives. A best practice approach has been adopted, with equal weights assigned to the benefit and costs criteria (50-50).

Criteria	Description	Weight
Benefits		
1. Effectiveness	This criterion assesses the extent to which the relevant option is expected to improve gender equality by promoting and enhancing the objects of the Act, as outlined at Chapter 2.5.1, including by assisting defined entities to comply with their progress reporting obligation under the Act and by enabling the Commissioner to carry out their functions under the Act.	30%
2. Clarity	This criterion assesses the degree to which the relevant option increases regulatory clarity for defined entities with respect to their obligations under the Act.	10%
3. Equity and access	This criterion assesses the degree to which the relevant option increases or reduces equity and access across the Victorian public sector, in respect to the rights and obligations under the Act (for example, by expanding the coverage of the Act to ensure that all public sector employees and entities have access to the Commissioner's dispute resolution function). Equity and access is promoted through greater coverage of entities.	10%

Costs		
4. Cost on defined entities and the Commission	This criterion assesses the degree to which the relevant option increases or reduces the burden on defined entities (including the compliance costs associated with the time and resources employed by defined entities to comply with the specific requirements of the option) and on the Commission (including the time and resources spent to administer and enforce the particular option).	50%

See Chapter 4.1 of this RIS for further information in relation to the approach to the options analysis.

Comparative summary of the options against assessment criteria

The below tables provide a summary of the MCA analysis undertaken with respect to each Option compared to the Base Case, considering each component separately. Each option is scored against the four criteria on a scale of -10 to 10, where a positive score represents an improvement (benefit) against the Base Case and a negative score represents a cost (worse outcomes relative to the base case). Each score is then weighted using the weights above. A detailed analysis of the Options is at Chapter 4 of this RIS.

Effectiveness (30 per cent weighting)

Option	Analysis of Option	Score	Weighted Score
<p>Option 1</p>	<p><i>Format</i></p> <ul style="list-style-type: none"> Significantly increases the effectiveness of the objects of the Act and the Commissioner’s monitoring/compliance functions compared to the Base Case, by making it simpler and quicker for entities to demonstrate they are meeting their obligations and by ensuring information is provided to the Commissioner in a useable format. Better information assists the Commissioner to perform their functions and further gender equality. <p><i>Limited WGEI Information</i></p> <ul style="list-style-type: none"> Somewhat increases the effectiveness of the Act compared to the Base Case by better enabling entities to clearly demonstrate progress by reference to quantitative data and providing both defined entities and the Commissioner with meaningful and up-to-date information to analyse. However, the <i>limited</i> scope of WGEI information would limit effectiveness and reduce the capacity of the Act to affect the intended level of long-term structural and cultural change. <p><i>Non-inclusion of Library Corporations</i></p> <ul style="list-style-type: none"> Perpetuates limitations to overall effectiveness of the Act through continuation of the Base Case. As this is a continuation of the Base Case, this does not impact the score given to this component. 	<p>4.5</p>	<p>1.35</p>
<p>Option 2</p>	<p><i>Format</i></p> <ul style="list-style-type: none"> Significantly increases effectiveness (see Option 1). <p><i>Detailed WGEI Information</i></p>	<p>9.5</p>	<p>2.85</p>

	<ul style="list-style-type: none"> Significantly increases effectiveness of the objects of the Act compared to the Base Case and Option 1 by requiring a consistent and comparable scope of updated WGEI Information for progress reports and GEAPs. This will improve the Commissioner’s ability to conduct benchmarking. It will also inform gender equality targets and quotas, as well as better equip defined entities to identify/address systemic gender inequality. Unlike Option 3, Option 2 does not require submission of limited intersectionality information. This does not support the recognition that gender inequality may be compounded by other forms of disadvantage or discrimination. However, there is no reduction in effectiveness compared to the Base Case, in which there is no requirement to collect and submit intersectionality information. As this is a perpetuation of the Base Case, this does not impact the score given to this component. <p><i>Inclusion of Library Corporations</i></p> <ul style="list-style-type: none"> Significantly increases effectiveness compared to the Base Case and Option 1 by ensuring Library Corporations deliver public library services in compliance with the Act. 		
<p>Option 3</p>	<p><i>Format</i></p> <ul style="list-style-type: none"> Perpetuates any existing limitations to effectiveness of the Act and Commissioner’s ability to carry out their functions compared to Option 1 and Option 2 through continuation of the Base Case. For this reason, Option 3 receives a lower score than Options 1 and 2. <p><i>Detailed WGEI Information (including limited intersectionality information)</i></p> <ul style="list-style-type: none"> Furtheres the objects of the Act compared to Option 1 and Option 2 by supporting the recognition that gender inequality may be compounded by other forms of disadvantage or discrimination. <p><i>Inclusion of Library Corporations</i></p> <ul style="list-style-type: none"> Significantly increases effectiveness (see Option 2). 	<p>7.5</p>	<p>2.25</p>

Clarity (10 per cent weighting)

Option	Analysis of Option	Score	Weighted Score
<p>Option 1</p>	<p><i>Format</i></p> <ul style="list-style-type: none"> Increases the clarity of the Act and the obligations therein compared to the Base Case by specifying the required format in which defined entities must submit their progress reports – thereby making it clearer for defined entities to understand what is required to comply with their obligation under the Act to demonstrate progress. Adds complexity (reduces clarity) by imposing additional requirements in respect of the format of progress reporting. <p><i>Limited WGEI Information</i></p> <ul style="list-style-type: none"> Perpetuates any existing regulatory complexity through the continuation of different WGEI Information requirements for progress reports (as compared to the WGA requirements related to GEAP development). As this is a continuation of the Base Case, this does not impact the score given to this component. Adds complexity (reduces clarity) by imposing additional/more specific requirements in respect of the method of progress reporting. <p><i>Non-inclusion of Library Corporations</i></p> <ul style="list-style-type: none"> Perpetuates any existing limitations to overall clarity of the obligations under the Act, in particular, how they apply across the public libraries in Victoria through continuation of the Base Case. As this is a continuation of the Base Case, this does not impact the score given to this component. 	<p>5</p>	<p>0.5</p>
<p>Option 2</p>	<p><i>Format</i></p> <ul style="list-style-type: none"> See Option 1. <p><i>Detailed WGEI Information</i></p> <ul style="list-style-type: none"> Significantly increases clarity compared to the Base Case and Option 1, by largely aligning progress reporting requirements with results submitted as part of 	<p>9</p>	<p>0.9</p>

	<p>immediately preceding WGA, which ensures data is consistent across defined entities and comparable.</p> <ul style="list-style-type: none"> As with Option 1, adds complexity (reduces clarity) by imposing additional/more specific requirements in respect of the method of progress reporting. <p><i>Inclusion of Library Corporations</i></p> <ul style="list-style-type: none"> Significantly increases clarity and consistency compared to the Base Case and Option 1 by ensuring all entities that deliver public library services have the same gender equality obligations and protections. 		
<p>Option 3</p>	<p><i>Format</i></p> <ul style="list-style-type: none"> Perpetuates limitations to clarity of obligations under the Act compared to Option 1 and Option 2 through continuation of the Base Case. As this is a continuation of the Base Case, this does not impact the score given to this component. <p><i>Detailed WGEI Information (including limited intersectionality information)</i></p> <ul style="list-style-type: none"> Perpetuates any existing regulatory complexity, as discussed in relation to Option 1, and additional complexity through the requirement to prescribe ‘intersectionality’ as a workplace gender equality indicator under the Act, adds greater complexity to defined entity obligations under the Act. As this is a continuation of the Base Case, this does not impact the score given to this component. As with Option 1 and Option 2, adds complexity (therefore reduces clarity) by imposing additional/more specific requirements in respect of the method of progress reporting. <p><i>Inclusion of Library Corporations</i></p> <ul style="list-style-type: none"> Significant increases clarity (see Option 2). 	<p>3.5</p>	<p>0.35</p>

Equity and access (10 per cent weighting)

Option	Analysis of Option	Score	Weighted Score
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<p>Option 1</p>	<p><i>Format</i></p> <ul style="list-style-type: none"> • Somewhat increases equity across defined entities compared to the Base Case by requiring all defined entities to collect and submit data in the same template, which may, in particular, assist small-to-medium sized defined entities with limited data collection and analyst resources/localised expertise. • Reduces flexibility for defined entities to tailor how they demonstrate progress according to their specific workplace context which may limit equity for defined entities with fewer resources. <p><i>Limited WGEI Information</i></p> <ul style="list-style-type: none"> • Somewhat increases equity across defined entities compared to the Base Case by requiring only a limited scope of WGEI Information to be collected and submitted which may assist small-to-medium sized defined entities as identified above. <p><i>Non-inclusion of Library Corporations</i></p> <ul style="list-style-type: none"> • Perpetuates any existing inequity across the public sector and further limits access to the protections provided under the Act for public sector employees and entities through continuation of the Base Case. As this is a continuation of the Base Case, does not impact the score given to this component. 	<p>4.5</p>	<p>0.45</p>
<p>Option 2</p>	<p><i>Format</i></p> <ul style="list-style-type: none"> • Somewhat increases equity (see Option 1). <p><i>Detailed WGEI Information</i></p> <ul style="list-style-type: none"> • Creates inequity across defined entities compared to the Base Case and Option 1 by requiring all defined entities to collect and submit detailed WGEI Information (excluding intersectionality data) which may disproportionately impact small-to-medium sized defined entities with limited resources/capabilities/systems. This is mitigated in part by provision of format (discussed above). <p><i>Inclusion of Library Corporations</i></p> <ul style="list-style-type: none"> • Significantly increases equity and access for public libraries and their employees in Victoria by ensuring they have the same obligations and protections under the Act. 	<p>9</p>	<p>0.9</p>

	<ul style="list-style-type: none"> May create inequity for Library Corporations in particular as the compliance burden may disproportionately affect Library Corporations with fewer resources. 		
Option 3	<p><i>Format</i></p> <ul style="list-style-type: none"> Perpetuates any existing limitations to equity and access under the Act compared to Option 1 and Option 2 through the continuation of the Base Case. As this is a continuation of the Base Case, this does not impact the score given to this component. <p><i>Detailed WGEI Information (including limited intersectionality information)</i></p> <ul style="list-style-type: none"> May slightly increase equity compared to Option 2 by helping to identify and address intersectional gender inequality issues. May create further inequity compared to Option 2 due to difficulties in collecting data of this nature and the disproportionate effects of this on small-to-medium defined entities. <p><i>Inclusion of Library Corporations</i></p> <ul style="list-style-type: none"> Significantly increases equity and access for public libraries and their employees, however may create inequities for Library Corporations with fewer resources (see Option 2). 	5	0.5

Cost (50 per cent weighting)

The Department has estimated the costs of additional reporting requirements under these options (see estimates in table below). The MCA scores are based on these costs.⁵

Option	Analysis of Option	Score	Weighted Score
Option 1	<ul style="list-style-type: none"> The total compliance cost for all entities to meet the requirements of this regulatory option is estimated to be \$17.4 million over a 10-year period. 	-3.1	-1.55

⁵ Option 3, the costliest option, has been assigned an MCA score of -6. It is estimated to cost defined entities \$33.8 million and the Commission \$1.5 million. The MCA score of -6 represents a cost equal in magnitude to a score of +6 for the benefit criteria above. MCA scores for Options 1 and 2 are based on estimated costs and scaled against the MCA score for Option 3.

	<ul style="list-style-type: none"> The total anticipated cost to the Commission for implementation of the proposed regulatory option is \$1.1 million. The majority of these costs are anticipated to be once-off costs 		
Option 2	<ul style="list-style-type: none"> The total compliance cost for all entities to meet the requirements of this regulatory option is estimated to be \$23.3 million over a 10-year period. The total anticipated cost to the Commission for implementation of the proposed regulatory option is \$1.3 million. The majority of these costs are anticipated to be once-off costs 	- 4.2	-2.1
Option 3	<ul style="list-style-type: none"> The total compliance cost for all entities to meet the requirements of this regulatory option is estimated to be \$33.8 million over a 10-year period. The total anticipated cost to the Commission for implementation of the proposed regulatory option is \$1.5 million. The majority of these costs are anticipated to be once-off costs. 	-6	-3

Preferred option

On the basis of the multi-criteria analysis, Option 2 has been identified as the preferred option as it received the highest rating when compared with the other two options.

Option 2 combines all three components. It includes a collection of detailed WGEI Information as the method for progress reports, requires defined entities to submit their progress reports in the format approved by the Commissioner and includes Library Corporations under the Act as defined entities and designated bodies.

The preferred option will:

- ensure the objectives of the Act and the Commissioner's functions under the Act in relation to progress reporting can be effectively carried out;
- ensure that there is an equitable approach for workplace gender equality for all public library services in Victoria; and
- improve clarity for defined entities by setting the format and method for them to demonstrate progress in relation to the workplace gender equality indicators in a progress report.

Overall evaluation summary

Weighted elements	Option 1	Option 2	Option 3
Costs	-1.55	-2.1	-3
Benefits	2.3	4.65	3.1
Total	0.75	2.55	0.1
Rank	2	1	3

Summary of estimated total costs (over a 10-year period in millions)⁶

Criteria	Option 1	Option 2	Option 3
Cost on all defined entities (including Library Corporations)	\$17.4	\$23.3	\$33.8
Cost on Commission	\$1.1	\$1.3	\$1.5
TOTAL cost	\$18.5	\$24.5	\$35.2

See Chapter 4.3 for a detailed description of the preferred option.

Implementation

If made, the proposed regulations are intended to come into effect on 1 July 2023. The Commissioner has indicated that they are able to extend the due date to submit progress reports to 20 February 2024 (previously due 31 October 2023) for all defined entities. To ensure defined entities understand the regulations and their obligations in relation to progress reporting, the

⁶ Both the components (cost on defined entities and cost on Commission) as well as the total have been rounded to one decimal place. For Options 2 and 3, the rounded estimates for the components do not exactly add to the rounded total. See Appendix 1 below for detailed costings.

Commissioner intends to develop and publish guidance materials and templates, in consultation with key stakeholders and assisted by the Department, in the first half of 2023.

Defined entities are expected to implement the regulations by preparing progress reports in the format (if any) approved by the Commissioner and in accordance with the method specified under the proposed regulations. The method under the proposed regulations requires defined entities to demonstrate their progress in relation to the workplace gender equality indicators by collecting, comparing, and submitting workplace gender equality information to the Commissioner. The Commissioner has indicated that the format they are likely to approve for the submission of this information is two Excel templates.

The Commissioner, assisted by the Department, will implement the proposed regulations and monitor implementation by defined entities, including the development of general Commissioner guidance materials, delivering the education and communications plan, and updating the reporting platform.

Chapter 5 of this RIS contains further information in relation to the implementation and evaluation of the proposed regulations.

Evaluation

If made, the effectiveness of the proposed regulations will be evaluated alongside the legislative review required under section 52 of the Act. Section 52 of the Act requires the Minister for Women to cause a review of the operation of the Act after 4 years, that is 31 March 2025.

Consultation

The Department ran a number of targeted consultations through a combination of individual consultation meetings and group webinars with key stakeholders including the Commissioner, defined entities, Library Corporations and unions to inform the development of the RIS and the proposed regulations.

See Chapter 6 of this RIS for further information in relation to consultation.

1. Background

Regulations accompanying the *Gender Equality Act 2020* (Vic) (the Act) are being developed in stages.

The first two stages of regulations have been implemented and this Regulatory Impact Statement (RIS) relates to the third stage of regulations. These regulations are intended to help achieve the objectives of the Act, clarify sections of the Act as required, and support defined entities to meet their obligations under the Act.

The Public Sector Gender Equality Commissioner (Commissioner) is assisted to perform their functions under the Act by an office of personnel employed by the Secretary of the Department of Families, Fairness and Housing (Department), externally known as the Commission for Gender Equality in the Public Sector (Commission). Any reference to the Commission within this RIS is a reference to Department staff assisting the Commissioner to perform their functions under the Act. The Commissioner has been appointed to support defined entities to comply with the Act, through the provision of advice and education, and play a key leadership role in promoting gender equality across the Victorian community and workplaces.

The Commission's Regulation and Reform team has completed this RIS from the perspective of the Department, as the Minister for Women is responsible for the development of the proposed regulations and presenting them for the approval of Governor in Council. The Regulation and Reform team reports both to the Commissioner and the Minister for Women. The Regulation and Reform team has consulted with the Reporting and Insights team and Information, Strategy & Systems team within the Commission, in addition to the Commissioner in the development of the RIS.

1.1. Previous regulations made under the Act

1.1.1. Gender Equality Regulations 2020

The Gender Equality Regulations 2020 commenced on 22 September 2020. These regulations:

- excluded the Victorian Civil and Administrative Tribunal (Tribunal) from assessing its own compliance with the Act;
- excluded school councils from the Act;
- included local councils within the scope of the Commissioner's dispute resolution function; and
- prescribed an alternate reporting period for the purpose of universities' progress reports.

1.1.2. Gender Equality Amendment Regulations 2021

The Gender Equality Amendment Regulations 2021 commenced on 1 February 2022. These regulations amended the Gender Equality Regulations 2020 to:

- prescribe an alternate data capture period for the purpose of universities' workplace gender audits;
- add universities to the list of designated bodies to enable them to access the Commissioner's dispute resolution function; and
- introduce a set of gender pay equity principles which defined entities must consider when developing their GEAP.

1.2. Overview of GE Act obligations

The Act requires certain Victorian public sector organisations with 50 or more employees (defined entities) to complete 5 key tasks to meet their obligations under the Act, as outlined below. As at 31 December 2021, there were [approximately 300 defined entities](#) under the Act.

1.2.1 Promote gender equality

Defined entities have a positive duty under section 7 of the Act to consider, promote and take necessary and proportionate action towards achieving gender equality when developing and delivering policies, programs and services that have a direct and significant impact on the public.

1.2.2 Conduct gender impact assessments

Defined entities are required, under section 9 of the Act, to undertake GIAs when developing or reviewing any policy of, or program or service provided by, the entity where that policy, program or service has a direct and significant impact on the public. The Commissioner has indicated that they intend for GIAs to be embedded into defined entity processes and are designed to help organisations think critically about how their policies, programs and services will meet the needs of women, men and gender diverse people in their community.

1.2.3 Undertake workplace gender audit

Before developing a GEAP, defined entities are required to undertake a WGA every 4 years under section 11 of the Act. This enables defined entities to understand the state and nature of gender inequality in their workplace and informs the development of their GEAP. The first WGA also establishes a baseline status against which their progress can be measured.

1.2.4 Develop and implement a Gender Equality Action Plan

Defined entities are required to develop a GEAP every 4 years, in accordance with section 10 of the Act. In doing so, defined entities must include the results of their WGA, strategies and measures for promoting gender equality in their workplace based on the WGA results, and any other prescribed matters.

1.2.5 Report on progress

Section 19 of the Act requires defined entities to submit a progress report to the Commissioner every in every second year after submitting a GEAP. A progress report must:

- a) report on the policies, programs and services that were subject to a GIA and report on the outcome of those GIAs
- b) report the defined entity's progress in relation to their GEAP strategies and measures
- c) demonstrate the defined entity's progress in relation to the workplace gender equality indicators and towards meeting any prescribed gender equality targets or quotas.

1.3. Overview of GE Act dispute resolution function

Division 3 of Part 7 of the Act enables the Commissioner to deal with a dispute arising under an enterprise bargaining agreement (EBA) or a workplace determination that covers a designated body relating to systemic workplace gender equality issues.

1.3.1. When can a dispute be referred to the Commissioner?

Disputes of this nature can only be referred to the Commissioner in circumstances where the relevant EBA or workplace determination contains a dispute resolution term that expressly enables this referral. At present, there are approximately 12 EBAs (including the *Victorian Public*

Sector Enterprise Agreement 2020 (VPS 2020 EBA)) that contain a term enlivening the Commissioner's dispute resolution powers.

1.3.2. Who can refer a dispute to the Commissioner?

A designated body, a class or group of employees of designated bodies, or a union on behalf of a class or group of employees, can refer a dispute to the Commissioner. Designated bodies include:

- a public sector body;
- Court Services Victoria;
- the Office of Public Prosecutions; and
- an entity prescribed by regulations.

1.4. Regulation making power

Section 54(1) of the Act enables the Governor in Council to make regulations necessary to give effect to the Act.

Section 54(2)(d) of the Act also provides that the regulations may prescribe matters for or with respect to method and format for progress reports.

Section 54(3)(e) of the Act also provides that the regulations may confer power or impose duties in connection with the regulations on any specified person or specified class of persons.

Sections 5(1)(h), 38 and 54(1) of the Act enables regulations to be made prescribing an entity as a defined entity and a designated body for the purposes of Division 3 of Part 7 of the Act.

Sections 5(1)(h) and 54(1) of the Act enables regulations to be made prescribing an entity as a defined entity for the purposes of the Act.

1.5. Structure of the report

The structure of the remainder of the report is as follows:

Chapter 2: Problem analysis and objective

Chapter 3: Identification of options

Chapter 4: Options analysis and preferred option

Chapter 5: Implementation and evaluation strategy.

2. Problem Analysis

Victoria's 2015 Royal Commission into Family Violence found that Victoria must address gender inequality in order to reduce all forms of violence against women, both in the workplace and in other settings in the community.⁷ In response, the Victorian Government released Victoria's first gender equality strategy, *Safe and Strong*, which committed to legislative change to promote gender equality.⁸ The strategy also recognised that countries with the highest rates of gender equality have established governance structures dedicated to co-ordinating and *monitoring progress* towards gender equality and the prevention of violence against women.⁹

The Act was passed by the Victorian Parliament in February 2020 and came into force on 31 March 2021. The Act imposes a positive duty on defined entities (being public sector entities that fall within the definition at section 5(1) of the Act) to promote workplace gender equality and contains a number of obligations, as outlined above at Chapter 1.1, in relation to advancing gender equality and addressing gender inequality.

Making progress towards achieving gender equality in Victoria has significant economic benefits, not only for individuals and defined entities, but also for the Victorian community as a whole. In particular:

- research indicates that just halving the gender pay gap in Australia and increasing women's workforce participation would increase the annual gross domestic product by \$60 billion and our cumulative measured living standards by \$140 billion by 2038.¹⁰ There would also be flow on implications in terms of reduced demand for government payments and services, such as pensions and benefits, electricity and transport concessions, social housing, subsidised pharmaceuticals, and a range of social services;¹¹
- closing the gap across three primary drivers of the gender pay gap – being gender discrimination, occupation and industrial segregation, and unpaid care and work – is equivalent to \$899 million per week, or \$46.7 billion per year;¹²
- gender equality is a precondition for the prevention of family violence and other forms of family violence. The cost to the Victorian economy of all violence against women was estimated at \$5.3 billion in 2014-15.¹³ Nationally, the cost of just one form of gender-based violence, workplace sexual harassment, is estimated to have been \$3.8 billion in 2018;¹⁴ and
- research from the Peterson Institute for International Economics into 21,980 organisations from 91 countries revealed that organisations with at least 30 per cent women in leadership positions were 15 per cent more profitable.¹⁵

Research has also found that tangible benefits accrue to both society and organisations through diverse and inclusive employment practices, including increased efficiency, productivity, innovation, creativity, and improved employee engagement. In particular:

⁷ Royal Commission into Family Violence, *Report of the Royal Commission into Family Violence*, Victorian Government, 2016, accessed 26 July 2022.

⁸ DPC, *Safe and Strong: A Victorian gender equality strategy*, Victorian Government, 2016, accessed 26 July 2022, p. 10, accessed 26 July 2022.

⁹ Ibid.

¹⁰ KPMG, '*Ending workforce discrimination against women*', KPMG, 2018, pp. 12 – 13, accessed 26 July 2022.

¹¹ Goldman Sachs '*Australia's Hidden Resources: The Economic Case for Increasing Female Participation*', ASX website, 26 November 2009, accessed 26 July 2022.

¹² KPMG, '*She's Price(d)less: The economics of the gender pay gap*', 13 July 2022, accessed 26 July 2022.

¹³ KPMG, '*The cost of family violence in Victoria*', Summary Report, May 2017, accessed 26 July 2022.

¹⁴ Deloitte, '*The Economic Cost of Sexual Harassment in the Workplace*', Deloitte Access Economics, 2019, accessed 26 July 2022.

¹⁵ M Nolan, T Moran and B Kotschwar, '*Is Gender Diversity Profitable? Evidence from a Global Survey*', Working Paper Series, Peterson Institute for International Economics, 2016.

- Australian research indicates that access to, and uptake of, flexible working arrangements not only increases gender equality,¹⁶ but is associated with greater employee wellbeing and reduced exhaustion, fatigue, and burnout;¹⁷
- a Nous report (completed for the Office for Women) identified that having flexible workplace policies saves the Department of Environment, Land, Water and Planning \$31 million per year in employee productivity, retention, absenteeism, and recruitment which equates to 2.25 per cent of net income;¹⁸ and
- international research has found that gender and ethnic diversity in the workplace drives innovation, by creating an environment in which diverse voices are heard and elevated, and further ensures better service provision.¹⁹

Changing something as entrenched as gender inequality will not happen quickly nor effortlessly. The Victorian Government is committed to assisting defined entities to make the incremental, purposeful, and continuous progress towards achieving the workplace gender equality indicators under the Act necessary to change outdated norms and practices, and to improve gender equality in their workplaces. Reporting on this progress in a consistent, structured, and regular manner will enable defined entities to develop, monitor and evaluate strategies and measures to increase equality in their workplace, and ensure accountability to their workforce, the Commissioner, and the wider Victorian community.

2.1. Summary statement of problem and impacts

The proposed regulations are intended to address the following problems and impacts:

1. Defined entities are not required to provide information in relation to WGEI Information to the Commissioner. This means that:
 - defined entities' ability to demonstrate that, and the Commissioner's ability to assess whether, progress is being made in relation to the workplace gender equality indicators is limited;
 - the Victorian Government's ability to develop and tailor gender equality targets and quotas under section 17 of the Act is limited;
 - enhancement of gender equality across the public sector may be delayed or obstructed;
 - defined entities may lack empirical data to inform their implementation of strategies and measures and support organisational learning; and
 - there is a lack of clarity as to the Commissioner's ability to issue a compliance notice under sections 22(1)(c) and 22(1)(e) of the Act in practice.
2. Defined entities have not provided consistent and complete WGEI Information to the Commissioner in the past.²⁰ In particular, the Commissioner has provided feedback that

¹⁶ Workplace Gender Equality Agency (WGEA), '[Flexible work post-COVID](#)', WGEA website, 8 December 2021, accessed 26 July 2022.

¹⁷ S Hokke et al, 'Does flexible work "work" in Australia? A survey of employed mothers' and fathers' work, family and health', *Community, Work and Family*, 2020, 24(4): 488-506, DOI: 10.1080/13668803.2019.170439; S Yu and A Postepska, '[Flexible Jobs Make Parents Happier: Evidence from Australia](#)', Institute of Labor Economics, IZA Discussion Papers, 2020.

¹⁸ Nous Group Report for the Office for Women (2019) *Roadmap for workplace gender auditing*, Australian Government, unpublished,

¹⁹ S A Hewlett et al, '[How Diversity Can Drive Innovation](#)', Harvard Business Review, December 2013, accessed 26 July 2022.

²⁰ As defined entities are yet to undertake the progress reporting process, the Commission has relied on the experience of relevant stakeholders in relation to the 2021 WGA to inform this RIS, including the problem analysis Chapter.

the WGEI Information previously provided by defined entities has been inconsistent across those entities and did not capture all the information requested. If defined entities similarly provide inconsistent and incomplete WGEI Information to the Commissioner for the purposes of reporting on progress in relation to the workplace gender equality indicators:

- defined entities may expend valuable time and resources manually inputting WGEI Information, where this information is being provided as part of progress reporting;
 - the Commissioner's ability to effectively analyse WGEI Information submitted by defined entities is limited and therefore limits the mutual benefit of defined entities providing WGEI Information;
 - the Commissioner may expend valuable time and resources repairing,²¹ and responding to queries in relation to, template infrastructure developed by defined entities and conducting manual data inspection.
3. Not all Victorian libraries are covered by the Act. This:
- creates an inconsistency in the application of gender equality rights and responsibilities to Victorian public libraries based upon their legal status under the *Public Administration Act 2004*, despite those libraries delivering the same services.

These issues are explored in greater detail in the following 2.2– 2.4.

2.2. Defined entities are not required to provide WGEI Information to the Commissioner

2.2.1. Why defined entities may not provide WGEI Information in progress reports

The Act requires defined entities to include the results of their WGA in relation to the state and nature of gender inequality in their workplace (having regard to, among other matters, the workplace gender equality indicators) in their GEAP.²² For the purposes of undertaking the 2021 WGA, the Commissioner requested that defined entities provide WGEI Information relating to both employee experiences of the workplace (being qualitative survey data relating to employee experiences of gender inequality (Employee Experience Data)) and workforce measures (being workforce information gathered from defined entities' internal data collection systems (Workforce Data)). This WGEI Information from the first WGA has been used by the Commissioner to identify the 'baseline' status of gender equality in each defined entity and across particular industries within the public sector.

Under sections 16 and 19 of the Act, defined entities are required to make reasonable and material progress in relation to the workplace gender equality indicators and to report on their progress to the Commissioner every second year after submitting a GEAP. However, the Act does not currently prescribe the manner in which a defined entity must demonstrate progress in relation to the workplace gender equality indicators, only what must be taken into account to determine whether 'reasonable and material' progress has been made.²³

In assisting the Commissioner, Commission staff have consequently received a number of requests from defined entities for further clarity on what information they are required to provide

²¹ Repairs were required to resolve a number of issues with the data and data template infrastructure, including because defined entities were unable to complete critical processes internally (for example, due to macro security issues) or because defined entities had inadvertently damaged critical template infrastructure in the course of inputting their workforce data.

²² Ss. 11 and 9, Gender Equality Act 2020.

²³ S. 16, Gender Equality Act 2020.

to the Commissioner for the purpose of demonstrating progress on the workplace gender equality indicators and for further guidance on the format and content of progress reports. The Commissioner has provided feedback during consultation on the proposed regulations that, in practice, defined entities should collect WGEI Information (comparable to that used for the purposes of WGA) as part of their progress reports to facilitate a comparative analysis (as demonstrating progress in relation to the gender equality indicators will necessarily involve quantifiable improvement by comparison to the previous WGA results, in addition to qualitative and other measures of improvement). The Commissioner has advised the Department that they consider this to be the most efficient way for defined entities to demonstrate their progress in relation to the workplace gender equality indicators. However, there is no requirement to do so under the Act and therefore if the proposed regulations are not made, the collection and submission of WGEI Information which is comparable to the WGA results as part of progress reports could only be encouraged by the Commissioner and would not be mandatory

2.2.2. Why is it an issue if the Commissioner does not receive WGEI Information in progress reports?

Existing research on gender equality progress highlights the need for a formal monitoring and evaluation mechanism to ensure accountability, benchmark organisational progress, and provide empirical evidence for the assessment and improvement of policy and strategy implementation.²⁴

The ability for defined entities to demonstrate, and the Commissioner to assess, progress is limited without WGEI Information

As noted above, the Commissioner requested that defined entities provide WGEI Information comprising both Employee Experience Data and Workforce Data for the purposes of the 2021 GEAP development process. During consultation on the proposed regulations, the Commissioner indicated that they anticipate their guidance materials on progress reporting on the workplace gender equality indicators under section 19(3)(c)(i) will request that defined entities similarly provide WGEI Information relating to both Employee Experience Data and Workforce Data to ensure all WGEI Information submitted to the Commissioner over time is comparable.

The Commissioner expressed concerns during consultation that a lack of comparable WGEI Information will limit the ability of both defined entities to demonstrate, and the Commissioner's ability to quantify, progress on the workplace gender equality indicators by reference to a defined entities' baseline status established in the first WGA, as the Commissioner believes comparative WGEI Information is the most efficient way to undertake this analysis.²⁵ The Department agrees that defined entities may find it difficult to demonstrate that quantifiable (material) progress has been made without reliance on empirical evidence in the form of updated WGEI Information. The submission of updated WGEI Information will also provide the Commissioner with the empirical evidence required to effectively monitor and evaluate defined entities' performance in relation to the workplace gender equality indicators over time.

²⁴ L Eden and M F Wagstaff, 'Evidence-based policymaking and the wicked problem of SDG 5 Gender Equality' *Journal of International Business Policy*, 2021, 4, p. 44; A Wroblewski and A Leitner, 'Relevance of Monitoring for a Reflexive Gender Equality Policy' pp. 33 - 52, in A Wroblewski and R Palmen (eds) *Overcoming the Challenge of Structural Change in Research Organisations – A Reflexive Approach to Gender Equality*, Emerald Publishing, UK, 2022, p. 35.

²⁵ P B Southard and D H Parente, 'A model for internal benchmarking: when and how?', *Benchmarking, An International Journal*, 2007, 14(2).

The Victorian Government's ability to develop and tailor gender equality targets and quotas is limited

Section 17 of the Act provides a regulation-making power to prescribe targets and quotas relating to the workplace gender equality indicators, as well as the defined entities or class of defined entities to which those targets and quotas apply.

Targets are considered to be a critical measure to increase the likelihood that workplace gender equality would be achieved.²⁶ There is clear evidence that targets are a valuable means of increasing gender equality and representation of women in senior leadership roles, including board and senior management positions.²⁷ This is particularly evident in the Victorian context. In March 2015, the Victorian Government committed to no less than 50 per cent of all future appointments to paid Victorian Government boards and Victorian courts being women. As at June 2021, women accounted for 40 per cent of all new paid public board appointments, up from 36 per cent in June 2018.²⁸

Without WGEI Information, the Victorian Government's ability to develop and tailor reasonable, sector-specific targets and quotas relating to the workplace gender equality indicators in a data-informed way is limited. There are currently no gender equality targets or gender equality quotas prescribed. This is because a baseline across the public sector for each of the WGEI Information is first required to be established before the Victorian Government can determine how much progress or change is required to inform reasonable targets and quotas. A baseline cannot be established without consistent WGEI Information. Useful WGEI Information would then enable reasonable targets and quotas to be prescribed, thereby giving further effect to the *Gender Equality Act 2020*, as defined entities would be able to then report on those targets and quotas and the Minister for Women would be able to include an assessment of progress made, on an aggregated state-wide basis, in relation to those targets and quotas in the State Gender Equality Action Plan.

Without regular progress monitoring, enhancement of gender equality may be delayed or obstructed

International research indicates that engagement with data in relation to gender equality indicators is key to enable monitoring and evaluation of progress towards gender equality results.²⁹ In fact, international organisations and expert groups have advised that a key feature of an optimal monitoring system, among others, is *regular* data collection, assessment, and reporting.³⁰

This aligns with international progress reporting requirements in relation to international gender equality indicators. For example, the Gender Equality Index created by the European Institute for Gender Equality is used to measure the state of gender equality in EU countries. The index is based on 31 indicators, grouped into 14 subdomains, which are spread across 6 domains (work,

²⁶ Government Equalities Office (UK) *Reducing the gender pay gap and improving gender equality in organisations: Evidence-based actions for employers*. https://gender-pay-gap.service.gov.uk/public/assets/pdf/Evidence-based_actions_for_employers.pdf

²⁷ Sojo VE, Wood RE, Wood SA and Wheeler MA (2016) Reporting requirements, targets, and quotas for women in leadership. *The Leadership Quarterly*, vol. 27, issue 3, 2016, pp. 519-536.

²⁸ Victorian Public Sector Commission, [Board numbers and demographics](#), 2021, accessed on 14 September 2022.

²⁹ J Hunt and S Lateef, 'Making gender mainstreaming a reality: Using gender action plans' in Development Studies Network, 'Measuring Gender Equality', *Development Bulletin*, 2006, 71, p. 34.

³⁰ V Lin, H L'Orange and K Silburn, 'Using gender-sensitive health indicators to help achieve equity and equality in mainstream policy development and programme delivery' in Development Studies Network, 'Measuring Gender Equality' *Development Bulletin*, 2006, 71, p. 53; OECD, ['Fast Forward to Gender Equality: Mainstreaming, Implementation and Leadership'](#), 2019, OECD Publishing, Paris.

money, knowledge, time, power and health) and is based on data submitted by member countries in relation to these indicators *annually*.³¹

In Australia, private sector employers³² covered by the *Workplace Gender Equality Act 2012* (Cth) (WGEA Act) are required to provide a report to the Workplace Gender Equality Agency (WGEA) *annually*, containing data in relation to the gender equality indicators under the WGEA Act.³³ Every two years, WGEA awards the Employer of Choice for Gender Equality Organisations (EOCGE) citation to organisations ‘that have made gender equality an integral component of their workplaces and business practices’.³⁴ Recent analysis of the policies and practices of the 2013 – 2018 EOCGE organisations highlights that leading practice organisations that committed to monitoring and reporting progress data against their action plans and targets successfully instilled a workplace culture focusing on continual growth and improvement, rather than stagnating progress after they reached successful outcomes and targets.³⁵

While change at the macro-level will occur over an extended period of time, immediate or intermediate positive results within organisations by way of quantifiable shifts in the right direction can be used to enhance long term progress.³⁶ This is because defined entities and the Commissioner can utilise the analysis of WGEI Information submitted with progress reports as both short-term learnings, feeding back into specific strategies and measures to improve their efficiency (discussed further below), as well as long-term learnings, improving policy, planning and budget management, to ultimately improve gender equality.³⁷ This is explored further below.

Without WGEI Information, defined entities will lack empirical data to inform their implementation of strategies and measures and support organisational learning

In developing their 2021-2025 GEAPs, defined entities were asked by the Commissioner to document their strategies and measures with reference to the relevant WGA results and group each strategy and measure according to the workplace gender equality indicator to which they relate. By developing and implementing their GEAP strategies and measures in this way, the Commissioner expected it would assist defined entities to make reasonable and material progress towards the workplace gender equality indicators in compliance with the Act.

Feedback provided by the Commissioner during consultation suggests that the collection of comparable WGEI Information and reflection on what this information reveals in relation to the strategies and measures implemented by defined entities ‘is critical for identifying lessons learned on challenges/constraints as well as opportunities’.³⁸ That is, for many defined entities, the development and implementation of GEAP strategies and measures will be the first attempt at addressing workplace gender inequality in a systematic and structured manner. Some of the

³¹ European Institute for Gender Equality (EIGC), [Gender Equality Index](#), EIGC, webpage, accessed 26 July 2022.

³² From 15 July 2022, Commonwealth public sector organisations are permitted to submit data to WGEA on a voluntary basis.

³³ Sections 3, 13 – 14, WGEA Act.

³⁴ WGEA, [Guide to Citation: WGEA Employer of Choice for Gender Equality](#), 2022-24, WGEA, p.3.

³⁵ T W Fitzsimmons, M S Yates and V J Callan, ‘Employer of Choice for Gender Equality: Leading practices in strategy, policy and implementation’, AIBE Centre for Gender Equality in the Workplace, 2020, p. 39.

³⁶ C Hannon, [Handbook on Gender Mainstreaming for Gender Equality Results](#), UN Women, 2022, pp. 42, 49.

³⁷ *Ibid*, p. 59.

³⁸ C Hannon, [Handbook on Gender Mainstreaming for Gender Equality Results](#), UN Women, 2022, p. 79. See also: T W Fitzsimmons, M S Yates, V.J Callan, ‘Employer of Choice for Gender Equality: Leading practices in strategy, policy and implementation’, AIBE Centre for Gender Equality in the Workplace, 2020, p. 47; J. Askim, A. Johnsen, K.A Christophersen, ‘Factors behind Organizational Learning from Benchmarking: Experiences from Norwegian Municipal Benchmarking Networks’, *Journal of Public Administration Research and Theory*, 2007, 18(2), p. 299.

strategies and measures may therefore prove ineffectual, unsuitable, or unrealistic in practice with respect to the achieving progress towards the gender equality indicators.

Without regular evaluation to determine this, defined entities may continue to invest time, resources and attention in ineffectual strategies and measures. This not only impacts the employees of the defined entities, as it may therefore mean that gender inequality persists in their workplace, but also the broader public sector and Victorian community, as persistent gender inequality will continue to drive gendered violence and be a barrier towards achieving meaningful diversity and inclusion in other settings in the broader community.

Monitoring the quantifiable progress and impact of the strategies and measures being implemented by comparing WGEI Information provided in progress reports to the previous WGA results will provide defined entities with the necessary empirical evidence to support the evolution of existing strategies and measures or the development of new ones, where necessary.³⁹

Research has highlighted that for gender equality initiatives to deliver their intended benefits they must, among other things, 'have CEOs and leaders articulating a compelling vision, embedding real accountability for delivery and cascading this down through middle management *in a data-driven way*'.⁴⁰

In this way, WGEI Information can be considered by organisational leadership when deciding on the continuation, adaptation or termination of gender equality strategies and measures engaged in for the purpose of improving performance against the previous WGA results.⁴¹ The recent analysis of the policies and practices of the 2013 – 2018 WGEA EOCGE organisations highlighted that leadership commonly drew upon progress data to illustrate improvements in the organisation as a means of underscoring the importance of focusing on gender equality and driving cultural change.⁴² WGEI Information can also be used by the staff in charge of implementing particular strategies and measures on the ground in defined entities to optimise implementation.⁴³

A lack of WGEI Information creates a lack of clarity as to the Commissioner's ability to issue a compliance notice

Under sections 22(1)(c) and 22(1)(e) of the Act, the Commissioner has the power to issue a compliance notice to defined entities if they fail to prepare progress reports in accordance with the Act or fail to make reasonable and material progress in relation to the workplace gender equality indicators. A compliance notice must state the requirement of the Act that the defined entity has failed to comply with (including the Commissioner's basis for determining this), the action to be taken to ensure compliance (including the date by which the defined entity must have taken the action), and the further action the Commissioner may take if the defined entity does not comply with the notice.⁴⁴

The Act does not currently specify how to prepare progress reports under section 19, nor how defined entities must demonstrate progress in relation to the workplace gender equality indicators. Further, as noted above, without the submission of WGEI Information, the Commissioner has expressed concerns that they will have limited ability in practice to determine

³⁹ Ibid, p. 58.

⁴⁰ McKinsey, [Delivering through diversity](#), 2018, accessed 24 August 2022.

⁴¹ A Wroblewski and A Leitner, 'Relevance of Monitoring for a Reflexive Gender Equality Policy' pp. 33 - 52, in A Wroblewski and R Palmen (eds) [Overcoming the Challenge of Structural Change in Research Organisations – A Reflexive Approach to Gender Equality](#), 2022, p. 36.

⁴² T.W Fitzsimmons, M.S Yates, V.J Callan, 'Employer of Choice for Gender Equality: Leading practices in strategy, policy and implementation, AIBE Centre for Gender Equality in the Workplace, 2020, pp. 53 – 57.

⁴³ A Wroblewski and A Leitner, 'Relevance of Monitoring for a Reflexive Gender Equality Policy', p. 36.

⁴⁴ S. 23(1), Gender Equality Act 2020.

whether a defined entity has made progress on the workplace gender equality indicators in a material sense.

The Department agrees that this creates a lack of clarity as to the circumstances in which the Commissioner may issue a compliance notice under sections 22(1)(c) and 22(1)(e) of the Act in practice, and a risk that the Commissioner may not be able to utilise this compliance mechanism as there is limited ability to monitor compliance.

The Department considers the Commissioner's ability to issue a compliance notice under sections 22(1)(c) and 22(1)(e) of the Act to be an important tool for holding defined entities accountable where other compliance and education mechanisms have been unsuccessful. The submission and evaluation of WGEI Information in progress reports is therefore an efficient way of establishing defined entity accountability and for clarifying (as well as enabling the Commissioner to best utilise) the Commissioner's regulatory compliance powers under the Act.

2.3. Defined entities are not providing consistent and complete WGEI Information to the Commissioner

2.3.1. Why is the WGEI Information being provided to the Commissioner inconsistent and incomplete?

The Act does not describe what is meant by the "results of" a WGA that are required to be included in a GEAP, nor does the Act require defined entities to submit consistent information. Rather, the Act states that the WGA must be based on gender-disaggregated data and, if available, data about intersectional attributes (in particular, Aboriginality, age, disability, ethnicity, gender identity, race, religion, and sexual orientation).⁴⁵

In December 2021, the Commissioner requested defined entities to submit WGEI Information (comprising both Employee Experience Data and Workforce Data) as part of the results of their WGA to the Commissioner in accordance with the 'Workplace gender audit 2021 – Guidance for defined entities' and the various data templates made available to them on the Commission's [website](#), including the Workforce Reporting Template. Feedback provided by Commission staff during consultation indicated that, notwithstanding the detailed guidance and data templates provided, WGA results submitted to the Commissioner were incomplete, inconsistent across entities, and did not meet all of the relevant specifications requested by the Commissioner.

The Commissioner provided each defined entity with an audit compliance report, outlining such issues and providing feedback for improvement. Some 84 defined entities re-submitted their WGA results to the Commissioner, based on the feedback provided by the Commissioner in their compliance report, to improve the quality of their WGA results submission.

Based on stakeholder feedback in relation to the 2021 WGA, including feedback from the Commissioner as to their experience assessing WGA submissions, there are a number of reasons why defined entities were unable to provide consistent and complete WGA results to the Commissioner. These include:

- resource, capacity, or systems capability deficiencies within defined entities. This includes, for example, inappropriate or insufficient resourcing allocated to undertake this work and inappropriate or insufficient internal infrastructure to collect the types of data requested by the Commissioner;

⁴⁵ S. 11, Gender Equality Act 2020.

- complexities and technical issues in relation to the Workforce Reporting Template infrastructure developed by the Commissioner;
- human data-entry errors; and
- the volume and complexity of guidance issued by the Commissioner around this time in relation to the WGA and GEAP process.

2.3.2. Why is it an issue if the Commissioner receives inconsistent and incomplete WGEI Information?

Inconsistent and incomplete WGEI Information restricts the Commissioner's ability to effectively analyse the information and assess progress

The Commissioner provided feedback during consultation on the proposed regulations that while they received aggregate WGEI Information from every defined entity in the manner requested with respect to the 2021 WGA, approximately one third of data tables (in particular, non-intersectional data tables, being general workforce data that does not relate to intersectional attributes such as Aboriginality, age, etc.) completed by defined entities in the Workforce Reporting Template were excluded from the Commissioner's reporting and data analysis (used for the purposes of public sector benchmarking) as a result of incomplete and inconsistent WGEI Information.

The exclusion of WGEI Information from reporting and analysis results in less accurate reporting and performance benchmarking (due to inconsistencies across information provided by defined entities), and ultimately limits the Commissioner's ability to fulfil their functions under the Act.⁴⁶ In particular, the Commissioner has indicated that accurate reporting and data analysis in relation to the state and nature of gender equality within defined entities and across the Victorian public sector more broadly would enable the Commissioner to more effectively promote and advance the objects of the Act, support and provide advice to defined entities to comply with the Act, and to establish and undertake education programs for defined entities in order to facilitate compliance with the Act and encourage best practice. Defined entities have also expressed in consultation with the Department that they value the analysis completed by the Commissioner in the baseline report, which used the WGEI Information defined entities submitted as part of their first WGA. The baseline report analysed the first WGA results across the public sector and provides a mutual benefit for defined entities and the Victorian Government. Defined entities made it clear that they do not want to waste time and resources collating WGEI Information that is reported for the sake of reporting. Therefore, to ensure the WGEI Information being provided to the Commissioner is useful for analysis and identifying trends, consistent information is required.

The Commission is expending valuable time and resources repairing templates, responding to template queries and manually inspecting WGEI Information

Feedback from Commission staff provided during consultation revealed that from December 2021 to August 2022, Commission staff repaired 47 Workforce Reporting Templates at the request of defined entities. These repairs were required to resolve a number of issues, including because defined entities were unable to complete critical processes internally (for example, due to macro security issues) or because defined entities had inadvertently damaged critical template infrastructure in the course of inputting their workforce data. Further, from July 2021 to October 2021 alone, the Commissioner received 156 support requests from defined entities in relation to WGA. Of these requests, 37 were directly related to the Workforce Reporting Template infrastructure. This caused delays to the WGA process as defined entities

⁴⁶ S. 36, Gender Equality Act 2020

were dependent on the Commissioner to respond to support and repair requests and created significant additional workload for Commission staff.

To assess each WGA, the Commissioner used a series of automated testing tools, supplemented by manual inspection in circumstances where the automated tests were inconclusive. These testing tools enable the Commissioner to determine whether or not each defined entity has met its obligations under the Act and whether or not the WGA results submission aligns with the Commissioner's specifications as outlined in the guidance (i.e. to enable the Commissioner to conduct data analysis and performance benchmarking at the industry and sector level).

The Commissioner's automated testing tools identified approximately 3,800 potential WGEI Information defects that required manual inspection. The Commissioner provided feedback that this caused significant inefficiencies and delays in the Commissioner's assessment process and required a significant amount of time to be allocated to conducting manual inspections of WGEI Information defects that impacted the reliability and quality of WGA results.

Defined entities are expending valuable time and resources manually inputting WGEI Information

The Commissioner's 2021 Workforce Reporting Template comprised of 85 data tables for defined entities to complete. Feedback from defined entities was that this process was overly time-consuming and complicated, particularly for smaller defined entities with fewer resources overall and no pre-existing data capture and analytic resources.

Further, the Commissioner identified more than 14,600 individual WGEI Information defects in the 2021 WGA process. One in six of these defects were directly related to the Commissioner's audit template infrastructure. As noted above, over 84 defined entities re-submitted their WGA results, either at the request of the Commissioner on the basis the submission indicated that the defined entity's results did not meet the relevant specifications or voluntarily to improve the quality of their submission after receiving the Commissioner's feedback. This created additional workload for defined entities and required an additional assessment process to be conducted by the Commissioner.

2.4. Not all Victorian public libraries are covered by the Act

2.4.1. Why do public libraries have varying coverage under the Act?

The provision of public library services in Victoria occurs both directly by some local councils, as well as indirectly through regional libraries (Library Corporations) in other municipalities. There are currently eight Library Corporations in Victoria,⁴⁷ which deliver services to regionally based authorities on a combined basis.

Library services directly delivered by councils are covered by the Act. This is because councils are defined entities, which means they have obligations to promote gender equality, and designated bodies, which means they can access the Commissioner's dispute resolution function. However, Library Corporations are not currently covered by the Act. This is because under the *Public Administration Act 2004* (PA Act), a body corporate can only be a public entity if a majority of board members are appointed by the Government, or the Government has the right to appoint a majority. Board members of Library Corporations are appointed by member councils.

⁴⁷ Casey Cardinia Library Corporation, Eastern Regional Libraries Corporation, Whitehorse Manningham Libraries, Yarra Plenty Regional Library Corporation, Geelong Regional Library Corporation, Northern Central Goldfields Library Corporation, Goulburn Valley Regional Library Corporation, Wimmera Regional Library Corporation.

As Library Corporations are not considered public entities under the PA Act, they do not fall within the meaning of 'defined entity' under the Act.

2.4.2. Why is it an issue that Library Corporations are not covered by the Act?

Two of the main purposes of the Act are to require the public sector, Councils, and universities to take positive action towards achieving workplace gender equality and to promote gender equality in their policies programs and services.⁴⁸ While regional Library Corporations are not considered public entities under the PA Act, they are:

- providing library services to the Victorian public on behalf of local councils, which are covered by the Act;
- provided with Victorian Government library subsidies and grants in addition to financial contributions from member councils (including other funds received by member councils for the purpose of providing library services);
- local government entities governed by the LG Act; and
- governed by Boards comprised of Councillors and representatives from member local councils, which are covered by the Act.

Including regional Library Corporations within the scope of the Act would align with its key purposes outlined above and ensure the Act (and the advancement of gender equality) is applied consistently across the public sector. It would also ensure that Library Corporations and their employees are able to access the Commissioner's dispute resolution function to address systemic gender equality issues. This would consequently ensure that all public libraries have the same obligations and entitlements under the Act.

⁴⁸ S. 1, Gender Equality Act 2020.

2.5. Objectives for action

2.5.1. Objectives of the Act

The objects of the Act are to:

- promote, encourage and facilitate the achievement of gender equality and improvement in the status of women;
- support the identification and elimination of systemic causes of gender inequality in policy, programs and delivery of services in workplaces and communities;
- recognise that gender inequality may be compounded by other forms of disadvantage or discrimination that a person may experience on the basis of Aboriginality, age, disability, ethnicity, gender identity, race, religion, sexual orientation and other attributes;
- redress disadvantage, address stigma, stereotyping, prejudice and violence, and accommodate persons of different genders by way of structural change;
- enhance economic and social participation by persons of different genders; and
- further promote the right to equality set out in the Charter of Human Rights and Responsibilities and the Convention on the Elimination of All Forms of Discrimination against Women

2.5.2. Objectives of the proposed regulations

The long-term, broader outcome sought is to promote and advance gender equality within the Victorian public sector, universities, councils, and Library Corporations, which will also promote gender equality outcomes in the wider Victorian community, in accordance with the objects of the Act as outlined above. This includes by ensuring the Commissioner is able to effectively carry out their functions under the Act, as follows:

- promote and advance the objects of the Act throughout the public sector;
- support defined entities to comply with the Act;
- provide advice to defined entities about the operation of the Act;
- establish and undertake information and education progress for defined entities in order to encourage best practice and facilitate compliance;
- undertake research into any matter related to the operation and objectives of the Act;
- report to the Minister on any matter arising from the performance of the Commissioner's functions; and
- any other function conferred on the Commissioner under the Act or any other legislation.

The shorter-term, immediate objectives of the proposed regulations are set out below.

Provide clarity to defined entities on how to demonstrate progress on the workplace gender equality indicators

The objective of these regulations is to provide clarity for defined entities on how to assess progress against the workplace gender equality indicators in a progress report. The WGEI Information will provide defined entities with the evidence to better demonstrate and enable the Commissioner to assess progress against the workplace gender equality indicators every second year after submitting a GEAP as required under the Act. This will also assist defined entities by informing them of any necessary interventions to remove barriers to progress.

Ensure the format of progress reports are consistent across defined entities

The objectives of these regulations are to ensure that information submitted to the Commissioner is clear, consistent, and enables an effective and nuanced analysis of the state and nature of gender equality in the Victorian public sector. The objective is also to reduce the burden of information collection and analysis on defined entities, to reduce the burden of progress reporting review on the Commissioner by minimising the workload associated with receipt of various formats of progress reports, and to provide a mutual benefit of reporting for defined entities and the Victorian Government.

Include regional Library Corporations under the Act

The objective of these regulations is to ensure gender equality is being advanced consistently across all Victorian public sector workplaces and, in particular, in the delivery of public library services. The objective is also to ensure regional Library Corporations can access the Commissioner's dispute resolution function under the Act, as is the case with local councils, universities, and the Victorian public sector.

3. Identification of options

3.1. Options development

As part of the RIS process, it is necessary to consider different options that could achieve the objectives mentioned at Chapter 2.5. The *Subordinate Legislation Act 1994*, the *Subordinate Legislation Act Guidelines*,⁴⁹ and the *Victorian Guide to Regulation* recommend that this includes considering a range of approaches, including co-regulation and non-regulatory approaches, and those that reduce the burden imposed on business and/or the community.

To determine the options available in relation to progress reports and Library Corporations, the Department engaged in the following:

- desktop review of evidence and current regulation; and
- targeted stakeholder consultation with key stakeholders such as defined entities, Library Corporations, local councils, and unions.

3.2. Base Case

The Act requires certain defined entities (being public sector entities that fall within the definition at section 5(1) of the Act) to:

1. consider, promote and take necessary and proportionate action towards achieving gender equality when developing and delivering policies, programs and services that have a direct and significant impact on the public;⁵⁰
2. undertake GIAs when developing or reviewing any policy of, or program or service provided by, the entity where that policy, program or service has a direct and significant impact on the public;⁵¹
3. undertake a WGA that assesses the state and nature of gender inequality in their workplace every 4 years, before developing a GEAP;⁵²
4. develop a GEAP every 4 years, which includes the results of their WGA, strategies and measures for promoting gender equality in their workplace based on the WGA results, and any other prescribed matters;⁵³ and
5. submit a progress report every second year after submitting a GEAP that:
 - a. identifies the policies, programs and/or services that were the subject of a GIA in the relevant reporting period and reports on the actions taken as a result of the GIA (in particular, in response to the requirements at section 9(2)(b) of the Act);⁵⁴
 - b. reports on their process in relation to the strategies and measures set out in their GEAP;⁵⁵ and
 - c. demonstrates their progress in relation to the workplace gender equality indicators and meeting any prescribed gender equality targets or quotas.⁵⁶

⁴⁹ Office of the Chief Parliamentary Counsel, *Subordinate Legislation Act Guidelines*.

⁵⁰ S. 7, Gender Equality Act 2020

⁵¹ S. 9, Gender Equality Act 2020

⁵² S. 11, Gender Equality Act 2020

⁵³ S. 10, Gender Equality Act 2020

⁵⁴ S. 19(3)(a), Gender Equality Act 2020

⁵⁵ S. 19(3)(b), Gender Equality Act 2020

⁵⁶ S. 19(3)(c), Gender Equality Act 2020

Under the Base Case, defined entities have an obligation to submit progress reports in compliance with section 19 of the Act. In particular, defined entities are required to submit progress reports to the Commissioner every second year after submitting a GEAP, comprising the matters set out above (at 3.2.5(a)–(c)).

However, under the Base Case there is no legislative guidance as to how progress reports should be developed. In this respect, it is noted that the Commissioner intends to develop general guidance material in relation to progress reporting under the Base Case. However, as this would only be guidance material, under the Base Case defined entities would not be *required* to collect the types of information recommended by the Commissioner for their progress reports nor to submit their progress reports in any format recommended by the Commissioner. Further, the Commissioner will not have any power to enforce their recommendations, since there is no requirement for defined entities to consider or comply with those recommendations.

As such, under the Base Case, it is up to defined entities to determine how they develop and submit progress reports, provided that the matters set out above at 3.2.5(a)–(c) are addressed. This may look different for each defined entity – for example, some defined entities may provide a qualitative summary of their progress in relation to the workplace gender equality indicators for the purposes of section 9(2)(c)(i) of the Act, while others may provide statistical information in relation to each indicator and the progress that has been made.

Defined entities are required to include WGA results in their GEAPs every 4 years under the Act. This is because, as outlined above, section 11 of the Act requires defined entities to undertake a WGA before developing a GEAP, which must be submitted to the Commissioner every 4 years.⁵⁷

Lastly, Library Corporations are not required to undertake the five key tasks outlined above because they are not subject to any of the obligations under the Act. Nor do Library Corporations have access to the Commissioner's dispute resolution function under the Act, which enables the Commissioner to deal with a dispute arising under an enterprise agreement or a workplace determination that covers a designated body relating to systemic workplace gender equality issues.

In Chapter 4, the benefits and costs of options to address the problem are assessed against this Base Case as a point of comparison. In this respect it is noted that, due to the significant degree of variation under the Base Case as to the format and method of progress reporting (that is – because there are many ways in which a progress report may be prepared and submitted by defined entities and still be compliant with the Act), the cost of the Base Case also varies significantly according to the approach to progress reporting that would be adopted by each individual defined entity.

3.3. Options considered but not progressed

3.3.1. Non-regulatory option through guidance, education and encouragement

The Victorian Guide to Regulation requires a RIS to consider a range of different options, including non-regulatory options that address the underlying causes of the problem.

Non-regulatory tools that have been considered include:

- Guidance material
- Education and awareness

⁵⁷ See the definition of 'Gender Equality Action Plan reporting year' at s. 3, Gender Equality Act 2020.

- Encouraging Library Corporations to implement the measures contained within the Act pursuant to the Commissioner's function to promote the objects of the Act within the public sector

The benefits of non-regulatory options include that such options are often easier to develop and implement, as well as reduce pressure on defined entities where they are not able to comply with the obligations. Education and guidance also focus on capacity and capability building of organisations to promote gender equality, rather than compliance.

Guidance material

The Commissioner advised the Department during consultation that they are intending to develop written guidance material for defined entities to support them to complete their progress reports.

The Commissioner intends for this guidance material to provide a *recommended* dataset (comparable to that requested pursuant to the 2021 WGA guidance materials developed by the Commissioner) that relates to the workplace gender equality indicators to be analysed to determine progress. This would mean that the method through which defined entities demonstrate their progress on the workplace gender equality indicators would only be *recommended*. This will provide defined entities with flexibility as to how they demonstrate their progress on the indicators. However, this could result in defined entities not submitting any WGEI Information against their previous WGA, which may limit their ability to demonstrate progress against the workplace gender equality indicators and would mean that the Commissioner may be unable to determine if such progress has been made (as discussed above).

Further, the Commissioner's guidance material on WGAs already recommends the preferred format of the WGEI Information. However, as mentioned at Chapter 2.3, this resulted in the Commissioner receiving inconsistent WGA results and no enforcement powers to require the defined entities to resubmit their results in the required format. This is therefore not a feasible option for achieving the objectives.

Education and awareness

One of the Commissioner's functions under the Act is to establish and undertake information and education programs for defined entities in order to encourage best practice and facilitate compliance. During consultation, the Commissioner advised the Department that one of their key strategic priorities is to build the capacity and capability of defined entities to self-comply with their obligations. The Commissioner has a function under the Act to support defined entities to meet their obligations under the Act. In the first instance, this will be done through education and collaboration (for example, through the facilitation of Communities of Practice or the provision of direct support to defined entities by the Commissioner). This approach acknowledges that in the first years of the Act's operation, there will be a transition period for defined entities to move towards fully understanding and adequately meeting their obligations under the Act.

In the event that the Commissioner considers that a defined entity is non-compliant with the Act, the Commissioner is required under the Act to first seek to resolve any issues informally, including by using their educative functions to build that defined entity's capacity to comply with the Act. However, this approach alone will not ensure that defined entities make reasonable and material progress in relation to the workplace gender equality indicators and therefore needs to be complemented with both regulatory and other non-regulatory measures.

Encouraging Library Corporations to advance gender equality in their workplaces

An option considered to address the problem of inconsistent gender equality rights and responsibilities across Victorian public libraries would be for the Commissioner or Department to

engage with Library Corporations and encourage them to take measures to advance gender equality in their workplaces (for example by undertaking GIAs). This option would not involve mandating compliance with the Act, and takes into consideration the burden prescribing Library Corporations as defined entities would have on their organisation's resources and funding. This also takes into particular consideration that Library Corporations are required to wind up prior to 2030 (pursuant to a provision in the LG Act) and are likely to transition to new business structures over the next few years (in which case they may not be covered by the defined entities list) or cease to exist in any form.

However, this option would not oblige Library Corporations to make reasonable and material progress on gender equality, undertake WGAs, prepare GEAPs and so on in the way that other Victorian public libraries are required to under the Act. Nor does the Commissioner have specific powers or functions under the Act with respect to entities that are not defined entities. Further, this option would not allow Library Corporations and their employees to access to the Commissioner's dispute resolution function, as only a prescribed designated body that has enlivened the dispute resolution function in their EBA may access the Commissioner's dispute resolution function.

The need for a regulatory response

Non-regulatory tools in isolation do not go far enough to achieve the objectives and address the cause of the problems outlined above. Further, such tools do not allow the Commissioner, as a regulator, to use their enforcement powers in relation to these specific issues.

Introducing regulations is necessary to ensure that:

- defined entities are able to provide evidence of their progress against the seven workplace gender equality indicators, which is required under section 19 of the Act;
- there is a clear and consistent approach for defined entities to demonstrate progress in relation to the workplace gender equality indicators under the Act;
- defined entities provide complete and consistent WGEI Information to the Commissioner to enable the Commissioner to effectively analyse and identify trends in the WGEI Information reported, providing a mutual benefit of reporting for defined entities and the Victorian Government; and
- the Commissioner can utilise their enforcement powers under the Act, in circumstances where the Commissioner considers defined entities to be non-compliant with their obligations under the Act and the Commissioner's informal compliance approach has been unsuccessful.

3.3.2. Regulatory options considered but not progressed

Require the completion of a full updated WGA every two years

As discussed at Chapter 2.2.1, the Act requires defined entities to complete a WGA every 4 years. A WGA must assess the state and nature of gender equality in the workplace of a defined entity as at 30 June in the GEAP reporting year to which the WGA relates, having regard to:

- the workplace gender equality indicators;
- any gender equality targets or gender equality quotas prescribed in relation to the entity;
- intersectionality; and
- any other matters that the defined entity considers relevant and any prescribed matters.

A WGA must be based on gender-disaggregated data and if available, intersectionality data.

One of the regulatory options considered in the development of this RIS was the requirement for defined entities to undertake an updated WGA to inform their progress reporting obligation (in

particular, the obligation under section 19(2)(c) of the Act to demonstrate progress in relation to the workplace gender equality indicators) having regard to the same factors noted above. This would effectively require defined entities to complete and submit the updated results of a WGA every second year after submitting a GEAP.

However, this option would require legislative amendment and cannot be progressed through regulations.

Require defined entities to only submit WGEI Information without analysis

In consultation on the proposed regulations, some defined entities suggested that for this upcoming progress reporting year they only be required to submit WGEI Information without commentary or analysis. This option was presented based on the assumption that the Commissioner would request the same WGEI Information for progress reports as the Commissioner requested with respect to WGAs undertaken for the purposes of developing GEAPs (that is, WGEI Information comprising both Employee Experience Data and Workforce Data). This may therefore require less resources (compared to those required with respect to the 2021 WGA and GEAP development process) for defined entities to complete their progress reports.

However, the Act imposes the obligation to demonstrate progress on defined entities, rather than an obligation on the Commissioner. It is not for the Commissioner to demonstrate progress for the defined entities. This option would therefore require legislative amendment and cannot be progressed through regulations.

Defined entities to only submit WGEI Information in relation to a subset of indicators

Another option considered in the development of this RIS, was to only prescribe requirements for WGEI Information in relation to a subset of workplace gender equality indicators. For example, defined entities may only be required to submit WGEI Information in relation to the equal remuneration and recruitment and promotion indicators. However, as defined entities must demonstrate progress against all seven workplace gender equality indicators in accordance with section 19(2)(c), this could create a perception that those workplace gender equality indicators for which no method is prescribed in terms of progress reporting are in some way less important than those workplace gender equality indicators for which requirements are prescribed.

Library Corporations to be included under local councils' obligations

An option that was raised by Library Corporations during consultation was to consider if regulations could require local member councils to address the state and nature of gender equality within Library Corporations within the councils' obligations under the Act. However, as Library Corporations and local government councils are distinct entities, and councils do not have any obligation or ability under the Act to report on behalf of other entities, this option would require legislative amendment and cannot be progressed through regulations.

3.4. Options progressed for further analysis

Three options are being analysed through this RIS. Each option comprises 1 or more of the 5 components outlined below.

The below components have therefore been developed by the Department based on the Commissioner's anticipated implementation of the proposed regulations:

1. prescribing the method of progress reports to require the submission of:
 - a. **limited WGEI Information**, requiring defined entities to collect a limited scope of Workforce Data and Employee Experience Data excluding available intersectionality information, compare this information to the WGEI Information

collected in the immediately preceding WGA, and submit this information as part of their progress reports,

- b. **detailed WGEI Information** requiring defined entities to collect Workforce Data and Employee Experience Data excluding available intersectionality information, compare this information to the WGEI Information collected in the immediately preceding WGA, and submit this information as part of their progress reports,
 - c. **detailed WGEI Information, including limited intersectionality information**, requiring defined entities to collect a limited scope of intersectionality information, in addition to the information at 1.b above, compare this information to the WGEI Information collected in the immediately preceding WGA, and submit this information as part of their progress reports,
2. providing the Commissioner with the power to approve the **format of progress reports**, requiring defined entities to submit progress reports in the format approved by the Commissioner. It is proposed by the Commissioner that the format will comprise several templates, as outlined in detail below,
 3. including **Library Corporations** as defined entities and designated bodies under the Act so that they have obligations under the Act and can access the dispute resolution function.

For the purposes of components 1 and 2 above, WGEI Information is defined as organisation-wide gender-disaggregated data for each workplace gender equality indicator.

In relation to component 1, the proposed regulations do not detail the specific data points (i.e. Workforce Data measures and Employee Experience Data measures) that may comprise WGEI Information. This is because the Department considers this level of specificity would limit the objects of the Act by decreasing flexibility for the data points to evolve over time with the increased data collection sophistication of defined entities and the Commissioner, particularly with respect to intersectional gender equality data collection. Further, in relation to component 4, the proposed regulations do not specify the exact format in which defined entities will be required to submit their progress reports. This is to ensure the Commissioner has the flexibility needed to determine the most efficient format in which progress reports are to be submitted. The Department has consulted with the Commissioner who is currently considering what the preferred format should be.

However, in order to enable meaningful analysis of, and consultation on, the regulatory options progressed, component 1 and component 4 as described in this RIS contain a higher level of specificity than is contained in the proposed regulations. In particular, the Commissioner indicated in consultation that, if the proposed regulations are made, they intend that the proposed method to report on progress in relation to the workplace gender equality indicators will include the collection and analysis of WGEI Information relating to both Employee Experience Data and Workforce Data (as the Commissioner requested in guidance materials relating to the 2021 WGA). As indicated above, the Commissioner considers this interpretation to result in the most efficient method of demonstrating progress in relation to the workplace gender equality indicators. Further, the Commissioner has indicated that, if the proposed regulations are made, templates that are easy for defined entities of all sizes to use will be developed and comprise the format in which progress reports are to be submitted.

The options in the RIS comprise of the following combinations of the components below:

Element	RIS Option 1	RIS Option 2	RIS Option 3
1.a. Submission of limited WGEI Information	X		

1.b. Submission of detailed WGEI Information		X	
1.c. Submission of detailed WGEI Information + limited intersectionality information, if available			X
2. Format of progress reports	X	X	
3. Library Corporations included as defined entities and designated bodies		X	X

3.4.1. Option 1: Submission of limited WGEI Information + format of progress reports

Under this option, defined entities would provide a limited scope of WGEI Information, by comparing then-current WGEI Information against the previous WGEI Information submitted as part of the immediately preceding WGA, every second year after submitting a GEAP as part of their progress reports.

In particular, based on the Commissioner's intended implementation of the proposed regulations and interpretation of the information required when reporting on the workplace gender equality indicators, this regulatory option will include the collection and analysis of Workforce Data, consistent with the workforce data measures collected and submitted to the Commissioner as part of the 2021 WGA. This option will result in the collection and submission of a reduced scope of Employee Experience Data. In particular, employee experience information will be gathered only in relation to 1 of the 7 workplace gender equality indicators, namely, sexual harassment in the workplace. This option would not require the collection and submission of intersectionality information, even where available.

The WGEI Information will be used as the evidence base for defined entities' progress reports and will be publicly reported.

Additionally, the proposed regulations would enable the Commissioner to approve and publish on their website the format in which progress reports, including the limited WGEI Information, must be submitted. As discussed above, the Commissioner has indicated that this could involve requiring defined entities to use one or more templates, likely to be in the format of an Excel spreadsheet.

To facilitate implementation, the Commissioner has indicated that they intend to make an online reporting platform available for the submission of progress reports.

3.4.2. Option 2: Submission of WGEI Information + format of progress reports + Library Corporations

Under this option, defined entities would collect and submit WGEI Information every second year after submitting a GEAP as part of their progress reports.

Based on the Commissioner's intended implementation of the proposed regulations and interpretation of the information required when reporting on the workplace gender equality

indicators, this regulatory option would include submission of quantitative and qualitative WGEI Information for all 7 workplace gender equality indicators. In particular, the intended implementation of the regulations under this option will include detailed Workforce Data and Employee Experience Data, consistent with the WGEI Information collected and submitted to the Commissioner as part of the 2021 WGA. This option would not require the collection and submission of intersectionality information, even where available.

Additionally, the proposed regulations would include a power for the Commissioner to approve the format of progress reports, as described in Chapter 3.4.1 above.

Lastly, the proposed regulations would prescribe Library Corporations as defined entities and designated bodies under the Act. This would mean that Library Corporations have obligations to develop GEAPs, report on progress and complete GIAs, as well as be able to access the Commissioner's dispute resolution functions for systemic gender equality issues.

3.4.3. Option 3: Submission of WGEI Information + limited intersectionality results + prescribe Library Corporations

Under the intended interpretation of the regulations under this option, defined entities would collect and submit WGEI Information, including a limited scope of intersectionality information by comparison to the intersectional data measures requested as part of the 2021 WGA (noting that this is a separate process) as part of their progress reports. In order to support this, 'intersectionality' factors would need to be prescribed as workplace gender equality indicator(s), as permitted under the Act.⁵⁸

Based on the Commissioner's intended implementation of the regulations and interpretation of the information required when reporting on the workplace gender equality indicators, this option would result in the collection of quantitative and qualitative WGEI Information for all 7 workplace gender equality indicators and the submission of the WGEI Information as described in Chapter 3.4.2 above. In addition, this option would result in the collection and submission of a limited scope of intersectionality information in relation to the workplace gender equality indicators. In particular, submission of intersectionality WGEI Information gathered from defined entities' internal data collection systems, consistent with the intersectional Workforce Data (but not Employee Experience Data) collected as part of the 2021 WGA.

Additionally, the proposed regulations would include Library Corporations under the Act, as described in Chapter 3.4.2 above.

⁵⁸ It is noted that it is not possible to prescribe intersectionality as a workplace gender equality indicator under the Act solely for the purposes of progress reporting. This means that this regulatory option will have significant flow-on effects for the operation and implementation of the remainder of the Act. This is discussed briefly in the options analysis below.

4. Options analysis

4.1. Approach to options analysis

The Victorian Guide to Regulation requires a RIS to assess both the costs and benefits of a range of feasible options to determine the preferred option to address a policy problem.

The options in this RIS have been assessed using multi-criteria analysis (MCA). MCA has been chosen as the preferred analysis tool because it provides a robust way of evaluating the disparate and often qualitative data available in relation to gender equality. It is a structured and transparent approach that can balance several distinct impacts, for example the extent to which the options address the objectives of the proposed regulations and create additional cost to defined entities and the Commission.

Cost Benefit Analysis is not appropriate for this analysis because of the intangible nature of benefits related to gender equality and the difficulty in establishing direct causation of changes to the Regulations. That is, many of the impacts of the proposed regulations cannot readily be quantified in a way which could be set against a scale of monetary values.

The MCA involves:

- specifying a set of assessment criteria most relevant to the evaluation of options
- assigning a weighting to each criterion, reflecting its importance to the identified problems
- setting a criterion rating scale
- assigning raw scores for each option or element in relation to each criterion
- calculating a weighted score for each option or element

As stated previously, each option for consideration within this RIS features a different combination of 4 elements. The potential impact of each option is cumulative, combining the incremental impact of each element included. For clarity and simplicity, each option as comprised by the relevant elements will be assessed holistically, using the assessment criteria outlined below. Any considerations relevant to scoring of a particular element within the three options will be cross-referenced to avoid duplication of analysis.

4.1.1. Assessment criteria

Using the criteria outlined below, each of the options considered in this RIS is assessed against the Base Case – the status quo – outlined above at Chapter 3.2.

Figure 4.1. Assessment criteria

Criteria	Description
Benefits	
1. Effectiveness	This criterion assesses the extent to which the relevant option is expected to improve gender equality by promoting and enhancing the objects of the Act, including by assisting defined entities to comply with their progress reporting obligation under the Act and the facilitating the Commissioner to carry out their functions under the Act.
2. Clarity	This criterion assesses the degree to which the option is expected to increase regulatory clarity for defined entities with respect to their obligations under the Act

3. Equity and access	This criterion assesses the degree to which the option is expected to increase or reduce equity and access across the Victorian public sector in respect to the rights and obligations under the Act (for example, by expanding the coverage of the Act to ensure that all public sector entities and their employees have access to the Commissioner's dispute resolution function). Equity and access is promoted through greater coverage of entities.
Costs	
4. Cost on defined entities and the Commission	This criterion assesses the degree to which the relevant option is expected to increase or reduce the burden on defined entities (including the compliance costs associated with the time and resources employed by defined entities to comply with the specific requirements of the option) and on the Commission (including the time and resources spent to administer and enforce the particular option)

4.1.2. Weighting

The above criteria are weighted according to their relative importance to the final outcome. To prevent biases and in accordance with best practice, neutral weights of 50 percent in total for benefit-related criteria and 50 percent in total for cost-related criteria are applied. Figure 4.2. provides an outline of the four criteria and their assigned weights.

Figure 4.2. Assessment criteria weighting

Criteria	Weighting
1. Effectiveness in relation to promotion and enhancement of the objects of the Act	30%
2. Regulatory clarity for defined entities	10%
3. Access and equity in rights and responsibilities under the Act	10%
4. Cost on defined entities and Commission	50%

In recognition of the purposes of the Act and the Government's ongoing commitment to embed strong governance structures and improve gender equality across its functions, the **effectiveness** criterion has been weighted most heavily of the benefit criteria at 30 percent. A positive score under this criterion reflects the degree to which the proposed option is anticipated to promote and enhance the objects of the Act and enable the Commissioner to carry out their functions outlined in section 36 of the Act. Under this criterion, an option that impedes the objects of the Act will receive a negative score. The objects of the Act are set out at Chapter 2.5.1.

The **regulatory clarity** and **access and equity** criteria are weighted evenly, at 10 percent each. A positive score against the regulatory clarity impact criterion indicates the option is anticipated to improve clarity for defined entities in relation to their obligations under the Act and, consequently, to remove any obstacles to the achievement of workplace gender equality related to the complexity or ambiguity of the Act. Similarly, a positive score against the equity and

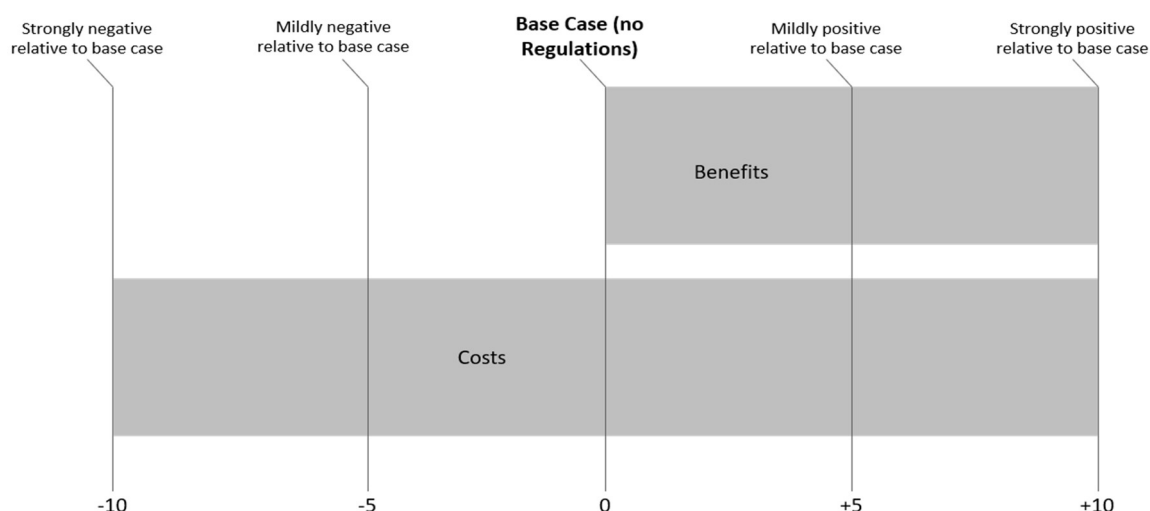
access criterion reflects that improved equity across the Victorian public sector in respect to the rights and obligations under the Act will enhance the objectives of the Act and could generate positive flow on effects to the broader Victorian community. Under these criteria, an option that creates greater complexity or decreases equity and access under the Act will receive a negative score.

The **costs to defined entities and the Commissioner** have been combined into a single criterion, which is weighted at 50 per cent. For transparency, costs associated with compliance for defined entities have been set out separately to the costs of implementation on the Commissioner in the analysis below. Assessment under this criterion recognises the need to make all interactions with the Commissioner as low cost and streamlined as possible and that the benefit criteria outlined above must be balanced with value-for-money investment. Under this criterion, an option that is costlier than the Base Case will receive a negative score.

4.1.3. Scale

In MCA, each option is scored against the benefit criteria and cost criteria identified above, relative to the Base Case, as shown in Figure 4.3. below.

Figure 4.3 Scale of benefits and costs



Benefits are scored between 0 and +10. This is because the Department would not consider an option that reduces the effectiveness, clarity, or equity of, or access to, the regulatory scheme.

Figure 4.4. Description of scoring - benefits

Score	Description
0	Does not further the objects of the Act and/or increase clarity, access or equity in relation to the Act in any way, relative to the Base Case
+5	Somewhat furthers the objects of the Act and/or increases clarity, access or equity in relation to the Act, relative to the Base Case
+10	Significantly furthers the objects of the Act and/or increases clarity, access or equity in relation to the Act, relative to the Base Case

Costs are scored between -10 to +10. This is because it is possible that one or more of the options assessed may reduce the costs relative to the Base Case. This may happen in a

situation where the regulations clarify what would otherwise be an ambiguous (and therefore more demanding) requirement arising from the Act.

Figure 4.5. Description of scoring - costs

Score	Description
-10	Imposes costs that are significantly higher relative to the Base Case
-5	Imposes costs that are somewhat higher relative to the Base Case
0	Does not add any costs over the Base Case
+5	Somewhat reduces costs relative to the Base Case
+10	Significantly reduces costs relative to the Base Case

4.1.4. Assumptions and rationale

The calculated costs are based on a series of assumptions, set out at Figure 4.6 below, in relation to the time required by a defined entity to comply with the reforms. The Department utilised the following resources to inform these assumptions:

- feedback received from stakeholders during early targeted consultation conducted by the Department between June 2022 – August 2022 in relation to the proposed regulations;
- feedback provided by Commission staff based on the time and resources required to complete the WGA as requested by the Commissioner in 2021;
- feedback provided by defined entities and Commission staff that participated in a recent evaluation undertaken by Allen & Clarke Consulting on behalf of the Department in relation to the 2021 WGA process;
- feedback provided by defined entities and Commission staff that participated in a recent GIA education strategy consultation project undertaken by the Action for Gender Equality Partnership on behalf of the Department; and
- anecdotal figures sourced from participants who participated in the Victorian Government Workplace Gender Audit Pilot and GIA Tool Pilot (together, the Pilot Programs) conducted by the Department prior to the commencement of the Act, in 2018 and 2019.

Figure 4.6 below also sets out the assumptions upon which the cost of time per hour for defined entities, Library Corporations, and the Commissioner have been calculated. It is noted that while these costing assumptions are used to assess the options against the Base Case, comparisons with respect to the anticipated time burden have been made in the table at Figure 4.6 below against the 2021 WGA process as this was a similar (though not the same) requirement with respect to component 1 at Chapter 3.4 above.

Targeted consultation

The purpose of this targeted consultation was to gather initial feedback from defined entities and relevant stakeholders for the purposes of developing this RIS and the draft stage three regulations. The following feedback gathered during this targeted consultation process has been considered in developing the below assumptions:

- if WGEI Information is required for progress reports, defined entities reported that they anticipated spending less time and experiencing fewer challenges if the Commissioner provided a template for the progress reports;
- defined entities advised that collection and submission of Employee Experience Data, as previously requested by the Commissioner, was particularly time consuming;
- defined entities reported challenges in relation to the collection of intersectionality data related to privacy, systems capability, and workplace culture; and
- Library Corporations discussed possibilities in relation to resource sharing between themselves and with member councils to meet obligations under the Act.

Commission staff feedback

Informal feedback was also provided by Commission staff who were involved with developing the requirements for the first WGA in 2021 and assess compliance of WGA results. This feedback has been used to inform estimated costs to the Commission.

Evaluation of the 2021 WGA process

The purpose of this evaluation was to identify opportunities for refinement and improvement in relation to the WGA process. The following feedback gathered during this evaluation process has been considered in developing the below assumptions:

- the Commission's initial time estimates relating to the WGA 2021 were too low where it was the first time this data had been collected by a defined entity, as it took a considerable amount of time to configure internal systems to create new datasets;
- the nature, size and capacity across defined entities varies significantly – ranging from smaller agencies with 50 – 100 employees to large VPS Departments with thousands of employees – meaning there is substantial variation of WGA resourcing and capabilities;
- defined entities reported the templates provided by the Commissioner to be challenging and onerous, in particular, due to the number of tables to be completed and the limited experience of smaller defined entities in completing these kinds of templates;
- defined entities reported spending additional time accounting for a lack of intersectional data, configuring systems to collect this data, and conducting data analysis in relation to limited intersectionality data available;
- the Commissioner had fewer resources than anticipated and staff had limited experience designing and delivering an audit process such as this; and
- defined entities did not have sufficient time to build systems and processes to collect and collate data to inform the WGA report, due to the compressed timeframes for the Commissioner's inaugural WGA process (and the consequential delay in providing the WGA templates to defined entities).

GIA Education Strategy

The purpose of this project was to gather feedback from defined entities and Commission staff about the key barriers and enablers to advancing GIA work. The following feedback gathered during this engagement has been considered in developing the below assumptions:

- larger and more mature organisations had operational budget and existing capacity, resources and structures that enabled them to efficiently embed GIA work within their business-as-usual processes;
- smaller organisations in rural and regional Victoria reported that a lack of financial and staffing resources, as well as gender specialisation, significantly impacted their capacity to undertake GIAs;

- many organisations advised that specific teams and personnel, predominantly HR teams and personnel, were responsible for developing the defined entity's GEAP, as well as undertaking all GIA work; and
- organisations reported that sharing knowledge through collaboration with other defined entities, such as through Communities of Practice, was a key enabler to building GIA expertise and efficiency.

The Pilot Programs

The Pilot Programs were run by the Department before the Act was established. The purpose of the Pilot Programs was to test the WGA and GIA processes with VPS agencies to identify opportunities for refinement and improvement in the development of the Act. The key feedback received as a result of the Pilot Programs relevant to the assumptions made below include:

- In relation to completing a WGA:
 - conducting an initial WGA is highly administrative, and the hours involved varied according to whether there was data that could be integrated between payroll, Human Resources and accounts payable systems;
 - there is an intense setup period for the HR area to configure the system, but the reporting component is less burdensome;
 - the time taken to complete data collection, validation and reporting is dependent on an agency's expertise and the existing tools available to collect the required data; and
 - the time taken to complete data collection is reduced for agencies that are already subject to internal and external annual reporting requirements (i.e. Departments that are required to prepare a Departmental Annual Report; and provide datasets for the Victorian Public Sector Commission annual Workforce Data collection).
- In relation to undertaking a GIA:
 - the time taken to complete a GIA varies depending on executive buy-in, organisational readiness, existing governance structures, the complexity of the policy being assessed by the GIA, and the stakeholder environment; and
 - some defined entities have a great deal of demographic data available to them and are readily able to apply a gender lens to their work.

The feedback received from the Pilot Programs was heavily relied upon to determine the estimated time and cost burden associated with the implementation of the Act when the Act was first developed. Based on recent anecdotal feedback received by defined entities, Commission staff and other key stakeholders since the Pilot Programs, the initial estimates informed by the Pilot Programs were significantly lower than the time and consequential costs of implementing the Act in practice. The below assumptions are therefore higher than the initial estimations informed by the Pilot Programs and are considered a more accurate reflection of the time and cost burden associated with implementing the Act and the proposed regulations. In increasing the time assumptions, a blanket percentage increase has not been applied. Instead, each element has been increased in accordance with the relevant stakeholder feedback received since the Pilot Programs were conducted in 2018 and 2019. The approximate time per defined entity to undertake the proposed elements (identified in Figure 4.6 below) are an average across all defined entities and, while based on anecdotal feedback from defined entities, an estimate.

Given these considerations - and in recognition of the variation across defined entities with respect to size, resources, and scope - the expected costs of the preferred option, particularly related to the estimated time figures at Figure 4.6 below and the real wage growth figure used for cost modelling, are subject to sensitivity analysis in Chapter 4.2.5.

Key assumptions

The below table outlines the key assumptions made in relation to the time involved and indicative consequential cost in respect of the action required under the elements outlined above at Chapter 3.4. For the purposes of this RIS, it is assumed that defined entities will submit progress reports to the Commissioner every 2 years. This is based on the Commissioner's interpretation and intended implementation of the Act.

As outlined above, the time estimates that inform the costings in this RIS have been developed by reference to the initial assumptions on time and resources required to complete a WGA informed by the Pilot Programs and anecdotal evidence received from key stakeholders. This is because it was not possible to accurately cost the Base Case in respect of this component (i.e. the collection and submission of WGEI Information). The options analysis section, at Chapter 4.2 below, will engage in a comparison of the options with the Base Case.

Cost of time per hour assumptions

1. Defined entities

Cost of time per hour has been calculated at **\$96.44** based on ABS average weekly total cash earnings for public sector non-managerial employees (of \$1,659.30 as at May 2021⁵⁹), and average weekly total hours paid for (of 32 hours as at May 2021) to calculate the average hourly public sector wage in Victoria (\$55.11 as at May 2021). The \$96.44 figure:

- has been calculated at 44 weeks per year (accounting for 4 weeks of annual leave, 2 weeks of public holidays and 2 weeks of all other forms of leave);
- includes a wage price index change of 4.4% at June 2021 to September 2022 and an inflation rate of approximately 6%;
- includes a default rate of 75% overheads and on-costs,⁶⁰ as per DTF's Regulatory Change Measurement Manual;
- includes a real wage growth figure of 0.5%⁶¹ and real discount rate of 4% as recommended by DTF's Technical Guidelines on Economic Evaluation; and
- was chosen as a representative figure (rather than salary figures from the VPS 2020 EBA) as the scope of the reform will apply to a broader cohort than the VPS 2020 EA (i.e. to local councils, universities, and health services).

2. Library Corporations

Cost of time per hour has been calculated at **\$82.02**, based on the average minimum hourly rate for a Level 6A employee working a 35-hour week (being \$46.87) across 3 of the 8 Library Corporations.⁶² The \$82.02 figure:

- has been calculated at 44 weeks per year (accounting for 4 weeks of annual leave, 2 weeks of public holidays and 2 weeks of all other forms of leave);

⁵⁹ ABS, ABS Data cube, 63060DO004_202105, Table 11 - Employee Earnings and Hours, Australia, May 2021.

⁶⁰ Overhead costs and on-costs include the non-wage costs of employees such as fixed administration costs, for example expenses for premises (rent or building depreciation), telephone, heating, electricity, IT equipment, etc, as well as on-costs such as superannuation guarantee payments, payroll tax, WorkCover premiums and fringe benefits tax: Department of Treasury and Finance, conducting a regulatory change measurement: Guide to assessing and calculating costs – Toolkit 1.1. – March 2010, p. 3.

⁶¹ See Chapter 4.2.5 below for relevant rationale and sensitivity testing of this figure.

⁶² In particular, Casey Cardinia Library Corporation (period 1/10/22 – 30/9/2023), Geelong Regional Library Corporation (commencing 1/7/2023) and Yarra Plenty Regional Library Corporation (commencing 1/4/2023). These Library Corporations were selected on the basis that their EBAs contain the relevant rate of pay for the 2022/3 period.

- includes a default rate of 75% overheads and on-costs,⁶³ in accordance with the DTF's Regulatory Change Measurement Manual; and
- includes a real wage growth figure of 0.5%⁶⁴ and real discount rate of 4% as recommended by DTF's Technical Guidelines on Economic Evaluation.

The anticipated costs considered within the RIS applicable to Library Corporations are limited to the key costs associated with the obligations under the Act and are not an exhaustive representation of the costs that are likely to stem from compliance with the Act.⁶⁵

3. Commissioner

The hourly rate for DFFH staff assisting the Commissioner to undertake the relevant requirements have been calculated as **\$102.12 for VPS4, \$120.18 for VPS5 and \$155.98 for VPS6** based on the mid-point annual salary as at 1 March 2023 for each VPS level under the VPS Agreement 2020 (being \$97,571.40 for VPS4, \$114,827.50 for VPS5, and \$149,023 for VPS6). These hourly rates:

- have been calculated at 44 weeks per year (accounting for 4 weeks of annual leave, 2 weeks of public holidays and 2 weeks of all other forms of leave);
- include a default rate of 75% overheads and on-costs,⁶⁶ in accordance with the DTF's Regulatory Change Measurement Manual; and
- include a real wage growth figure of 0.5%⁶⁷ and real discount rate of 4% as recommended by DTF's Technical Guidelines on Economic Evaluation.

⁶³ Ibid above n. 46

⁶⁴ See Chapter 4.2.5 below for relevant rationale and sensitivity testing of this figure.

⁶⁵ For example, there will be additional costs related to the implementation of GEAPs and other steps taken to ensure the obligation to make reasonable and material progress under section 16 of the Act is complied with. However, due to the complexity in calculating such costs, they have not been included within this RIS.

⁶⁶ Ibid above n. 46

⁶⁷ See Chapter 4.2.5 below for relevant rationale and sensitivity testing of this figure.

Figure 4.6. Table of key assumptions

Requirement	Approximate time required per entity (hours) ⁶⁸	Assumptions and rationale
Defined entities		
Read and understand new requirements under the regulations⁶⁹	15hr	<ul style="list-style-type: none"> It is assumed that key diversity and inclusion personnel and teams would be required to understand the new requirements under the regulations. Based on anecdotal feedback from defined entities, it is assumed that this may range from 1 – 15 individuals, depending on the size and maturity of the organisation. An average 1 hour for 15 individuals is assumed for the purposes of calculating the costs of the options under the RIS, taking the upper estimate as a conservative approach.
Collect WGEI Information as method of progress reporting with respect to the workplace gender equality indicators⁷⁰	<u>Collection of WGEI Information, including intersectionality information (Option 3)</u>	
	135hrs	<ul style="list-style-type: none"> It was initially assumed by the Commission that it would take 98hrs (approximately 2.5 weeks of work) for defined entities to complete the WGA process. However, stakeholder feedback received about the 2021 WGA process suggested it took much longer for most defined entities. It is therefore assumed that the collection of WGEI Information, including intersectionality information (where requested, based on the Commissioner’s implementation of the regulations), for the purpose of progress reporting will take 135hrs (approximately 3.5 weeks of work) It is assumed that subsequent WGEI Information collection processes will take 128hrs - a reduction of 5%. This assumption is based on the following:

⁶⁸ Estimated time figures are an average across all defined entities, which vary in size, scope and resourcing. As noted above, these estimates are subject to sensitivity analysis at Chapter 4.2.5.

⁶⁹ This includes the time taken to read and understand the requirements set out under the new regulations

⁷⁰ This includes the time taken to configure relevant data collection systems, use such systems to locate the required information, liaise with relevant internal and external stakeholders in relation to this collection process, and to test and assess the information collected

		<ul style="list-style-type: none"> ○ there is a varying range of defined entities’ pre-established systems and processes, existing capabilities and knowledge, and allocated resources to enable more efficient collection of WGEI Information; ○ many defined entities still require significant work to upgrade their systems to collect intersectionality information. This was the most common action included in defined entities 2022 GEAP strategies, so it is anticipated that over the 10-year costings period defined entities will improve their systems to create greater efficiencies; ○ the Commissioner has advised that following the evaluation of the 2021 WGA process they will be implementing improvements to the process to increase efficiency of WGEI Information collection. This includes resolution of key issues reported by defined entities in relation to WGEI Information collection and reporting using the Workforce Template (such as those relating to security macros); and ○ the rate of staff turnover in defined entities will limit reduction in time taken for subsequent rounds.⁷¹
<p><u>Collection of WGEI Information, excluding intersectionality information (Option 2)</u></p>		
	<p>88hrs</p>	<ul style="list-style-type: none"> ● It is assumed that removal of a requirement to collect any intersectionality information, even where such information exists (as compared to the 2021 WGA), will decrease the collection burden by 35%. It is therefore assumed that the collection of updated WGEI Information, excluding intersectionality information, will take 88hrs (approximately 2.3 weeks of work) based on the following: <ul style="list-style-type: none"> ○ defined entities expressed experiencing significant challenges in collecting intersectionality information relating to privacy, systems capabilities, and workplace culture; and ○ the 2021 WGA data measures related to intersectionality accounted for 59 of the 84 (70%) workforce data measures tables.

⁷¹ The VPS annual turnover rate is 14% (July 2019-2020: VPSC, 2020 Workforce data, [Employee turnover and mobility](#), July 2019 – June 2020, VPSC website, accessed 21 September 2022). The reduction rate has taken staff turnover into account, however has not used this 14% figure as it is considered too high for these purposes in circumstances where: 1) this rate does not account for staff mobility rates in defined entities that are not included in the VPS data; 2) this rate does not account for VPS staff moving to other VPS entities where they would apply their experience in relation to the Act; and 3) an annual rate does not reflect the nuance of the Act’s obligation cycle, in which obligations are required at different intervals as well as on an ongoing basis.

	<u>Collection of limited scope of WGEI Information (Option 1)</u>	
	54hrs	<ul style="list-style-type: none"> It is assumed that reducing the amount of Employee Experience Data requested compared to updating the full WGEI Information dataset (as was requested by the Commissioner for the purpose of the 2021 WGA process) will reduce the collection burden by 60%. It is therefore assumed that collection of limited WGEI Information will take 54hrs (approximately 1.5 weeks of work). This is based on the Commissioner’s advice that it intends to further streamline information requests for Employee Experience Data and prepare a template for the collection of the relevant WGEI Information.
Submit progress reports in the format approved by the Commissioner⁷² (with template)	93hrs	<ul style="list-style-type: none"> The estimate of 93 hours includes 15 hours to insert the collected WGEI information in a template analogous to that supplied by the Commissioner pursuant to the 2021 WGA and to submit this template to the online reporting platform. The base estimated time burden to report on quantitative progress in relation to the workplace gender equality indicators using an Excel template has been calculated by increasing the reported average time (6 hrs) in the Gender Audit Pilot to 15hrs (approximately 2 days of work).⁷³ This is based on: <ul style="list-style-type: none"> stakeholder feedback that estimates for the Gender Audit Pilot significantly underestimated time taken (as outlined above); and feedback from the Commissioner that the survey questions related to Employee Experience Data will be streamlined in the approved template to remove unnecessary duplication. The estimate of 93hrs includes 78hrs (approximately 2 weeks of work) to complete a template the Commissioner intends to develop comprising information regarding the 3 key elements set out at s.19(3) of the Act: <ul style="list-style-type: none"> identification of GIAs undertaken and any changes made to the relevant policy, program or service as a result of the GIA (37 hours); status update in relation to GEAP strategies and measures (27 hours); and

⁷² This includes the time taken to input the collected information into the Word and Excel reporting template approved by the Commissioner.

⁷³ It is acknowledged that for some defined entities it may take less time to prepare a progress report without a template provided by the Commissioner. As discussed in relation to the Base Case, some defined entities may take a minimalistic approach to progress reporting, which may result in a reduced time burden compared to the options considered under this RIS.

		<ul style="list-style-type: none"> ○ summary of progress made in relation to the workplace gender equality indicators (14 hours). <p>The burden of 78hrs is based on the following assumptions:</p> <ul style="list-style-type: none"> ○ defined entities will have already collected, and be familiar with, their workforce and Employee Experience Data; and ○ defined entities will be provided with guidance materials and example completed templates to increase efficiency.
Collect and submit progress reports in format determined by defined entity (without Commissioner-developed templates)	116hrs	<ul style="list-style-type: none"> • This burden is based on the initial estimate outlined above (93hrs), which has been increased by approximately 25%. This: <ul style="list-style-type: none"> ○ increase has been calculated as it is assumed it will take longer for some defined entities⁷⁴ to prepare a progress report where they have not been provided with a template by the Commissioner to assist in calculating the progress that has been made or choose to not use any example templates provided by the Commissioner as part of guidance materials; and ○ includes additional time taken to correspond with the Commissioner to rectify deficiencies and errors in reporting where a defined entity has failed to provide a progress report that complies with the requirements under s.19 of the Act. • It is acknowledged that for some defined entities it may take less time to prepare a progress report without a template provided by the Commissioner. As discussed in relation to the Base Case, some defined entities may take a minimalistic approach to progress reporting, which may result in a reduced time burden compared to the options considered under this RIS.
Library Corporations⁷⁵ – Read and understand	2hrs	<ul style="list-style-type: none"> • It is assumed that 1-2 key diversity and inclusion Library Corporation personnel would be required to understand the requirements under the Act. The upper estimate has been used for cost calculations (2 employees) as a conservative approach.

⁷⁵ The costing assumptions above in relation to progress reporting for defined entities apply equally to Library Corporations, noting that this obligation would not commence for Library Corporations until 2025.

obligations under the Act^{*76}		<ul style="list-style-type: none"> Library Corporations are assumed to have had a moderate level of exposure to the requirements under the Act, so it is therefore assumed this will take 2hrs.
Library corporations – Develop and report on GEAP^{*77}	171hrs	<ul style="list-style-type: none"> It is assumed it would take an average of 152hrs 1x 6A Library Corporation employee to prepare a compliant GEAP. This is a significant increase from the 38hrs initially estimated in the development of the Act for other public sector organisations. This increase is based on anecdotal feedback received from stakeholders that GEAP development took <i>significantly</i> longer than the 38hrs initially estimated. It is assumed that the level of burden would reduce slightly over time (5%) as the gender equality requirements become embedded in standard business practice.⁷⁸
Library corporations – Conduct GIA^{*79}	54hrs	<ul style="list-style-type: none"> This assumption is informed by the advice of 2018/19 GIA pilot participants, and the 2022 GIA Education Strategy consultation sessions. It is assumed that the costs associated with GIAs are dependent on the organisation size and role which will drive the number of individual policies, programs or services developed or reviewed each year. Library Corporations will have the benefit of guidance, feedback and resources (including demographic data) provided by member councils that have already conducted GIAs. Library Corporations engage an average of 111 employees.⁸⁰ It is assumed that an entity of this size and level of involvement with the public might conduct GIAs on between 5 – 7 policies, services or programs per annum. It is assumed that each GIA will take 3 – 15hrs to complete, dependent on the complexity of the policy, program or service.

⁷⁶ This includes the time taken to read and reflect on the key obligations under the Act, in particular, those set out at Chapter 1.2 of this RIS.

⁷⁷ This includes the time taken to reflect on the WGA results and consult with the entity's employees, employee representatives and the governing body in relation to those results as well as to develop an Action Plan based on the WGA results and consult with the entity's employees, employee representatives and the governing body. This also includes the time taken to compile the GEAP report to be submitted to the Commissioner in accordance with guidance released by the Commission.

⁷⁸ See footnote 71 above.

⁷⁹ This includes the time taken to assess whether the policy, program, or service requires a GIA and to undertake a GIA in accordance with guidance released by the Commission.

⁸⁰ This figure is based on an average of the reported number of employees across six of the eight Library Corporations.

		<ul style="list-style-type: none"> For the purpose of costing this requirement, it is assumed that each library corporation will undertake 6 GIAs per year, taking an average of 9 hours to complete, equating to 54hrs per annum.
Commission		
Develop progress reporting templates	608hrs (2x VPS5 at 152hrs, 1x VPS6 at 152hrs, 1 x VS4 at 152hrs)	<ul style="list-style-type: none"> This burden is based on the average time taken to develop similar materials in relation to the 2021 WGA process (approximately 750hrs - 1000hrs), reduced to account for: <ul style="list-style-type: none"> increased experience of Commission staff preparing the templates and working with relevant materials (including information with respect to the workplace gender equality indicators and GEAP strategies and measures); and organisational learnings and process amendments resulting from the 2021 WGA process and 2021 WGA evaluation
Make consequential amendments to existing materials and guidelines to align with new regulations	342hrs (1x VPS4 at 152hrs; 1 x VPS5 at 152hrs; 1 VPS6 at 38hrs)	<ul style="list-style-type: none"> This burden is based on the estimated time and resources required to make amendments to existing guidelines and supplementary materials to ensure consistency with the new regulations. This assumption is informed by previous timeframes and burden for the Commissioner to develop and amend previous guidance materials (historical activities).
Development and implementation of communication strategy in relation to new regulations	190hrs (1x VPS5 at 76hrs, 1 x VPS4 at 114hrs)	This assumption is informed by previous timeframes and burden for the Commissioner to develop and implement previous communications strategies.
Design compliance framework	304hrs (1 x VPS5, 1x VPS6 at 152hrs each)	This burden is based on the estimated time and resources taken to develop the 2021 WGA compliance framework (approximately 350hrs), reduced by a small amount to account for the greater experience and efficiencies outlined above (with respect to developing progress reporting template).

<p>Assess progress reports for compliance with new requirements under the regulations</p>	<p><u>With template</u> 1,748hrs (3x VPS6 at 228hrs; 3x VPS5 at 304hrs; 1 x VPS4 at 152hrs)</p> <p><u>Without template</u> 2,204hrs (3 x VPS6 at 228hrs; 3x VPS5 at 380hrs; 2 x VPS4 at 190hrs)</p>	<p><u>With template</u> This burden is based on the estimated time and resources taken to assess 2021 WGA results (approximately 2,010hrs), reduced by a small amount to account for the matters outlined above (with respect to developing progress reporting template, including the increased experience of Commission staff and organisational learnings from the 2021 WGA process and subsequent evaluation).</p> <p><u>Without template</u></p> <ul style="list-style-type: none"> • This burden is based on the estimate outlined above (1748hrs), which has been increased by approximately 25%. • This increase has been calculated on the basis that it is assumed that it will take a considerable amount longer for the Commissioner to assess progress reports for compliance where they have not been submitted in the prescribed format. This includes additional time taken to correspond with defined entities to rectify deficiencies and errors in reporting.
<p>Implementation support and monitoring related to the prescription of Library Corporations as defined entities and designated bodies</p>	<p>190hrs (1 x VPS4 at 76hrs; 1 x VPS5 at 76 hrs; 1 VPS6 at 38hrs)</p>	<p>This burden is based on the estimated time and resources by the Commissioner taken to implement the Act with respect to current defined entities of a similar size to the average Library Corporation (being 111 employees).</p>

*The costing of these obligations under the Act has been included for the purpose of weighing the costs and benefits in relation to the RIS options that seek to prescribe Library Corporations as defined entities and designated bodies under the Act.

A summary of the estimated costs⁸¹ of each option assessed under this RIS, including the estimated hours, is set out below:

RIS Option	Defined entities and Library Corporations		Commission		TOTAL	
	Estimated hours per entity	Estimated cost	Estimated hours	Estimated cost	Estimated hours	Estimated costs
Option 1: Submission of limited WGEI Information + format of progress reports	162	\$17.4	3,192	\$1.1	3,354	\$18.5
Option 2: Submission of WGEI Information + format of progress reports + Library Corporations	273	\$23.3	3,382	\$1.3	3,655	\$24.5
Option 3: Submission of WGEI Information + limited intersectionality information + Library Corporations	324	\$33.8	3,040	\$1.5	3,364	\$35.2

⁸¹ These figures have been rounded and are expressed in millions.

Both the components (cost on defined entities and cost on Commission) as well as the total have been rounded to one decimal place. For Options 2 and 3, the rounded estimates for the components do not exactly add to the rounded total. See Appendix 1 below for detailed costings.

4.2. Option analysis⁸²

As noted above, the options assessed in this RIS comprise combinations of the 5 elements outlined at Chapter 3.4.

4.2.1. Option 1: Submission of limited WGEI Information + format of progress reports

This option involves the submission of a limited scope of WGEI Information by defined entities as part of their progress reports. Additionally, the proposed regulations would include the power for the Commissioner to approve the format in which progress reports (and limited WGEI Information submitted as part of a defined entity's progress report) must be submitted. A full description of Option 1 is set out at 3.4.1 above.

Criteria 1: Effectiveness

a. Overview and summary assessment of effectiveness criteria

Format

- Compared to the Base Case (in which defined entities are not obliged to provide their progress reports in any particular format) Option 1 would empower the Commissioner to set a required format in which progress reports must be submitted. This is anticipated to significantly increase the effectiveness of the Act by:
 - Making it simpler and quicker for defined entities to demonstrate that they are meeting their obligations under the Act.
 - Ensuring defined entities are providing information in a useable format and collecting it in the most efficient manner through the template/s, which:
 - enables the Commissioner to engage in more effective analysis of information submitted by defined entities and to undertake more efficient compliance checking and benchmarking analysis. The Commissioner has advised that they would like to carry out such analysis as a means to support their functions under the Act, in particular, their function to promote and advance the objects of the Act throughout the public sector;
 - ensures the Commissioner is developing tailored and appropriate educative and support materials;
 - equips defined entities with the information necessary to identify systemic causes of gender inequality within their workplaces; and
 - ensures both defined entities and the Commissioner are utilising resources more effectively by reducing time and staffing needed to collect and submit information to the Commissioner in inconsistent formats.
- This is anticipated to enable the Commissioner to effectively carry out their functions under the Act, in particular to promote and advance the objects by supporting and educating defined entities to comply with the Act.

⁸² The cost figures in this Chapter have been rounded to the nearest thousandth. See Appendix 1 for complete costing details.

- This is anticipated to equip both defined entities and the Commissioner with the information necessary to further promote, encourage and facilitate the achievement of gender equality and improve the status of women, in line with the objects of the Act.⁸³

Limited WGEI Information

- Compared to the Base Case (in which defined entities would not be required to submit any WGEI Information to the Commissioner), the requirement to submit limited WGEI Information to the Commissioner under Option 1 would somewhat increase the effectiveness of the Act by:
 - better enabling defined entities to clearly demonstrate progress by reference to quantitative data;
 - ensuring defined entities collect meaningful and up-to-date information, the analysis and use of which supports entities to identify and address systemic causes of gender inequality, leading to the improved status of women and progression of gender equality; and
 - enabling the Commissioner to undertake more regular benchmarking analysis in relation to WGEI Information, which the Commissioner has indicated would assist in the performance of their functions under the Act.
- However, only requiring the submission of *limited* WGEI Information would limit the Commissioner's ability to monitor and evaluate defined entities' progress in relation to the workplace gender equality indicators. This has the potential to:
 - impede the ability for defined entities to meet the objects of the Act, improve policy and strategy implementation, and achieve workplace gender equality;⁸⁴
 - reduce the capacity for the Act to affect the intended level of structure and cultural change; and
 - restrict the Commissioner's ability to issue a compliance notice in practice under section 22 of the Act to require defined entities to demonstrate reasonable and material progress (as required under section 16 of the Act). This may limit the Commissioner's ability to give effect to the objects of the Act as well as overall defined entity compliance with the Act.⁸⁵

Non-inclusion of Library Corporations

Option 1 results in a continuation of the Base Case, in which Library Corporations are not included within the scope of the Act. As this is a continuation of the Base Case, this does not impact the score given to this component. The impacts of this are discussed above at Chapter 2.4.

b. Overall assessment of likely effectiveness impact

Compared to the Base Case, this regulatory option would somewhat increase the effectiveness of the objects of the Act and the Commissioner's functions through the provision of a template

⁸³ T W Fitzsimmons, M S Yates, V J Callan, 'Employer of Choice for Gender Equality: Leading practices in strategy, policy and implementation, AIBE Centre for Gender Equality in the Workplace, 2020, pp. 53 - 58; McKinsey, [Delivering through diversity](#), 2018, accessed 24 August 2022; A Wroblewski and A Leitner, 'Relevance of Monitoring for a Reflexive Gender Equality Policy', p. 36.

⁸⁴ T W Fitzsimmons, M S Yates, V J Callan, 'Employer of Choice for Gender Equality: Leading practices in strategy, policy and implementation, AIBE Centre for Gender Equality in the Workplace, 2020, pp. 53 - 58; McKinsey, [Delivering through diversity](#), 2018, accessed 24 August 2022; A Wroblewski and A Leitner, 'Relevance of Monitoring for a Reflexive Gender Equality Policy', p. 36.

⁸⁵ Organisation for Economic Co-operation and Development (OECD, '[Reducing the risk of policy failure: Challenges for Regulatory Compliance](#)' OECD Publishing, Paris, 2020, p. 19.

and the submission of limited updated WGEI Information, which would better-equip defined entities to achieve gender equality in their workplaces, and the Commissioner to develop education and support.

However, the submission of limited updated WGEI Information and continuing not to include Library Corporations within the scope of the Act would limit the degree to which this option would increase overall effectiveness, and would reduce the capacity of the Act to affect the intended level of long-term structural and cultural change.

As such, Option 1 has been scored a 4.5 for this criterion.

Criteria 2: Clarity

a. Overview and summary assessment of clarity criteria

Format

- Compared to the Base Case (in which defined entities are not obliged to provide their progress reports in any particular format), Option 1 would increase clarity of the Act by specifying the required format in which progress reports must be submitted. This is anticipated to increase the clarity of the Act and the obligations by:
 - making it clearer and simpler for defined entities to understand what is required to demonstrate that they are meeting their obligations under the Act in relation to progress reporting; and
 - ensuring defined entities are providing information in a useable format and presenting it clearly through the template/s, which would enable the Commissioner to undertake compliance checking and benchmarking analysis with increased clarity and ease. As noted above, the Commissioner has indicated that this would assist them in the performance of their functions under the Act.
- However, requiring the same format of progress reports for all defined entities may not align with how they are monitoring their progress internally and therefore would reduce the flexibility and increase complexity (and therefore reduce clarity) for defined entities to tailor how they demonstrate their compliance according to their specific workplace context.
- Further, imposing additional requirements in respect of the format of progress reporting adds regulatory complexity (and therefore reduces clarity) with respect to defined entities' progress reporting obligations.

Limited WGEI Information

- Compared to the Base Case (in which defined entities are not required to submit any updated WGEI Information to the Commissioner), the requirement to submit limited WGEI Information to the Commissioner under Option 1 is anticipated to somewhat increase clarity of the Act by:
 - providing clarity as to what information is required to be submitted by defined entities in order to comply with their obligation under the Act with respect to progress reporting;
 - making it clearer and simpler for defined entities to demonstrate progress, by reference to quantitative data in the form of WGEI Information; and
 - enabling defined entities to identify causes of gender inequality in their workplaces and any barriers to making progress with greater clarity by requiring defined entities to collect, reflect on updated WGEI Information.
- Maintaining different requirements for WGEI Information inclusion in progress reports and GEAPs would perpetuate any existing complexity to defined entities' obligations under the

Act. As this is a continuation of the Base Case, this does not impact the score given to this component.

- Further, imposing additional/more specific requirements in respect of the method of progress reporting adds regulatory complexity (and reduces clarity) with respect to defined entities' progress reporting obligations.

Non-inclusion of Library Corporations

Option 1 results in a continuation of the Base Case, in which Library Corporations are not included within the scope of the Act. Therefore, this does not impact the score given to this component. The impacts of this are discussed above at Chapter 2.4.2.

b. Overall assessment of likely clarity impact

Compared to the Base Case, this regulatory option would increase the clarity of the Act and the obligations therein, in particular by specifying the required format in which defined entities must submit their progress reports.

However, the perpetuation of different requirements in relation to WGEI Information collection and submission for progress reports (as compared to the WGA requirements related to GEAP development) perpetuates any resulting complexity (and lack of clarity) to defined entity obligations under the Act.

As such, Option 1 has been scored a 5 for this criterion.

Criteria 3: Access and equity

a. Overview and summary assessment of access and equity criteria

Format

- Compared to the Base Case (in which defined entities are not obliged to provide their progress reports in any particular format) Option 1 would somewhat increase equity across defined entities by enabling the Commissioner to approve a format in which all defined entities collect and submit data in the same template. This will ensure that defined entities are all collecting and submitting information of the same nature and at the same level of detail to the Commissioner for the purposes of progress reporting.
- Templates are likely to assist small-to-medium-sized and regional/rural defined entities in particular, as well as other defined entities without localised expertise in relation to data collection and submission.
- However, requiring the same format of progress reports for all defined entities may not align with how they are monitoring their progress internally. This therefore reduces the flexibility for defined entities to tailor how they demonstrate their compliance according to their specific workplace context, posing a potential limitation to access and equity for defined entities with fewer resources.

Limited WGEI Information

Compared to the Base Case (in which defined entities are not required to submit updated WGEI Information to the Commissioner), Option 1 would somewhat increase equity across defined entities by requiring submission of only limited WGEI Information. In particular, requiring limited updated WGEI Information would assist small to medium-sized and regional /rural, defined entities who may not have the same resources as larger/metropolitan defined entities to conduct a collection of the complete scope of WGEI Information.

Non-inclusion of Library Corporations

Option 1 results in a continuation of the Base Case by not including Library Corporations within the scope of the Act. Therefore, this does not impact the score given to this component. The implications of this are discussed above at Chapter 2.4.2.

b. Overall assessment of likely access and equity impact

Compared to the Base Case, this regulatory option somewhat increases access and equity across defined entities by requiring all defined entities to collect and submit WGEI Information in the same template and requiring submission of only limited WGEI Information, which may in particular assist small-to-medium-sized defined entities with limited data collection and analyst resources.

However, the continuation of the Base Case by not including Library Corporations within the scope of the Act perpetuates any existing inequity across the public sector and continues to limit access to the protections provided under the Act to public libraries and their employees through the Commissioner’s dispute resolution function, as identified in Chapter 2.4.2.

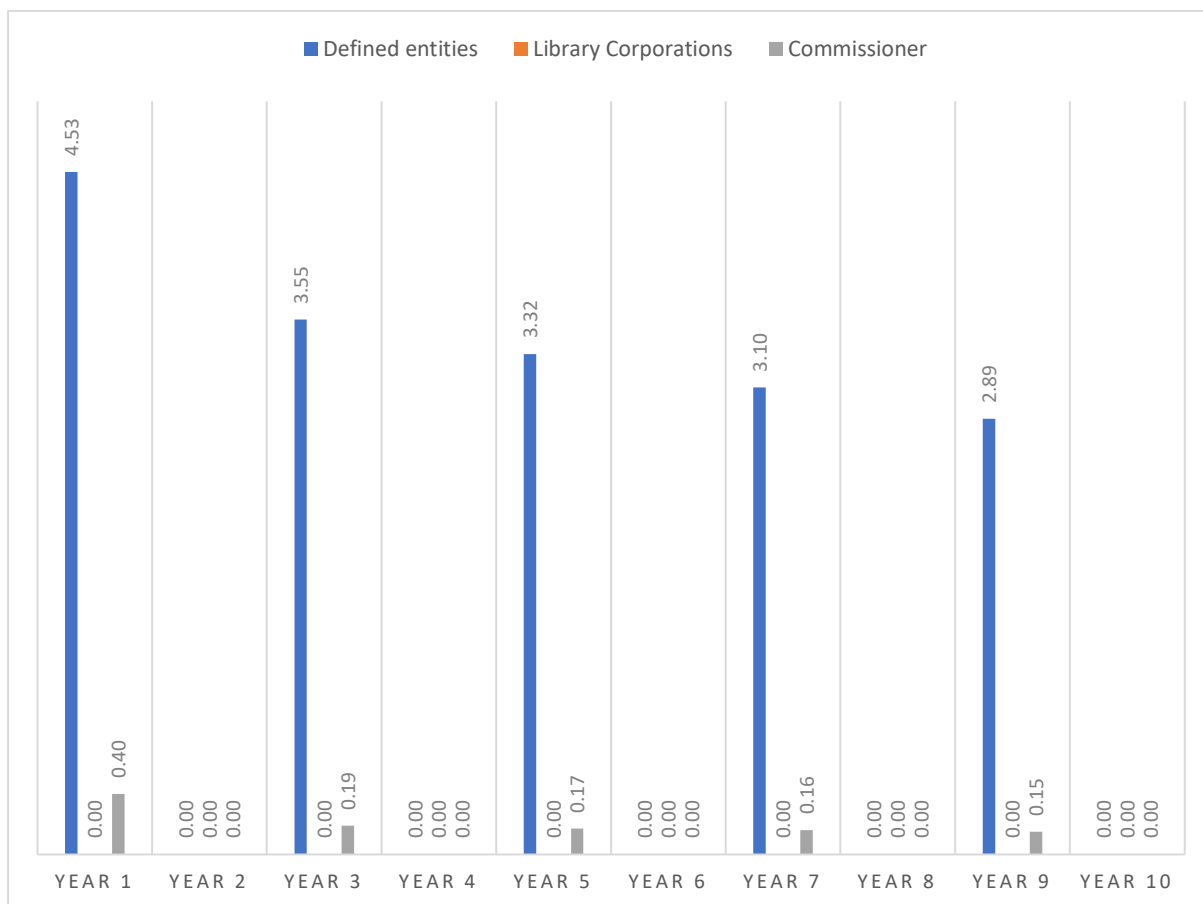
As such, Option 1 has been scored a 4.5 for this criterion.

Criteria 4: Costs to defined entities and the Commission

a. Overview and summary assessment of costs

A complete breakdown of costs of Option 1 is at Appendix 1.

Figure 4.7. Summary of estimated total costs per year of Option 1 over 10-year period⁸⁶



Costs on defined entities

⁸⁶These figures have been rounded and are expressed in millions.

- Under Option 1, it is anticipated that the existing approximately 298 defined entities would be subject to the new regulations. This does not include Library Corporations, which are not proposed to be prescribed as defined entities and designated bodies under this regulatory option.
- Compared to the Base Case, the total compliance cost for all defined entities to meet the requirements of this regulatory option is estimated to be \$17.4 million over a 10-year period. It is estimated that the total compliance cost for each defined entity would be highest in the first year of the regulations, as defined entities will be preparing and submitting progress reports in accordance with the new regulations for the first time. Subsequently, it is anticipated that the costs associated with compliance with the new regulations would be highest at every two-year interval (years 1, 3, 5, 7 and 9), due to the requirement to report on progress every second year after submitting a GEAP. This is reflected in Figure 4.7 above.
- Overall, it is anticipated that this cost will decrease over time, as defined entities will become familiar with the requirements, implement organisational learnings, and have pre-established systems and capabilities, creating greater efficiency.

Costs on Commission

- Under Option 1, compared to the Base Case the total anticipated cost to the Commission for implementation of the proposed regulatory option over a 10-year period is \$1.1 million.
- The majority of these costs are anticipated to be once-off costs, with the required actions of developing progress reporting templates, amending existing materials (including guidelines) and designing a progress report compliance framework required to be undertaken in year 1. However, it is considered likely that further minor amendments to these materials and tools will be required in subsequent years, based on the development of the 2021 WGA materials and the need for ongoing improvement and adjustment based on ongoing feedback received from stakeholders. These ongoing costs have not been included in these costings due to these costs being minor and difficult to estimate.
- The function of assessing progress reporting compliance is an ongoing function, required to be undertaken every second year after submitting a GEAP (being years 1, 3, 5, 7 and 9). As such, it is anticipated that the implementation costs to the Commission will be highest in years 1, 3, 5, 7 and 9 under this regulatory option. This is reflected in Figure 4.7 above.

b. Overall assessment of likely cost impact

Compared to the Base Case, this option will somewhat increase costs by a total of \$18.5 million over a 10-year period for defined entities and the Commission. The increased costs to defined entities (of \$17.4 million) are largely as a result of the compliance and implementation burden related to the requirement to collect limited updated WGEI Information. As the scope of this information is limited, this element of Option 1 is anticipated to result in lower costs than Options 2 and 3.

Option 1 is anticipated to impose costs on the Commission that are somewhat higher than the Base Case. Whilst the Commission anticipates creating guidelines under the Base Case, the development of templates and revision of existing materials to ensure consistency with new regulations is anticipated to cost the Commission \$112,000 over a 10-year period. However, it is noted that the cost of creating the progress reporting templates (\$73,000 once off) should be balanced against the reduced burden on the Commission with respect to assessing progress reports for compliance where defined entities have used a prescribed template (\$906,000 over a 10-year period) compared to checking compliance without a template (\$1.2 million over a 10-year period). This will therefore have lower compliance checking costs compared to Option 3. In

particular, in respect of compliance checking alone, Option 1 is anticipated to result in savings of \$290,000, and therefore has a 4:1 net benefit.

While there are costs to the Commission associated with the requirement to submit progress reports in the format approved by the Commissioner (\$906,000 over a 10-year period), it is anticipated that the provision of templates to defined entities and these costs will in fact be a reduction of costs compared to the Base Case, where defined entities would be required to create their own progress reporting template.

As a result, Option 1 has been scored a -3.1 for this criterion.

Overall score for Option 1

Criterion	Score	Weight
1. Effectiveness in relation to promotion and enhancement of the objects of the Act	4.5	30%
2. Regulatory clarity for defined entities	5	10%
3. Equity and access in rights and responsibilities under the Act	4.5	10%
4. Cost on defined entities and Commission	-3.1	50%

4.2.2. Option 2: Submission of WGEI Information + format of progress reports + Library Corporations

Option 2 would require defined entities to collect and submit detailed WGEI Information (save for intersectionality results) every second year after submitting a GEAP as part of their progress reports. Additionally, the proposed regulations would include the power for the Commissioner to approve the format of progress reports, as described at 3.4.1, and would prescribe Library Corporations as defined entities and designated bodies under the Act.

A full description of Option 2 is set out at 3.4.2 above.

Criteria 1: Effectiveness

a. Overview and summary assessment of effectiveness criteria

Format

As with Option 1, Option 2 would require the submission of progress reports in the format approved by the Commissioner. As such, the discussion above under the effectiveness criteria in relation to Option 1 also applies here.

Detailed WGEI Information

- Compared to the Base Case (in which defined entities are not required to submit WGEI Information to the Commissioner) and in contrast to Option 1 (in which it is anticipated that the Commissioner will request defined entities submit limited WGEI Information only), the submission of detailed WGEI Information (save for intersectionality results) under Option 2 would largely align progress reporting requirements with results submitted as part of the immediately preceding WGA. By ensuring data collected at each reporting interval is consistent and comparable, it is anticipated that Option 2 would:
 - better equip defined entities to identify and implement strategies to combat systemic causes of gender inequality in their workplaces, in line with the objects of the Act;

- allow the Victorian Government to set informed gender equality targets and quotas, which are a critical measure to promote, encourage and enhance the achievement of gender equality and improvement in the status of women, in line with the objects of the Act;⁸⁷ and
- enable the Commissioner to monitor defined entities' progress and conduct benchmarking analysis in relation to WGEI Information more regularly and more effectively. As noted above, the Commissioner considers that this will better allow them to promote and advance the objects of the Act throughout the public sector, to better support defined entities to comply with the Act, and to encourage best practice across defined entities, in line with the Commissioner's functions under the Act.
- As with Option 1, Option 2 ensures that defined entities collect meaningful and up-to-date information, the analysis and use of which enhances the effectiveness of the objects of the Act.
- However, Option 1 requires collection and submission of more comprehensive WGEI Information. It is anticipated that this expanded scope of information (and the above impacts in relation to consistency and comparability of this information with that required for the purposes of WGAs) will increase the overall effectiveness and capacity of the Act to affect the intended level of long-term structural and cultural change.
- Unlike Option 3, Option 2 does not require defined entities to submit intersectionality information in progress reports. While this does not support the recognition that gender inequality may be compounded by other forms of disadvantage or discrimination that an individual may face due to their intersectional attributes, it is noted that there is no requirement under the Base Case to collect and submit information of this nature. Option 2 therefore results in a continuation of the Base Case in this regard. As this is a continuation of the Base Case, this does not impact the score given to this component.
- As with Option 1, Option 2 adds regulatory complexity with respect to defined entities' progress reporting obligations by imposing additional/more specific requirements in respect of the method of progress reporting.

Inclusion of Library Corporations

- In contrast to both the Base Case and Option 1 (in which Library Corporations are neither subject to any of the obligations under the Act nor have access to the Commissioner's dispute resolution function under the Act), the inclusion of Library Corporations in the purview of the Act under Option 2 would:
 - ensure that Library Corporations are required to deliver public library services in compliance with the Act. This is consistent with the objects of the Act to promote, encourage and facilitate the achievement of gender equality and improvement in the status of women; and
 - better enable the Commissioner to assist in the elimination of systemic causes of gender inequality in policy, programs, and delivery of services in workplaces and communities, in line with the objects of the Act, by ensuring that a systemic gender equality issue identified within a Library Corporation could be brought to the Commissioner for resolution via their dispute resolution function under the Act.
 - This significantly increases the effectiveness compared to the Base Case and Option 1.

⁸⁷ T W Fitzsimmons, M S Yates and V J Callan, 'Employer of Choice for Gender Equality: Leading practices in strategy, policy and implementation', AIBE Centre for Gender Equality in the Workplace, 2020, p. 39; Sojo VE, Wood RE, Wood SA and Wheeler MA (2016) Reporting requirements, targets, and quotas for women in leadership. The Leadership Quarterly, vol. 27, issue 3, 2016, pp. 519-536

b. Overall assessment of likely effectiveness impact

In comparison to the Base Case, this option significantly furthers the objects of the Act, in particular by better-equipping defined entities to identify and implement strategies to combat systemic causes of gender inequality in their workplaces. This regulatory option also significantly increases the ability of the Commissioner to perform their functions under the Act, thereby increasing overall effectiveness and capacity of the Act to affect the intended level of long-term structural and cultural change. This is a result of the provision of a consistent scope of updated WGEI Information for progress reports and GEAPs, which will be used to inform gender targets and quotas and to determine key areas for action, and the inclusion of Library Corporations within the scope of the Act.

While not requiring defined entities to report on intersectionality information seemingly limits the objects of the Act (in particular, supporting the recognition that gender inequality may be compounded by other forms of disadvantage or discrimination) it is noted that under the Base Case, reporting on this information is not mandatory, rather this information is only required to be provided if available.

As such, Option 2 has been scored a 9.5 for this criterion.

Criteria 2: Clarity

a. Overview and summary assessment of clarity criteria

Format

As with Option 1, Option 2 would require the submission of progress reports in the approved format. As such, the discussion above under the clarity criteria in relation to Option 1 also applies here.

Detailed WGEI Information

In contrast to both the Base Case (in which defined entities are not required to submit any WGEI Information) and Option 1 (in which defined entities would submit limited WGEI Information only), the submission of detailed WGEI Information (save for intersectionality results) under Option 2 is anticipated to increase regulatory clarity with respect to defined entities' obligations by aligning progress reporting requirements with results submitted as part of the immediately preceding WGA. Having consistent WGEI Information collection and submission requirements would reduce the complexity (and therefore increase clarity) of defined entities' obligations under the Act and reduce the regulatory burden experienced by defined entities

Inclusion of Library Corporations

Compared to the Base Case and Option 1, Option 2 will prescribe Library Corporations as defined entities and designated bodies under the Act. This is anticipated to increase regulatory clarity and consistency by ensuring all entities that deliver public library services have the same gender equality obligations and protections.

b. Overall assessment of likely clarity impact

In comparison to the Base Case, Option 2 will significantly increase regulatory clarity by specifying the required format in which defined entities must submit their progress reports and by providing for consistent requirements in relation to WGEI Information collection and submission across progress reporting and GEAP development.

While this regulatory clarity may be at the cost of greater complexity (due to the specification of addition/detailed requirements) and reduced flexibility for defined entities to tailor how they demonstrate their progress, defined entities have expressed a preference for templates to assist

them to determine what information is required to be provided by the Commissioner in order to comply with their obligations under the Act in relation to progress reporting.

As such, Option 2 has been scored a 9 for this criterion.

Criteria 3: Access and equity

a. Overview and summary assessment of access and equity criteria

Format

As with Option 1, Option 2 requires defined entities to collect and submit data in the same format. The discussion above under Option 1 in relation to the implications on access and equity is therefore relevant here.

Detailed WGEI Information

Compared to the Base Case (in which defined entities are not required to submit WGEI Information to the Commissioner) and Option 1 (which would require defined entities to submit only limited WGEI Information), Option 2 may create inequity across defined entities. This is because small-to-medium sized and regional/rural defined entities may not have the same resources/capabilities/systems as larger/metropolitan defined entities to conduct a collection of the detailed scope of WGEI Information. Any negative effect on equity under this requirement would be mitigated in part by the provision of a format (discussed above).

Inclusion of Library Corporations

- Compared to the Base Case and Option 1, Option 2 will prescribe Library Corporations as defined entities and designated bodies under the Act, thereby ensuring that all public libraries are covered by the scope of the Act. This has the potential to:
 - create greater equity across the public sector by ensuring that all entities responsible for the delivery of public library services have the same obligations in relation to gender equality; and
 - expand access to the Commissioner's dispute resolution function under the Act, ensuring that all employees, employee representatives, and employers of Library Corporations may seek the assistance of the Commissioner to resolve systemic gender inequality disputes in circumstances where the relevant EBA or workplace determination contains a dispute resolution term that expressly enables this referral.

b. Overall assessment of likely access and equity impact

Compared to the Base Case, this Option 2 significantly increases equity for public libraries and their employees in Victoria by ensuring they have the same obligations under the Act, this option also increases access to the protections provided under the Act through the Commissioner's dispute resolution function.

Option 2 also significantly increases equity across defined entities by requiring all defined entities to collect and submit progress information in the same template and requiring submission of only limited updated WGEI Information, which may in particular assist smaller defined entities with limited data collection and analyst resources.

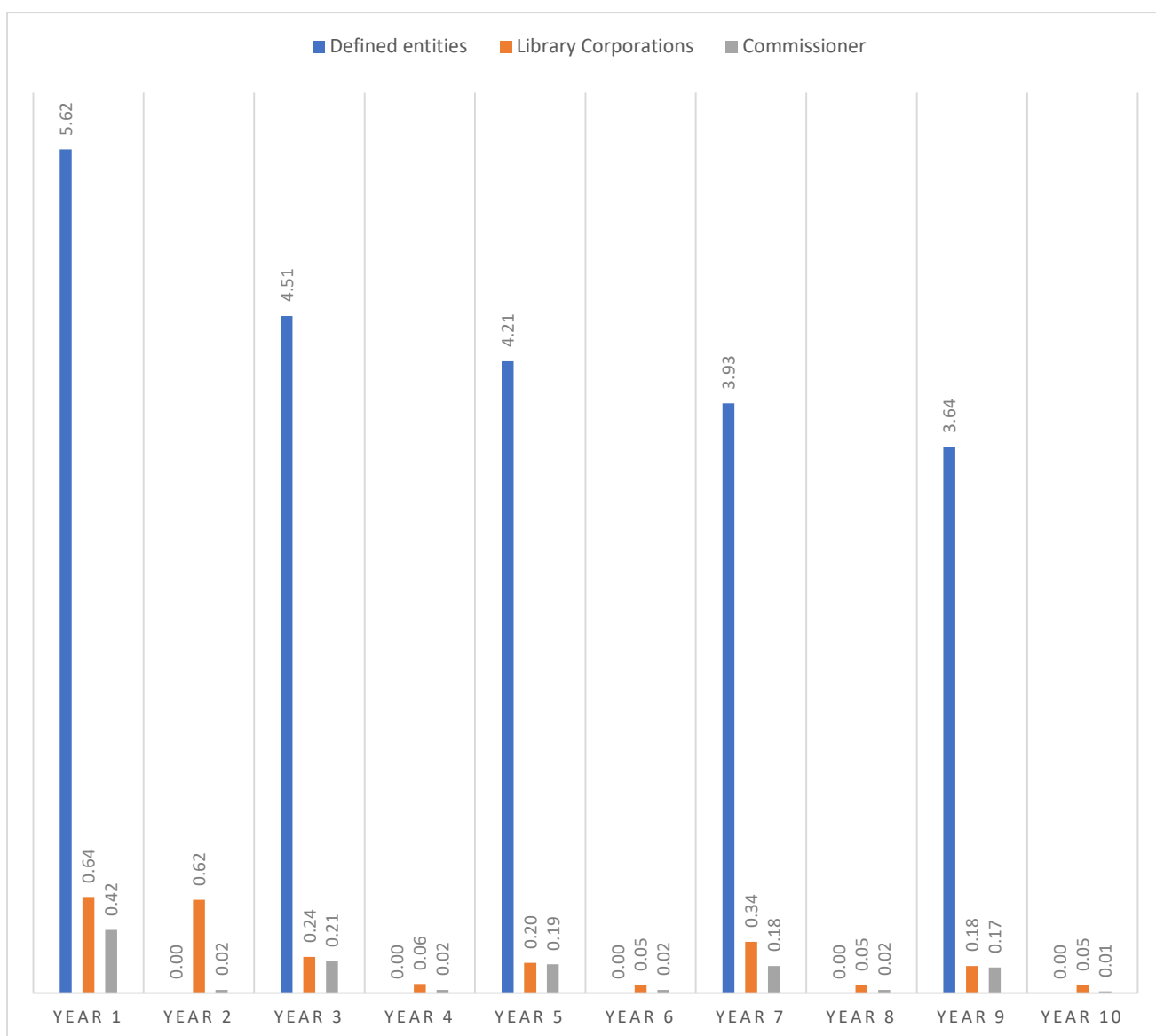
As such, Option 1 has been scored a 9 for this criterion.

Criteria 4: Costs to defined entities and Commission

a. Overview and summary assessment of costs

A complete breakdown of costs of Option 2 is at Appendix 1.

Figure 4.8. Summary of estimated total costs per year of Option 2 over 10-year period⁸⁸



Costs to defined entities

- Under Option 2, it is anticipated that approximately 306 defined entities would be subject to the new regulations. This includes an additional 8 defined entities compared to the Base Case, being Library Corporations, which are proposed to be prescribed as defined entities and designated bodies under this regulatory option.
- The total compliance cost for all defined entities, including Library Corporations, to meet the requirements of this regulatory option, relative to the Base Case, is estimated to be \$23.3 million over a 10-year period. It is estimated that the total compliance cost for each defined entity would be highest in the first year of the regulations, as defined entities will be preparing and submitting progress reports in accordance with the new regulations for the first time. It is anticipated that costs will also be higher (comparative to other years) in year 3, when Library Corporations will be required to develop and report on their GEAP for the first time. This is reflected in Figure 4.8 above.

⁸⁸ These figures have been rounded and are expressed in millions.

- Subsequently, it is anticipated that the costs associated with compliance with the new regulations would be highest at every 2-year interval (years 1, 3, 5, 7 and 9), due to the requirement to report on progress every second year after submitting a GEAP. It is also anticipated that the costs associated with compliance with the GEAP development and reporting obligations would be highest in years 3 and 7 (as GEAPs must be developed at every 4-year interval). This is also reflected in Figure 4.8 above. However, it is anticipated that these costs will decrease over time, as defined entities will become familiar with the requirements, implement organisational learnings, and have pre-established systems and capabilities, creating greater efficiency.
- It is noted that the obligation to conduct GIAs is ongoing. As such, while there is anticipated to be reduction in time in the second and subsequent years as Library Corporations become more familiar with the obligation and it becomes embedded in business-as-usual practice, this reduction is anticipated to be only slight.

Costs to Commission

- Under Option 2, the total anticipated cost to the Commission for implementation of the proposed regulatory option is \$1.3 million, relative to the Base Case.
- The majority of these costs are anticipated to be once-off costs, with the required actions of developing progress reporting templates, amending existing materials (including guidelines), developing and implementing a communication strategy and designing a progress reporting compliance framework required to be undertaken in year 1. As with Option 1, the ongoing costs for further minor amendments to these materials and tools have not been included in these estimates due to these costs being minor and difficult to estimate.
- The function of assessing progress reporting compliance is an ongoing function, required to be undertaken every second year after submitting a GEAP (being years 1, 3, 5, 7 and 9). Further, supporting Library Corporations in relation to their obligations under the Act is an ongoing action across the 10-year period. As such, it is anticipated that the implementation and support costs to the Commission will be highest in years 1, 3, 5, 7 and 9 under this regulatory option. This is reflected in Figure 4.8 above.

b. Overall assessment of likely costs

Option 2 will impose costs (\$24.5 million) that are somewhat higher than the Base Case. For defined entities, these costs are as a result of the requirement to collect updated WGEI Information. The scope of this information is greater than that under Option 1 (resulting in costs of \$6.4 million over a 10-year period under Option 1), resulting in slightly higher costs for this element under Option 2 (\$10.6 million over a 10-year period, plus an additional \$227,000 for Library Corporations), however, less than that under Option 3 (\$16.3 million over a 10-year period, plus an additional \$348,000 for Library Corporations) as defined entities are required to collect a limited scope of intersectionality information under Option 3, where it is available.

While there are costs associated with the requirement to submit progress reports in the format approved by the Commissioner (\$9.4 million over a 10-year period for defined entities, plus an additional \$189,000 for Library Corporations) it is anticipated that the provision of templates to defined entities and these costs will be a reduction of costs compared to the Base Case, where defined entities would be required to create their own progress reporting template. As Library Corporations will be prescribed as defined entities under this option, and therefore be required to comply with the obligations under the Act outlined at Chapter 1.2 above, this Option will significantly increase costs on defined entities overall compared to the Base Case. It is noted that these increased costs will not be imposed on existing defined entities, rather on Library Corporations that would fall within the scope of the Act for the first time.

For the Commission, these increased costs relative to the Base Case are largely due to the development of templates and revision of existing materials to ensure consistency with new regulations, which is anticipated to cost the Commission \$112,000. As with Option 1, the cost of creating the progress reporting templates should be balanced against the reduced burden on the Commission where defined entities have used a prescribed template. Under this option, Library Corporations will be prescribed as defined entities and designated bodies under the Act, which is anticipated to result in additional costs to the Commission (associated with supporting Library Corporations to meet their obligations under the Act) of approximately \$182,000 over the life of the regulations.

As a result, Option 2 has been scored a -4.2 for this criterion.

Overall score for Option 2

Criterion	Score	Weight
1. Effectiveness in relation to promotion and enhancement of the objects of the Act	9.5	30%
2. Regulatory clarity for defined entities	9	10%
3. Equity and access in rights and responsibilities under the Act	9	10%
4. Cost on defined entities and Commission	-4.2	50%

4.2.3. Option 3: Submission of WGEI Information + limited intersectionality information + prescribe Library Corporations

Option 3 includes a requirement for defined entities to collect and submit WGEI Information, including a limited scope of intersectionality information, every second year after submitting a GEAP as part of their progress reports. Additionally, under Option 3, the proposed regulations would prescribe Library Corporations as defined entities and designated bodies under the Act. As Option 3 requires intersectionality factors to be prescribed as workplace gender equality indicator(s) under the Act, there will be a number of additional costs that have not been included in the costing calculations under this RIS.⁸⁹

A full description of Option 3 is set out at 3.4.3 above.

Criteria 1: Effectiveness

a. Overview and summary assessment of effectiveness criteria

Format

Option 3 results in a continuation of the Base Case with respect to the lack of a requirement to submit progress reports in a particular format. The implications of this continuation with respect to the effectiveness of the Act are discussed at Chapter 2.3.2.

Detailed WGEI Information (including intersectionality information)

- As with Option 2, Option 3 would require the submission of WGEI Information. As such, the discussion above under the effectiveness criteria in relation to Option 2 also applies here.

⁸⁹ For example, the inclusion of additional workplace gender equality indicator(s) will increase costs related to undertaking WGAs and preparing GEAPs. These costs have been excluded from the calculations under this RIS due to the complexity in estimating such cost increases.

- Option 3 requires a limited scope of intersectionality information to be submitted, which would not be required under Option 2. This would further enhance the objects of the Act by supporting the recognition that gender inequality may be compounded by other forms of disadvantage or discrimination that an individual may face due to their intersectional attributes.

Inclusion of Library Corporations

As with Option 2, Option 3 would prescribe Library Corporations as defined entities and designated bodies under the Act. As such, the discussion above under the effectiveness criteria in relation to Option 2 also applies here.

b. Overall assessment of likely effectiveness impact

In comparison to the Base Case, Option 3 would significantly further the objects of the Act, in particular by better-equipping defined entities to identify and implement strategies to combat systemic causes of gender inequality in their workplaces. This is a result of the provision of WGEI Information, including some intersectionality information, which will be used by the Victorian Government to inform gender targets and quotas and by the Commissioner to determine key areas for action, and the inclusion of Library Corporations within the scope of the Act.

Requiring defined entities to report on intersectionality data would also somewhat furthers the objects of the Act (in particular, supporting the recognition that gender inequality may be compounded by other forms of disadvantage or discrimination). However, the difficulties associated with collecting this data reported by defined entities would limit the effectiveness of this impact.

However, by not requiring the specified format of progress reports, Option 3 perpetuates the Base Case. This will result in the Commissioner receiving inconsistent information, limiting the effectiveness of the Commissioner's ability to carry out their functions under the Act, such as education for defined entities and establishing a best practice model. For this reason, Option 3 receives a lower score than Options 1 and 2.

As such, Option 3 has been scored a 7.5 for this criterion.

Criteria 2: Clarity

a. Overview and summary assessment of clarity criteria

Format

Option 3 results in a continuation of the Base Case with respect to the lack of a requirement to submit progress reports in a particular format. Therefore, this does not impact the score given to this component. The implications of this continuation with respect to clarity of defined entity obligations under the Act are discussed at Chapter 2.3.2.

Detailed WGEI Information (including intersectionality information)

- As with Option 1, Option 3 would result in a continuation of different WGEI Information collection and submission requirements for progress reports and GEAPs. As such, the discussion above under the clarity criteria in relation to Option 1 also applies here. As this is a continuation of the Base Case, this does not impact the score given to this component.
- As with Option 1 and Option 2, Option 3 creates greater regulatory complexity (and therefore reduces clarity) with respect to progress reporting obligations by imposing additional/more specific requirements in respect of the method of progress reporting.
- Compared to the Base Case and Option 2, Option 3 will require an additional regulation that prescribes 'intersectionality' as a workplace gender equality indicator under the Act. This will

create flow-on complexity (and reductions in clarity) for the implementation and operation of the Act outside of the progress reporting process.

Inclusion of Library Corporations

As with Option 2, Option 3 would prescribe Library Corporations as defined entities and designated bodies under the Act. As such, the discussion above under the clarity criteria in relation to Option 2 also applies here.

b. Overall assessment of likely clarity impact

Compared to the Base Case, this regulatory option will somewhat increase clarity by clarifying the method of progress reports for defined entities; however, this improvement is limited as the perpetuation of different WGEI Information collection and submission requirements for progress reports (as compared to the WGA requirements related to GEAP development), and the need to prescribe 'intersectionality' factors as workplace gender equality indicator(s) under the Act, results in greater complexity (and therefore reduced clarity) to defined entity obligations under the Act.

Further, not specifying the required format in which defined entities must submit their progress reports will increase the ambiguity as to how the information must be submitted. While the Commissioner intends to develop guidance materials in relation to progress reporting under the Base Case, defined entities will nonetheless be required to create their own progress reporting infrastructure under this option.

As such, Option 3 has been scored a 3.5 for this criterion.

Criteria 3: Access and equity

a. Overview and summary assessment of access and equity criteria

Format

Option 3 results in a continuation of the Base Case with respect to the lack of a requirement to submit progress reports in a particular format. The implications of this continuation with respect to access and equity are discussed at Chapter 2.3.2. As this is a continuation of the Base Case, this does not impact the score given to this component.

Detailed WGEI Information (including intersectionality information)

- As with Option 2, Option 3 would require the submission of WGEI Information. As such, the discussion above under Option 2 in relation to access and equity applies here.
- However, it is noted that unlike Option 2, Option 3 would require the submission of a limited scope of intersectionality data. This may slightly increase equity compared to Option 2 by helping to identify and address intersectional gender inequality issues. However, it may create inequity across defined entities as small-to-medium-sized defined entities may lack the resources/systems/capabilities to collect information of this nature. There are also added difficulties in collecting information of this nature in smaller settings (due to increased risk of re-identification of individuals to whom the information relates).
- Further, unlike Option 2, the negative impacts on equity as a result of this requirement are not mitigated by the provision of template as Option 3 results in a continuation of the Base Case in this regard (discussed above).

Inclusion of Library Corporations

As with Option 2, Option 3 would prescribe Library Corporations as defined entities and designated bodies under the Act. As such, the discussion above under the access and equity criteria in relation to Option 2 also applies here.

b. Overall assessment of likely access and equity impact

Compared to the Base Case, Option 3 somewhat increases equity for public libraries and their employees in Victoria by ensuring they have the same obligations under the Act and increases access to the protections provided under the Act through the Commissioner's dispute resolution function.

However, the continuation of the Base Case by not requiring defined entities to collect and submit progress reporting information in the same template, limits the impact of Option 3 on access and equity. This is because continuation of the Base Case in this regard would perpetuate inequity experienced by smaller defined entities with limited data collection and analyst resources that could prepare the reporting infrastructure internally. Further, the requirement to collect intersectionality data, which is personal and sensitive in nature, may create further inequity across defined entities.

As such, Option 3 has been scored a 5 for this criterion.

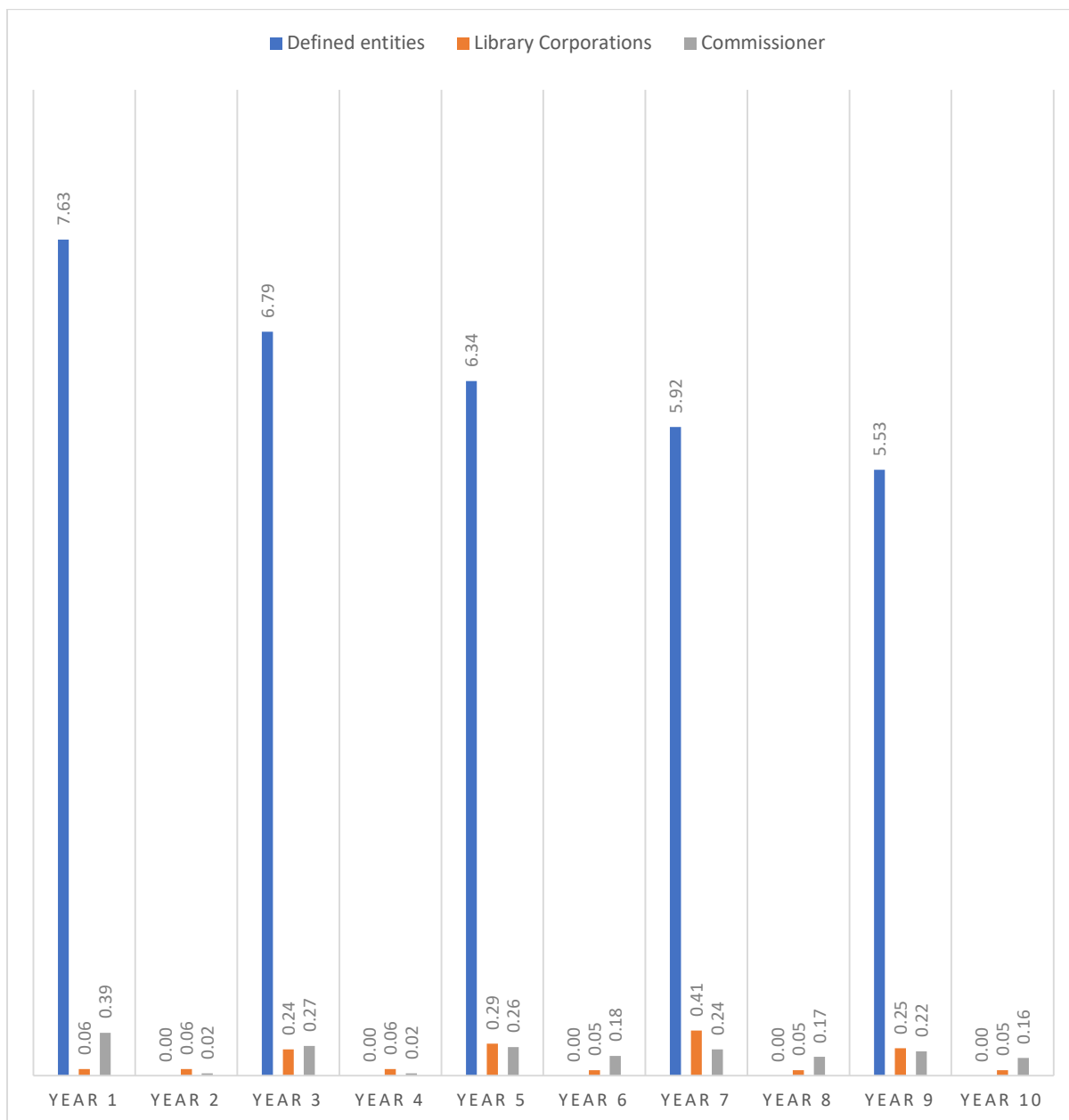
Criteria 4: Costs to defined entities and the Commission

a. Overview and summary assessment of costs criteria

A complete breakdown of costs of Option 3 is at Appendix 1.

Figure 4.9. Summary of estimated total costs per year of Option 3 over 10-year period⁹⁰

⁹⁰ These figures have been rounded and are expressed in millions.



Costs to defined entities

- Under Option 3, it is anticipated that approximately 306 defined entities would be subject to the new regulations. This includes an additional 8 defined entities compared to the Base Case, being Library Corporations, which are proposed to be prescribed as defined entities and designated bodies under this regulatory option.
- The total compliance cost for all entities to meet the requirements of this regulatory option compared to the Base Case is estimated to be \$33.8 million over a 10-year period. It is anticipated that the total compliance cost for each defined entity would be highest in the first year of the regulations, as defined entities will be preparing and submitting progress reports in compliance with the regulations for the first time. It is anticipated that costs will also be higher (comparative to other years) in year 3, when Library Corporations will be required to develop and report on their GEAP for the first time. Subsequently, it is anticipated that the costs associated with compliance with the new regulations would be highest at every 2-year interval (years 1, 3, 5, 7 and 9), due to the requirement to report on progress every second

year after submitting a GEAP. It is also anticipated that the costs associated with compliance with the GEAP development and reporting obligations would be highest in years 3 and 7 (as GEAPs must be developed at every 4-year interval). This is reflected in Figure 4.9 above.

- It is anticipated that these costs will decrease over time, as defined entities will become familiar with the requirements, implement organisational learnings, and have pre-established systems and capabilities, creating greater efficiency. It is noted that the obligation to conduct GIAs is ongoing. As such, while a reduction in time is anticipated in the second and subsequent years as defined entities become more familiar with the obligation and it becomes embedded in business-as-usual practice, this reduction is anticipated to be only slight.

Costs to Commission

- Under Option 3, the total anticipated cost to the Commission for implementation of the proposed regulatory option is \$1.5 million over a 10-year period, relative to the Base Case.
- The majority of these costs are anticipated to be once-off costs, with the required actions of developing progress reporting templates, amending existing materials (including guidelines), developing and implementing a communication strategy and designing a progress reporting compliance framework required to be undertaken in year 1. As with Option 1 and Option 2, the ongoing costs for further minor amendments to these materials and tools have not been included in these estimates due to these costs being minor and difficult to estimate.
- The function of assessing progress reporting compliance is an ongoing function, required to be undertaken every second year after submitting a GEAP (being years 1, 3, 5, 7 and 9). Further, supporting Library Corporations in relation to their obligations under the Act is an ongoing action across the 10-year period. As such, it is anticipated that the implementation and support costs to the Commission will be highest in years 1, 3, 5, 7 and 9 under this regulatory option. This is reflected in Figure 4.9 above.

b. Overall assessment of likely costs

Option 3 would impose costs that are significantly higher (\$35.2 million) than the Base Case. The increased cost on defined entities (of \$33.8 million over the 10-year-period) is largely as a result of the requirement to collect updated WGEI Information, including a limited scope of intersectionality information where this information is available. The scope of this information is greater than that under both Option 1 and Option 2, making this option the costliest option (\$16.3 million over a 10-year period for defined entities, plus an additional \$348,000 for Library Corporations) in respect of this element.

Further, it is assumed that the continuation of the Base Case under Option 3 by not requiring defined entities to collect and submit progress reporting information in a format approved by the Commissioner will increase the cost of this regulatory option on both the Commissioner and defined entities, compared to Option 1 and Option 2. This is because defined entities would be required to develop their own progress reporting template, rather than relying on one developed by the Commissioner. Further, it is anticipated that the Commissioner will be required to expend additional resources and time reviewing progress reports submitted in varying formats and supporting defined entities to rectify deficiencies within progress reports where defined entities have not complied with the requirements under s. 19 of the Act. For this reason, Option 3 is anticipated to impose the highest costs on the Commission (\$1.5 million over a 10-year period), compared to the Base Case.

As Library Corporations will be prescribed as defined entities under this option, and therefore be required to comply with the obligations under the Act outlined at Chapter 1.2 above, this option will significantly increase costs on defined entities (noting these increased costs will not be

imposed on existing defined entities, rather on Library Corporations that would fall within the scope of the Act) compared to the Base Case. This is also anticipated to result in additional costs to the Commission (associated with supporting Library Corporations to meet their obligations under the Act) of approximately \$190,000 over the life of the regulations.

As a result, Option 3 has been scored a -6 for this criterion.

Overall score for Option 3

Criterion	Score	Weight
1. Effectiveness in relation to promotion and enhancement of the objects of the Act	7.5	30%
2. Regulatory clarity for defined entities	3.5	10%
3. Equity and access in rights and responsibilities under the Act	5	10%
4. Cost on defined entities and Commission	-6	50%

4.2.4. Summary of assessment

Compared to the Base Case, Option 1 is anticipated to cost defined entities and the Commission a total of **\$18.5 million over a 10-year period**. Option 1 is anticipated to improve the effectiveness of the objects of the Act to a limited degree and reduce inequity across defined entities by a limited degree. It will also increase the clarity of the Act and the obligations therein by allowing the Commissioner to approve the format in which defined entities must submit their progress reports. However, these benefits are limited by the continuation of the Base Case by not including Library Corporations within the scope of the Act and by resulting in the submission of limited WGEI Information, which perpetuates different requirements in relation to WGEI Information collection and submission for progress reports (as compared to the WGA requirements related to GEAP development).

Option 2 is anticipated to have slightly higher costs to defined entities, Library Corporations and the Commission than Option 1, with the costs totalling an estimated **\$24.5 million over a 10-year period**. However, with these increased costs, Option 2 is anticipated to significantly further the objects of the Act, better enable the Commissioner to perform their functions under the Act, and increase equity for public libraries and across existing defined entities. This option will also increase regulatory clarity, by specifying the required format in which defined entities must submit their progress reports and by providing for consistent requirements in relation to WGEI Information collection and submission across progress reporting and GEAP development, noting this may be at the cost of reduced flexibility for defined entities to tailor how they demonstrate their progress.

Option 3 is anticipated to impose the greatest compliance and implementation costs on defined entities, Library Corporations, and the Commission when compared to the Base Case and the other regulatory options assessed in this RIS, with the estimated costs totalling **\$35.2 million over a 10-year period**. With these additional costs, Option 3 will significantly further the objects of the Act, including by requiring defined entities to report on intersectionality data. However, Option 3 will only somewhat improve clarity of the Act and the obligations therein. Any improvements to clarity under this option are limited due to the continuation of different limited WGEI Information collection and submission requirements for progress reports and GEAP development, and the need to prescribe 'intersectionality' factors as workplace gender equality indicator(s) under the Act – both of which result in greater complexity to defined entity obligations

under the Act. Further, not allowing for the Commissioner to specify the required format in which defined entities must submit their progress reports will perpetuate the ambiguity as to how the information must be submitted. Compared to the Base Case, this regulatory option somewhat increases equity for public libraries in Victoria by ensuring they all have the same obligations.

Overall evaluation

Weighted elements	Option 1	Option 2	Option 3
Costs	-1.55	-2.1	-3
Benefits	2.3	4.65	3.1
Total	0.75	2.55	0.1
Rank	2	1	3

Based on the above assessment, the recommended regulatory option is Option 2.

Benefits evaluation

a. Weighting

Criteria	Weight
1. Effectiveness in relation to promotion and enhancement of the objects of the Act	30%
2. Regulatory clarity for defined entities	10%
3. Equity and access in rights and responsibilities under the Act	10%

b. Evaluation

Criteria	Option 1	Option 2	Option 3
Raw scores			
1. Effectiveness in relation to promotion and enhancement of the objects of the Act	4.5	9.5	7.5
2. Regulatory clarity for defined entities	5	9	3.5
3. Equity and access in rights and responsibilities under the Act	4.5	9	5
Weighted scores			
1. Effectiveness in relation to promotion and enhancement of the objects of the Act	1.35	2.85	2.25
2. Regulatory clarity for defined entities	0.5	0.9	0.35

3. Equity and access in rights and responsibilities under the Act	0.45	0.9	0.5
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Costs evaluation⁹¹

a. Weighting

Criteria	Weight
Cost	50%

b. Evaluation

Criteria	Option 1	Option 2	Option 3
Total costs (over a 10-year period in millions)			
Cost on defined entities (including Library Corporations)	\$17.4	\$23.3	\$33.8
Cost on Commission	\$1.1	\$1.3	\$1.5
TOTAL Cost	\$18.5	\$24.5	\$35.2
Raw scores			
Cost	-3.1	-4.2	-6
Weighted scores			
Cost	-1.55	-2.1	-3

4.2.5. Sensitivity analysis of the costs associated with the preferred option

Sensitivity analysis of estimated time to undertake proposed regulatory requirement

Given the uncertainty noted above regarding the time required to undertake the proposed regulatory requirements of Option 2, sensitivity analysis was conducted for changes in the costs (total over the 10-year period) related to changes in time at 25% below and above the modelled scenario.

⁹¹ Both the components (cost on defined entities and cost on Commission) as well as the total have been rounded to one decimal place. As a result, the rounded estimates for the components do not exactly add to the rounded total. See Appendix 1 below for detailed costings.

	Costs based on hours 25% lower than modelled scenario	Modelled scenario	Costs based on hours 25% higher than modelled scenario
Defined entities (including Library Corporations)	\$17.5	\$23.3	\$29.1
Commission	\$1.0	\$1.3	\$1.6
Total	\$18.4	\$24.5	\$30.6

Sensitivity analysis of estimated real wage growth percentage

The modelled scenario uses a 0.5% real wage growth assumption for the 10-year costs projection, based on the minimum rolling 10-year average real public sector wage growth over the 1998 – 2022 period. This figure has been used as real wage growth across the economy has been less than one per cent over the past decade and has trended towards zero over recent decades. Currently with high inflation, relative to the past two decades, real wage growth is negative across the economy.

Given the uncertainty of real wage growth over the 10-year regulations period, sensitivity analysis was conducted for changes to the real wage growth based on the maximum (0.99%) rolling 10-year average real public sector wage growth over the 1998 – 2022 period and on a zero per cent wage growth over the next 10 years (based on the assumption that nominal wage growth will be roughly the same rate as inflation).

	Costs based on real wage growth of 0%	Modelled scenario	Costs based on real wage growth of 0.99%
Total costs	\$23.9	\$24.5	\$25.1

4.3. Description of preferred option

Based on the above analysis, Option 2 is the preferred option as it received the highest rating when compared with the other two options.

Option 2 combines all three components. It includes the collection and submission of detailed updated WGEI Information as the method for progress reports, requires defined entities to submit their progress reports in the format approved by the Commissioner, and includes Library Corporations under the Act as defined entities and designate bodies.

Based on the Commissioner's anticipated implementation of the proposed regulations, this is likely to result in collection and analysis of WGEI Information relating to both Employee Experience Data and Workforce Data (as the Commissioner requested in guidance materials relating to the 2021 WGA). Intersectionality information will not be required but may be submitted by the defined entities voluntarily. As indicated above, the Commissioner considers this interpretation to result in the most efficient method of demonstrating progress in relation to the workplace gender equality indicators.

Further, the proposed regulations would enable the Commissioner to approve and publish on its website the format in which progress reports (including limited updated WGEI Information submitted as part of a defined entity's progress report) must be submitted. As discussed above, the Commissioner has indicated that, if the proposed regulations are made, the format in which progress reports are to be submitted is likely to comprise templates in a table format in either Excel and/or Word format.

Competition and small business impacts

The proposed regulations will directly impact 300 Victorian public sector organisations (defined entities) and eight regional Library Corporations.

The proposed regulations will not impact small businesses, as the Act can only apply to public sector organisations with 50 or more employees. Nonetheless, the proposed regulations impact public sector organisations of difference sizes. This section assesses the impact of the preferred option on smaller defined entities.

Smaller defined entities may experience disproportionate effects from the proposed regulations for a range of reasons. For example, because they will have less capacity, limited pre-established systems and processes, or allocated resources to interpret and meet their compliance obligations compared to larger defined entities.

It is important to note that defined entities of all sizes are expected to benefit from the increased clarity, effectiveness and access and equity associated with the regulations. It is anticipated that smaller defined entities, in particular, will benefit from the proposed regulation relating to the format for progress reports. This is because these defined entities may not have the internal business/data analyst capabilities or resources to develop their own templates and reporting infrastructure.

The Victorian Guide to Regulation also requires a RIS to assess the impact of regulations on competition. The types of impacts that would give rise to concerns about an adverse effect on competition are described in the Victorian Guide to Regulation. They are:

- when the proposed regulation is likely to affect the market structure of the affected sector, such as reducing the number of participants in the market, or increasing the size of incumbent firms
- if it will be more difficult for new firms or individuals to enter the industry after the imposition of the proposed regulation
- if the costs or benefits associated with the proposed regulation affect some firms or individuals substantially more than others
- if the proposed regulation restricts the ability of businesses to choose the price, quality, range or location of their products
- when the proposed regulation will lead to higher ongoing costs for new entrants that existing firms do not have to meet

The preferred option is not anticipated to negatively impact competition on the basis that it is not anticipated that they will create any of the above conditions. As noted above in relation to the small business impacts analysis, the costs associated with the proposed regulations may disproportionately affect smaller defined entities. However, it is anticipated that smaller defined entities, in particular, will benefit from the proposed regulation relating to the format for progress reports.

Benefits

The preferred option will ensure the Commissioner can effectively carry out their functions under the Act in relation to progress reporting. It will also ensure that there is an equitable approach for workplace gender equality for all public library services in Victoria.

The preferred option will also improve clarity for defined entities by confirming the method for them to demonstrate progress in relation to the workplace gender equality indicators, and by providing a template to follow as the format for their progress reports.

Costs

The total cost for the Commission to implement the proposed regulations compared to the Base Case is estimated as \$1.3 million over a 10-year period.

The total cost to implement the proposed regulations for all defined entities, including Library Corporations, compared to the Base Case is estimated as \$23.3 million over a 10-year period.

5. Implementation and evaluation

This Chapter outlines the actions that the Department and the Commission will undertake to implement and assess both the efficiency and effectiveness of the proposed regulations.

5.1. Implementation plan

5.1.1. What needs to be done?

Summary of implementation tasks

The proposed regulations are intended to come into effect on 1 July 2023. The Commissioner has provided all defined entities with an extension to submit their progress reports, which will now be due on 20 February 2024 (previously due 31 October 2023).

The specified activities to be undertaken by the Commission, along with the timing, are summarised in **Figure 5.1**. As the Commission is still in the process of finalising its implementation plan, the activities and their timing might deviate slightly from the below.

Figure 5.1 Implementation timeline

Task	Timing
Assist the Commissioner to develop and publish guidance materials and templates, in consultation with key stakeholders	January 2023 – April 2023
Develop and deliver a communications plan to deliver education and a range of communication activities to promote awareness of the regulatory amendments with defined entities	April 2023 – August 2023
Determine and undertake necessary changes to the reporting platform	September 2022 – June 2023
Develop an evaluation strategy	At the commencement of the regulations

Stakeholder communications

The Department and the Commission will undertake a range of communication activities to assist defined entities and key stakeholders understand and comply with the new regulations. This will include (but is not limited to):

- Notification of the making of new regulations through formal communication channels (e.g. The Victorian Government Gazette) and through the Commissioner's communication channels (monthly newsletter and notifying defined entities directly).
- The development of accessible information that explains the changes introduced by the new regulations, including the development of new guidance, templates, and other resources.

5.1.2. Who will be doing it?

Defined entities are expected to implement the regulations by preparing progress reports in the format (if any) approved by the Commissioner and in accordance with the method specified

under the proposed regulations. The Commissioner intends to approve the submission of progress reports in the format of two Excel spreadsheets. One template will be for the entire progress report and the second for the specific WGEI Information.

The Commissioner will implement the proposed regulations, including the development of guidance materials, delivering the education and communications plan, and updating the reporting platform. The Department will assist the Commissioner in the performance of their functions with respect to the regulations.

5.1.3. Who will monitor implementation?

Monitoring of defined entity implementation, including identification and management of implementation risks, is expected to be undertaken by the Commissioner. The Department will assist the Commissioner in this work.

5.2. Evaluation strategy

The purpose of the evaluation strategy is to establish the framework which will enable the Victorian Government to assess the efficiency and effectiveness of the regulations in meeting their objectives.

Section 52 of the Act provides that the Minister must cause a review of the first 4 years of operation of the Act. As the Act came into operation on 31 March 2021, the 4-year anniversary of the Act is 31 March 2025. Although not defined in legislation, it is anticipated that the focus of this review would include:

- The extent to which the development of GEAPs and requirements to meet other gender equality obligations, including undertaking GIAs and submitting progress reports, have supported organisational change to promote gender equality
- Recommendations for improvement to the gender equality planning processes to support gender equality in organisations.

As a result of this legislative review, it is possible that the proposed regulations will need to be revised. Therefore, the effectiveness of the proposed regulations will be evaluated alongside the legislative review of the Act in 2025.

In relation to evaluating the proposed regulations in the review, figure 5.2 below outlines the key methods of evaluation and indicators that will be used to assess the effectiveness of the regulations in meeting their more immediate objectives.

Figure 5.2. Evaluation indicators and method

Objective	Indicators	Method of evaluation
Provide clarity to defined entities on required information	<ul style="list-style-type: none"> • Improvement in defined entity comprehension of information required for progress reporting • Improvement in quality of results provided to Commissioner as part of workplace gender equality auditing 	<ul style="list-style-type: none"> • Survey data around defined entities' understanding of their progress reporting obligation • Evaluation of audit results submitted to Commissioner

Ensure the format of progress reports are consistent	<ul style="list-style-type: none"> • Improvement in Commissioner's ability to engage in effective and nuanced analysis of the state and nature of gender equality in defined entity workplaces • Reduction in data collection and analysis burden on defined entities • Reduction in data analysis and compliance burden on the Commissioner 	<ul style="list-style-type: none"> • Evaluation of Commissioner's data analysis capabilities and efficiencies • Survey data around compliance burden on defined entities
Advance gender equality consistently across the delivery of public library services	<ul style="list-style-type: none"> • Improved consistency in access to the Commissioner's dispute resolution function and in gender equality obligations 	<ul style="list-style-type: none"> • Evaluation of GEAPs and progress reporting data collected across defined entities that deliver public library services

6. Consultation

To inform the development of the RIS and the draft regulations, the Department ran a number of targeted consultations through a combination of individual consultation meetings and group webinars with the following stakeholders:

- Commissioner and Commission staff
- Defined entities
- Regional Library Corporations
- Local Government Victoria
- Local councils
- Implementation Support Advisory Committee:
 - Department of Premier and Cabinet (including Industrial Relations Victoria)
 - Victorian Public Sector Commission
 - Victorian Trades Hall Council
 - Australian Services Union
 - Community and Public Sector Union
 - Our Watch
 - Municipal Association of Victoria

Consultation involved providing key stakeholders with a consultation paper and offering them the opportunity to provide a submission or discuss their feedback in webinars grouped by stakeholders. The Department did not receive any submissions but had a high level of engagement at our consultation webinars.

Attendance at the consultation webinars included:

- 8 attendees from Library Corporations
- 10 attendees from local councils who utilise Library Corporations to deliver library services in their area
- 200 attendees from defined entities

Under the *Subordinate Legislation Act 1994*, the regulation development process requires consultation with Ministers whose portfolios or agencies are likely to be affected and with any sector of the public on which a significant economic or social burden may be imposed. This included:

- Minister for Industrial Relations
- Minister for Local Government
- Minister for Education
- Minister for Training and Skills

The Department will also run specific targeted consultation on the guidance materials and resources to support defined entities to comply with proposed obligations under the proposed regulations and the existing obligations under the Act. This is planned to occur in the first quarter of 2023.

Appendix 1. Costs – 10-year projection

Option 1

Total estimated compliance costs on defined entities of Option 1, broken down by component, over 10-year period

Element	Costs										
	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Yr 7	Yr 8	Yr 9	Yr 10	Total
Read and understand new requirements	\$419,368	\$0	\$391,616	\$0	\$365,701	\$0	\$341,501	\$0	\$318,902	\$0	\$1,837,087
Collected limited updated WGEI Information	\$1,509,724	\$0	\$1,339,327	\$0	\$1,250,697	\$0	\$1,167,932	\$0	\$1,090,644	\$0	\$6,368,325
Analyse and submit progress reporting information (in the required template)	\$2,600,081	\$0	\$1,821,015	\$0	\$1,700,509	\$0	\$1,587,978	\$0	\$1,148,293	\$0	\$9,192,476
Total for all elements											\$17,387,888

Total estimated implementation costs on Commission of Option 1, broken down by component, over 10-year period

Element	Costs											
	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Yr 7	Yr 8	Yr 9	Yr 10	Total	
Develop templates	\$73,217	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$73,217
Amend existing materials and guidelines	\$38,381	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$38,381
Develop and implement communications strategy	\$20,077	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$20,077
Design progress report compliance framework	\$40,564	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$40,564
Assess progress report compliance framework (with template)	\$224,016	\$0	\$188,273	\$0	\$175,814	\$0	\$164,179	\$0	\$153,315	\$0	\$0	\$905,596
Total for all elements	\$1,077,835											

Option 2

Total estimated compliance costs on defined entities of Option 2 over 10-year period

Element	Costs										Total
	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Yr 7	Yr 8	Yr 9	Yr 10	
Read and understand new requirements	\$430,551	\$0	\$402,059	\$0	\$375,453	\$0	\$350,607	\$0	\$327,406	\$0	\$1,886,076
Collect updated WGEI Information	\$2,525,899	\$0	\$2,240,810	\$0	\$2,092,524	\$0	\$1,954,051	\$0	\$1,824,742	\$0	\$10,638,027
Analysis and submission of updated WGEI Information (in the required template)	\$2,699,416	\$0	\$1,869,575	\$0	\$1,745,856	\$0	\$1,630,324	\$0	\$1,522,437	\$0	\$9,437,609
Library Corporations	\$64,359	\$62,193	\$237,291	\$58,077	\$204,510	\$54,234	\$337,766	\$50,654	\$178,338	\$47,294	\$1,294,707
Total for all elements											\$23,256,419

Total estimated compliance costs on Library Corporations of Option 2 over 10-year period

Costs											
Element	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Yr 7	Yr 8	Yr 9	Yr 10	Total
Read and understand new requirements	\$4,439	\$4,289	\$4,145	\$4,005	\$3,871	\$3,740	\$3,614	\$3,493	\$3,375	\$3,262	\$38,233
Develop GEAP	\$0	\$0	\$177,191	\$0	\$0	\$0	\$146,790	\$0	\$0	\$0	\$323,981
Conduct GIA	\$59,920	\$57,904	\$55,955	\$54,072	\$52,252	\$50,494	\$48,794	\$47,152	\$45,565	\$44,032	\$516,142
Collect updated WGEI Information	\$0	\$0	\$0	\$0	\$80,894	\$0	\$75,541	\$0	\$70,542	\$0	\$226,977
Analysis and submission of updated WGEI Information (in the required template)	\$0	\$0	\$0	\$0	\$67,493	\$0	\$63,026	\$0	\$58,855	\$0	\$189,374
Total for all elements											\$1, 294,707

Total estimated implementation costs on the Commission of Option 2, broken down by component, over 10-year period

Element	Costs											
	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Yr 7	Yr 8	Yr 9	Yr 10	Total	
Develop templates	\$73,217	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$73,217
Amend existing materials and guidelines	\$38,381	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$38,381
Develop and implement communication s strategy	\$20,077	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$20,077
Design progress reporting compliance framework	\$40,564	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$40,564
Assess progress reporting compliance	\$224,016	\$0	\$188,273	\$0	\$175,814	\$0	\$164,179	\$0	\$153,315	\$0	\$0	\$905,596
Support Library Corporations	\$22,054	\$20,247	\$18,907	\$18,907	\$18,270	\$17,656	\$17,061	\$16,487	\$15,932	\$15,396	\$0	\$181,576
Total for all elements	\$1,259,411											

Option 3

Total estimated compliance on defined entities costs of Option 3 over 10-year period

Costs											
Element	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Yr 7	Yr 8	Yr 9	Yr 10	Total
Read and understand new requirements	\$430,551	\$0	\$402,059	\$0	\$375,453	\$0	\$350,607	\$0	\$327,406	\$0	\$1,886,076
Collect updated WGEI Information	\$3,874,959	\$0	\$3,437,606	\$0	\$3,210,122	\$0	\$2,997,692	\$0	\$2,799,320	\$0	\$16,319,700
Analysis and submission of progress reports (in the required template)	\$3,329,594	\$0	\$2,953,795	\$0	\$2,758,327	\$0	\$2,575,795	\$0	\$2,405,341	\$0	\$14,022,853
Library Corporations	\$64,359	\$62,193	\$237,291	\$58,077	\$286,855	\$54,234	\$414,663	\$50,645	\$250,146	\$47,294	\$1,525,757
Total for all elements											\$33,754,387

Total estimated compliance on Library Corporations costs of Option 3 over 10-year period

Costs											
Element	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Yr 7	Yr 8	Yr 9	Yr 10	Total
Read and understand new requirements	\$4,439	\$4,289	\$4,145	\$4,005	\$3,871	\$3,740	\$3,614	\$3,493	\$3,375	\$3,262	\$38,233
Develop GEAP	\$0	\$0	\$177,191	\$0	\$0	\$0	\$146,790	\$0	\$0	\$0	\$323,981
Conduct GIA	\$59,920	\$57,904	\$55,955	\$54,072	\$52,252	\$50,494	\$48,794	\$47,152	\$45,565	\$44,032	\$516,142
Collect updated WGEI Information	\$0	\$0	\$0	\$0	\$124,099	\$0	\$115,887	\$50,645	\$108,218	\$0	\$348,204
Analysis and submission of updated WGEI Information (in the required template)	\$0	\$0	\$0	\$0	\$106,633	\$0	\$99,577	\$0	\$92,987	\$0	\$299,198
Total for all elements											\$1,525,757

Total estimated implementation costs on Commission of Option 3, broken down by component, over 10-year period

Element	Costs											
	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Yr 7	Yr 8	Yr 9	Yr 10	Total	
Amend existing materials and guidelines	\$38,381	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$38,381
Develop and implement communications strategy	\$20,077	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$20,077
Design progress reporting compliance framework (without template)	\$40,564	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$40,564
Assess progress reporting compliance framework (without template)	\$272,997	\$0	\$254,931	\$0	\$238,061	\$0	\$222,307	\$0	\$207,596	\$0	\$0	\$1,195,891
Support Library Corporations	\$22,054	\$21,312	\$20,595	\$19,902	\$19,232	\$18,585	\$17,959	\$17,355	\$16,771	\$16,206	\$0	\$189,972
Total for all elements	\$1,484,885											