

Appendix K

Chapter 5: The ADF Workforce Structure: Opportunities, Pathways and Barriers – Section 5.3 Women in Combat: Removal of Gender Restrictions

Appendix K.1 – ADF Policy on Employment of Women

In 1983, Australia ratified the Convention on the Elimination of all forms of Discrimination against Women (CEDAW). However, it maintained two reservations. One reservation supported the exclusion of women from combat related duties and combat duties.

This reservation was reflected in domestic law in an exemption granted to the ADF under the *Sex Discrimination Act 1984* that nothing in that Act rendered it unlawful to discriminate against a woman on the grounds of gender in relation to ‘combat related duties’ and ‘combat duties’:¹¹⁶

- ‘Combat duties’ were defined as duties ‘requiring a person to commit, or to participate directly in the commission of, an act of violence against an adversary in time of war’.¹¹⁷ A Defence Instruction further defines ‘direct combat duties’ as including ‘duties exposing a person to a high probability of direct physical contact with an armed adversary’.¹¹⁸
- ‘Combat *related* duties’ were defined as duties requiring a person to work in support of, and in close proximity to, a person performing combat duties, in circumstances in which the person may be killed or injured by an act of violence by an adversary.¹¹⁹

From the 1990s onwards, the policy gradually shifted so that women could serve in all units except ‘direct combat’ units and were no longer precluded from ‘combat related’ positions.

In 2000, Australia withdrew part of its CEDAW reservation, so that discrimination against women was only allowed in relation to employment in combat duties. The ADF policy reflecting this is set out in Defence Instruction DI(G) Pers 32-1 *Employment of Women in the Australian Defence Force*:¹²⁰

ADF Policy

3. The ADF policy on the employment of Service members is to provide equality of opportunity consistent with operational effectiveness. Men and women can compete equally for all employment except those involving ‘Direct Combat Duties’....

...

5. The Direct Combat exclusion precludes the employment of women from the following types of units/positions, and

- a. **Navy.** Clearance diving teams (OBERON Class submarines are currently excluded because of accommodation limitations)
- b. **Army.** Armour, artillery, combat engineers and infantry
- c. **Air Force.** Airfield Defence Guards and Ground Defence Officers.

6. When initiating posting action cognizance must also be taken of employment categories that may have the potential for exposure to embryo toxic substances.

In 2005, this policy was further altered to allow employment of women in support roles in infantry, armoured and artillery units. Defence have advised that Paragraph 5b of the policy above is ‘obsolete’, and the Instruction itself will be reviewed and changed in light of the removal of gender restrictions.¹²¹

Appendix K.2 – Current impact of restrictions on women

As at 31 December 2011:

Within Air Force, out of 130 categories:

- 127 categories are open to both men and women (97.6%), however only 97 categories have female members (76.4%)
- The positions from which women are currently restricted are Airfield Defence Guard and Ground Defence Officer.¹²²

Within Army, out of 185 categories:

- 158 categories are open to both men and women (85.4%), however only 119 categories have female members (75.3%)
- The roles from which women are currently restricted are: in Artillery (Gunner, Light Gunner, Observer), in Armoured Corps (Cavalry, Light Cavalry, Tank Crewman), in Infantry (Rifleman, Patrolman, SAS, Commando). Women can serve as Combat Engineers, though not in Combat Engineer Squadrons and Explosive Ordnance Disposal squadrons.¹²³

Within Navy, out of 184 categories:

- 180 categories are open to both men and women (97.8%), however only 118 categories have female members (65.6%)
- The positions from which women are currently restricted are Clearance Diver roles within various categories.