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The SDA and its Rocky Rite of Passage

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THE SDA AND ITS ROCKY RITE OF PASSAGE

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Introduction: This evening we will be performing a re-enactment of the Parliamentary debates on the Sex Discrimination Bill. Senator Susan Ryan first tabled a Private Members Bill in November 1981, which lapsed. She introduced a new bill (without the affirmative action provisions) in June 1983, which was finally passed in March 1984. It was very contentious legislation, consuming many hours of debate and proposals for amendment in Committee. In this re-enactment, we present a snapshot of these debates as a reminder of the issues, politics and personalities involved in the Act's rocky rite of passage. Excerpts from the debates in both the Senate and the House of Representatives will be heard. You will have to imagine that we change chambers.

We begin with proceedings in the Senate on **2 June 1983** with

Senator RYAN (Australian Capital Territory) (Minister for Education and Youth Affairs and Minister Assisting the Prime Minister for the Status of Women)—I move:

That the Bill be now read a second time.

I am delighted that I am able to move the introduction of a major piece of legislation on a matter which so deeply affects the rights of women and men.

The objects of the Bill are to give effect to certain provisions of the U.N. Convention on the Elimination of All Forms of Discrimination Against Women which the Government plans to ratify in the near future; to eliminate discrimination on the ground of sex, marital status or pregnancy in the areas of employment, education, accommodation, the provision of goods, facilities and services, the disposal of land, the activities of clubs and the administration of Commonwealth laws and programs, and discrimination involving sexual harassment in the workplace and in educational institutions; and to promote recognition and acceptance within the community of the principle of the equality of men and women.

The Bill closely resembles the Sex Discrimination Bill 1981 which I introduced into the Senate as a private member's Bill in November 1981. Following introduction of that Bill I held extensive consultations on it.

Honourable senators will be aware that a major part of my earlier private member's Bill—the Part concerning affirmative action—is not included here. The Government will issue a Green Paper setting out options for further legislation providing for the introduction and implementation of affirmative action programs in employment. Recognising the need for employers, employees, unions and the community generally to be better informed, the Government has decided that it is more appropriate to generate public discussion and understanding of its proposals and to have wide ranging consultations in advance of the introduction of legislation.

The introduction of this Bill represents the initial step towards the fulfilment of the Government's major election commitment to women. The Bill will be debated early in the Budget sitting. Preliminary consultations with the ACTU and the National Labour Consultative Council have taken place and the Government hopes that trade unions, employer and women's organisations and other interested persons will use the time between now and the Budget sittings to familiarise themselves with its provisions.

I commend the Bill to the Senate.

Senator (Nick) BOLKUS (South Australia)—I refer the Minister for Education and Youth Affairs and Minister Assisting the Prime Minister for the Status of Women to recent criticisms of the Sex Discrimination Bill by persons associated with the National Party of Australia. Has the Minister examined such criticisms? Has she found any basis in them? Does the Government intend to change the Bill to meet any such criticisms? Does the Minister agree that the National Party now seems to be run by a group of 20 faceless women?

Senator RYAN —I have read and heard media reports that some women who are members of the National Party, including Senator Bjelke-Petersen and, I think, Mrs Anthony, the wife of the Leader of the National Party, have made criticisms of the Sex Discrimination Bill. But from the reports that I have heard, their criticisms have been totally unfounded. Their criticisms have been along the line that there are some provisions in the Bill which would interfere with a woman's choice to be a full time housewife or mother. Of course, there are no such provisions in the Bill. The Bill is designed to provide more choices for women and, in particular, to ensure that, when women are seeking to participate in the paid work force, are seeking a home loan or are seeking accommodation, they will not be denied these things on the grounds of their sex, their marital status or the possibility of their becoming pregnant.

Thursday 20 October 1983

Senator (John) COATES (Tasmania)—My question is directed to the Leader of the Government in the Senate in his current role as Acting Minister Assisting the Prime Minister for the Status of Women. Did the Minister notice petitions from certain women golfers in Tasmania complaining about the Sex Discrimination Bill? Will the Minister explain how the Bill will handicap women golfers?

Senator (John) BUTTON (Victoria, Minister for Industry and Commerce) —I will seek to explain how the Bill, as I understand it, will not handicap women golfers. Clause 23 of the Bill, which relates to clubs, does not impose any obligation on associate members to become full members. What it does say is that a club which has male full members and female associate members will not be able to refuse an application from a female associate to become a full member because she is female. Likewise, if a male wished to apply for associate membership, his application could not be refused because he was male. Nothing in clause 23 prevents a mixed club from continuing to have categories of full and associate membership with differential fees and benefits, as long as both categories of membership are open to men and women equally.

I apologise for laughing in the course of the answer, Mr President, but the fact is that I was laughing not about the substance of the answer but about the many references in the answer, which I had prepared for me, to handicaps, clubs and full members.

Friday 21 October 1983

Senator (Janine) HAINES (South Australia)—It gives me a great deal of pleasure to rise today and support what I believe is a long overdue and very necessary piece of legislation. Indeed, if I have any complaints at all about this Bill they are along the lines that it does not go far enough. The

aim of this Bill is to promote recognition and acceptance within the community of the principle of the equality of men and women. Indeed, I hope it goes beyond that. I hope that it also promotes an acceptance within the community of the practice of equality of men and women.

Many people have written to me alleging that they are Christians. They have argued very vehemently that the Bible in fact says that men and women are not equal, that women should remain in submission to and be disciplined by men and should in no way compete with a man. I would refer them only to St Paul's epistle to the Galatians. St Paul, who was probably history's greatest misogynist, refers—I think in verses 26 to 29—to the need for men and women to be treated as equals under the law. The Government, in an attempt to achieve these very worthwhile goals, has introduced legislation which aims to eliminate as far as possible discrimination against persons on the grounds of sex, marital status or pregnancy.

Senator (Brian) HARRADINE (Tasmania)— I believe that I have a right, as an elected representative in this Parliament, to know what I am voting for before I vote for it and should not have to leave the interpretation of this measure to some non-elected, non-judicial sex discrimination commissioner whose qualification for the job presumably will be a long track record of radical feminism.

I was fighting for the rights of women before the radical feminists entered the argument. Let me tell honourable senators what the radical feminists and the pro-communist Left did in 1969 at the Australian Council of Trade Unions Congress. They supported an amendment to the equal pay amendment which was recommended by us on the ACTU Executive. The ACTU Executive recommended to the Congress that we fight for the principle of equal pay for work of equal value. The radical feminists at that Congress, supported by the pro-communist left, tried to amend that to the principle of equal pay for equal work. That is significant because it shows what they think about the differences between men and women. Fortunately, we in the ACTU Executive won the day—only narrowly, but we won—so that women do not have to be virtual hermaphrodites to get equal pay.

8 November 1983

Senator (Brian) ARCHER (Tasmania)—I wish to speak to the Sex Discrimination Bill 1983. I wish to say that I completely and utterly support the anti-discrimination attitude. I believe in it. I practise it. I am appalled at this nonsense before us that purports to be a Bill to cover it. I am both affronted and disappointed by this rather poor effort to legislate on this issue. I find that people who believe that it is possible to legislate against what is normally covered by the hearts and minds of people always fail. Who really believes that this piece of legislation does anything more than try to appease a tiny minority of motivated people? I have been the recipient of a considerable number of representations on this subject. I have had many letters, petitions and telephone calls. I have had no petitions in support of the legislation; I have had four letters in support of it; and I have not had one caller at my office in support of it. All the other representations made to me have been opposed to it. I have had masses of those sorts of representations.

Men, by nature, are more likely to be leaders, providers and protectors. We can legislate all we like, but we will not change that. But it is to be an offence to discriminate by reason of a characteristic that appertains generally to persons of the sex of the aggrieved person, or a characteristic that is generally imputed to persons of the sex of the aggrieved person. I find that absolutely extraordinary. Why do women want to be like men, or men want to be like women?

Senator (Rosemary) Crowley —We do not.

Senator ARCHER —I should think not. What has become wrong with being what nature provides? Surely, I do not want to see women become so equal with men in Australia that they are out digging drains, shearing sheep, slaughtering beasts or occupied as undertakers, sawmill operators and so on. Do we want equality, or do we want just the bit off the top? Most of the people I have heard have all sorts of aspirations for being the managing director but do not see that they should make the cups of tea or clean the waste paper baskets.

I have seen equality in various places, and I have learned a certain amount about it in various places. I have seen equality in China. I have not seen it in Ethiopia or in Vietnam, but I understand that it exists there. I am not sure that we want that sort of equality. But if we established that, at least we would be in good company. Looking at the list of the countries involved in this sort of legislation—not the countries that have signed the original document but those that have actually legislated. There are 49 countries there—19 communist countries, 24 developing countries and six others.

I appreciate that this Bill grants rights. But in my experience, rights can best be described as something one seeks to obtain by getting it from someone else. The Bill covers sex discrimination but it does not cover, say, employer discrimination. Employers only provide the jobs. How can the average small business hope to cope with these very poorly defined and even less understood provisions? In my opinion, people in that situation will take the only action that is open to them and they just simply will not employ. When I look at this sort of discrimination, I think it is just as much out of order to discriminate against older people, or left-handed people, or large people, or younger people—as it now is. Who will look after them? Shall we have new Bills for all those as well?

Senator (Alan) MISSEN (Victoria)— There has been a great deal of hysteria in the course of this general debate. One has received all kinds of representations. Senator Archer very happily gave us the number of petitions that have been signed and sent to this place. There is no doubt that in regard to the organisation of that sort of influence, the anti-sex discrimination people have had the major effect. They have made representations and they are well organised. For example, I have a file of correspondence which has come to, I think, all members of the Parliament in the last week or two. All members were given a rather stereotyped letter indicating how fearful people were of how they were going to be changed from women into men, how they were going to be forced into the workshop and how the family was going to be ruined. There are minor differences between the letters. However, this is a crude form of propaganda. I am sure that many of these people are quite sincere in their belief that the Bill might do what they think it will do.

Clearly, there is a great deal of nonsense in these letters which we are expected to read because they are photostated and given to us. I do not intend to waste postage by writing replies. I make now my statement that I believe that they do not show any real argument whatsoever against the Bill. What they show is that a number of people have been grossly misled into thinking that the Bill says things which it does not, and that it will do things to the family which it will not. A fog of deception has been raised by many of the people who have objected to it. Some of these people, of course, are in the group which I would call--

Senator Button —Most of that fog comes from a fog horn too, Senator.

Senator MISSEN —Well, I suppose it does. Unfortunately, many of these women who want to be doormats have not been given information about the Bill. They are told stories about the Bill and they have written letters dutifully. I regret that they are so misled and so misunderstanding of the vital needs which women have.

Senator (Patricia) GILES (Western Australia)— If we are to believe the dire prognostications of those who oppose the legislation on the ground of galloping moral turpitude, the effects should

surely be obvious by now. I have conscientiously searched all the material sent to me over the last few months, some of it from genuine although misguided people, for evidence of the catastrophes that have been predicted. Unlike one of my correspondents, I am delighted, not dismayed, to find that 'mothers' rooms' in some airports have been renamed 'parents' rooms', thus catering for the many fathers travelling with young children. Yet this fact is held out as evidence of South Australia becoming the Sodom or Gomorrah of the South. I believe that the introduction of this legislation and the other initiatives of this and various State governments, far from weakening, will lead to a greatly enhanced quality of relationships within that very resilient institution, the family. Some of the less palatable aspects of the family—its nuclear structure and its patriarchal dominance—are already in the process of modification.

I would like to deal very briefly with a particular demonology which seems to have developed recently around the word 'feminism'. There are two reasons why I believe this needs to be dealt with, one of them being that the word itself is being misused in a quite scandalous fashion. The other reason is that, following from that misuse, good, strong, sensitive and independent women are denying their feminism because of lack of understanding. I went to a number of dictionaries and found that they all agreed that feminism is the theory that women should have political, economic and social rights equal to those of men. The second definition is that feminism describes the movement to win such rights for women.

There are many things that a feminist can be. A feminist may be male or female; hetero, homo, or bi-sexual; Christian, Jewish, Moslem or humanist; man-hating or loving; loving women and loving children; black, yellow or discoloured; active, passive or closet; radical, moderate, subversive or overt. Like any 'ism', feminism is a state of mind. Rebecca West, I think, wrapped it up very well when she said:

I am not too sure exactly what feminism means but I do know that I am called a feminist every time I make a statement which differentiates me from a doormat.

I am also happy to be able to report that Women Who Want To Be Women have been superseded by Women without Wettexes.

Senator (Mary) WALTERS (Tasmania)—The Senate itself has received petitions signed by 79,166 people objecting either to the Bill or to the ratification of the United Nations Convention. We have had petitions signed by 1,430 people saying they want the Bill and they want the ratification of the United Nations Convention.

Whilst I did not interpret—and I give credit to Senator Ryan, too; she probably did not interpret it so—the sexist books and education sections in the Convention as meaning getting rid of the Bible, some people did interpret it in that way. They were told that they were mad, that they were ratbags and that that was not the interpretation. However, in one school in a small country town we find that people interpreted it in that way. Seventy books, including the New Testament and the Old Testament, other religious stories and animal books, were removed from a Tasmanian school library and destroyed on the ground of their being sexist. Is that not an appalling indictment of the Bill? Is that not an appalling indictment of this international Convention? Is that not just what I said when I debated the subject? I said that the interpretation was so difficult and so broad that the Convention could mean anything that anyone wanted it to mean. Indeed, that is how that Headmistress in the Winnaleah District High School interpreted it, and she burnt the Bible, the New Testament and the Old Testament. She said that it was a sexist book. She took it out of the school library and burnt it.

When we were told of that by some of the more conservative groups, Senator Ryan laughed and said: 'What rubbish; that could not possibly happen'. All I am saying is that this Convention, on which the Bill relies, is so difficult to interpret and is so wide that anyone can interpret it in any way

that he likes. It has been misinterpreted. Nevertheless, the radical feminist who took out the Bible and burnt it, and other radical feminists, will interpret it in the way that is wished. This has proved beyond any doubt that that is so. With the problems of interpretation we come to consider who will be the Sex Discrimination Commissioner. I wonder who it will be.

9 November 1983

Senator (Michael) TATE (Tasmania)—My question without notice is directed to the Minister for Education. I preface it by alluding to Senator Walters's contribution to the debate last night on the Sex Discrimination Bill in which, amongst other things, when referring to a small country town in Tasmania, she said:

Seventy books, including the New Testament and the Old Testament, other religious stories and animal books, were removed from a Tasmanian school library and destroyed on the ground of their being sexist. Is that not an appalling indictment of the Bill? Is that not an appalling indictment of this international Convention?

Is it a fact that the Tasmanian Liberal Minister for Education, Mr Max Bingham, has completely and utterly repudiated that version of events? Is it a fact that he completely exonerated the librarian concerned? Were many books, in fact, removed from the library during a normal culling operation on the simple ground of being outworn and deteriorating from much handling? Can the Minister assure the chamber that none of this hysterical deception and charges of book burning have any basis whatsoever in the Bill or the Convention?

Tuesday, 29 November 1983

Senator RYAN—I move:

That the Bill be now read a second time.

Let me say that I do not apologise for the fact that there are numerous amendments to the original draft. In my press release about the introduction of the Bill on 2 June 1983, I invited constructive comments. We received a lot of comments and they were all considered. Many of those who commented came up with ill-founded comments about the Bill, that is that it was a bad Bill because it addressed only some problems in our society instead of fixing all problems such as unemployment and poverty, in one miraculous swoop; or that it was a bad Bill because people who did not wish to have equality would be forced to be equal; and so on. It was not possible to change the Bill to deal with these comments but they were considered.

One of the most controversial amendments already announced has been the provision relating to educational institutions established for religious purposes. It has been argued that non-government schools should be free to discriminate on the grounds of sex, marital status and pregnancy in respect of the employment of staff and the admission and teaching of students: That would mean that such schools would be free to act quite without regard to the basic principles of equality on which the Bill is based. The Government does not accept that this should be so.

The major fear appeared to be that a school which taught its students that marriage was sacred, might be forced to employ teachers whose lives were a denial of this view, because they lived in a de facto relationship—and that schools may even be forced to accept teachers living in de facto relationships with students at the school. I should point out that any teacher who engaged in sexual activity with a student, whether it was a de facto relationship or not, would be disciplined and that this would not constitute discrimination on the ground of marital status.

Senator WALTERS (Tasmania)—Women do not get paid less in Australia for equal work and equal time. Senator Ryan has deliberately—I believe it is quite deliberate—left out that women choose different careers from men. That is very clearly indicated if honourable senators have a look at the facts. The facts show that women choose to have babies. Ninety-six point one per cent of married women choose to have babies.

Senator Haines —Some of them choose to have babies.

Senator WALTERS —There are very modern methods today for women who do not choose to have babies to avoid having them. I presume that 96.1 per cent of married women choose to have babies. Obviously they make it a greater priority than a career. If we look at the figures of what women choose to do as jobs, we find that 31.4 per cent of women are in the part time work force compared with 5.2 per cent of men. That again indicates that women choose a job which fits in with their family commitments. To ignore these very important and vital facts I think is completely irresponsible of the Minister. It is irresponsible for her to attempt that sort of hoodwinking of the Australian people.

Senator (Ronald) BOSWELL (Queensland)— People do not want this legislation. As I look around the chamber I see Senator Reynolds. She did not need any equal opportunity legislation to get into the Senate. I see the Assistant Clerk who is a lady. She did not need any equal opportunity legislation. Surely, if a woman is good enough she will get there. She does not have to get there by being propped up artificially. My colleague, Senator Bjelke-Petersen, did not need any such legislation. She still does not need it. She is the most popular woman in Queensland. Honourable senators have to acknowledge that. She did not need any propping up to get here.

Senator Giles —Where are the ordinary women from Queensland?

Senator BOSWELL —The ordinary women will get there if they are good enough. We cannot prop them up.

Senator Giles —Where are they all? Why are there not 32 women in here?

Senator BOSWELL —It is timely to ask: From where did the clamour for equality originate? It began in the Eastern Soviet bloc countries which, while speaking loudly for equality, were not particularly renowned for their practice of human rights. I am sure that Australian women do not want the same rights as women in Iran and India.

Senator Missen —Iran?

Senator BOSWELL —Yes, Senator, Iran. That country is a signatory to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women. There are 23 representatives-

Senator Giles —So are Austria, France, Norway and Sweden.

Senator BOSWELL —I ask Senator Giles to give me a go. I listened to her speech. She keeps interjecting. The United Nations Committee against Discrimination has 23 representatives. There are none from Australia. The members are from countries such as Bulgaria, Cuba, Mexico, Mongolia and the Philippines. It seems that there are people handling this Bill who have a misplaced missionary zeal. Surely they should be on a committee to overcome oppression and discrimination in the countries of the Committee members. The women of Australia do not want legislation that is drafted by the public servants of Mongolia. How do they know what the people of Australia want? That is what these people--

Senator (George) Georges (Queensland)—Are you talking about Outer Mongolia?

Senator BOSWELL —No, Inner Mongolia. In the light of the legislation, it is timely to look at the origins of the movement towards a unisex society. I wish to quote where it started. In 1884 Friedrich Engels in *The Origin of the Family* wrote:

The emancipation of women will be possible only when they take part in production on a large scale. The first condition for the liberation of the wife is to bring the whole female sex back into public industry. The care and education of the children becomes a public affair; society looks after all the children alike, whether they are legitimate or not.

Senator (Austin) Lewis (Victoria) —That is where it started.

Senator BOSWELL —That is where it started, Senator. The honourable senator wonders why the women of Australia are worried. They are worried because the legislation is endorsed by the United Nations Committee which comprises 23 countries. I have run through the countries.

Senator Gareth Evans (Attorney-General)—And you did not recognise any of them.

Senator (Flo) BJELKE-PETERSEN (Queensland)—In my opinion, after reading it, I think that the best amendment of all would be to forget about it. I do not think the Bill is necessary. If we lived in the Middle East, I would certainly say that it was necessary. I sincerely believe that it will do no more than create divisions and long term conflict, not just among women but between men and women, religious groups, families and employers.

Australia ratified a legally-binding international treaty on 29 July 1983 pledging to use our education system to eliminate these roles. Specific measures include re-writing school books and teaching methods to present only non-sexist roles. I feel that this is quite wrong. Any pictures or stories of a mother and children waving good-bye to daddy going off to work will be banned.

Senator Crowley —Nonsense.

Senator BJELKE-PETERSEN —I read that in the newspaper and I believe it is true. As I said, it is social engineering. Similarly, article 5 of the Convention refers to family education including a proper understanding of maternity as a social function. Who will dictate what is a proper understanding of 'maternity' in this context? In all of this, it seems that the implication is that women are not fulfilling their roles as citizens unless they are in the work force. That is an implication that I strongly reject. Women at home looking after families are in the work force. I believe they are doing an excellent job. Somebody said to me when I came to the Senate: 'Oh, you have gone to work now?' I said: 'Get that out of your head. I worked a jolly lot harder probably when I was at home rearing my children'. Anyone who is at home looking after a husband and children is doing an excellent job.

Would it be unlawful for a doctor or nurse to decline to perform an abortion? Some amendments no doubt cover this. I have received petition after petition and, no doubt, we have heard them being presented in the Senate day after day requesting that the Bill be amended to prevent it from being used in support of deliberately procured abortions. Of course, in common with many others in the Senate, I have received a tremendous number of letters and petitions asking that this Bill be not passed, asking that the Convention be not ratified, wanting a referendum and complaining that there was no referendum before the Convention was ratified. However, I do believe that in most cases women can get where they want if they have the ability. There are now women in Australia who drive buses, taxis, trams, racing cars and 50-tonne trucks. There are racehorse jockeys, apprentice electricians, mechanics and air traffic controllers.

Senator Crowley —In Queensland? Disgraceful!

Senator (Kathy) MARTIN (Queensland)— I want to make a general observation about the debate and the variety of contributions particularly in the light of the last two speeches. The Government must accept that all the contributions to this debate have been entirely genuine. This is a controversial Bill, probably more controversial than it deserves to be, because so much of the comment on it has been tied up with comment on the United Nations Convention on the Elimination of All Forms of Discrimination against Women. I reiterate at the outset what was stated by Senator Durack who led for the Opposition at the beginning of the debate. The Opposition supports sex discrimination legislation and it supported the ratification of the United Nations Convention on the Elimination of All Forms of Discrimination against Women. Conceptually, we are at one. The Opposition has had a number of differences with the Government in terms of the detail of the Bill.

Tuesday 13 December 1983

Senator RYAN —In closing the second reading stage of the debate on the Sex Discrimination Bill I thank all honourable senators who made a constructive contribution to the debate. In particular, I thank the last speaker, Senator Kathy Martin, who is the Opposition spokesperson on these matters in the Senate although I acknowledge that her colleague, Ian Macphee, has also adopted a most supportive and constructive attitude towards this important piece of legislation. It has been a very interesting experience for the Government to engage in the process we chose to engage in with regard to this legislation. We recognised, as Senator Martin pointed out, that there is enormous support throughout the community for this legislation, that acknowledgement of the detrimental effects of discrimination is much more widespread than it used to be, that the effects of such discrimination are very long-lasting and that they do require remedies. It has also been very widely recognised, not only by supporters of the Australian Labor Party Government but by people who hold other political philosophies, that governments ought to take whatever steps they can to combat discrimination.

The PRESIDENT —Order! The time allotted for the remaining stages of the Bill has expired.

Question put:

That the Bill be now read a third time.

The Senate divided.

Ayes 40

Noes 12

Majority 28

HOUSE OF REPRESENTATIVES

1 March 1984

Mr (Ian) MACPHEE (Balaclava) —Despite the considerable progress made by the last coalition Government, the fact that there has been sustained and vocal opposition to this legislation demonstrates how deeply ingrained are the notions about the role of men and women in our society. There is distinct improvement in the outlook of those under 40 years but even though many males under 40 are now doing more of the parenting and domestic chores and are encouraging their wives to resume their careers outside the home, generally men are still not taking women's career aspirations seriously.

One of the most important developments in the latter half of the twentieth century has been the major reassessment of the role of women. The advancement of technology, the greater availability of education and the continuing decline in the number of children per family has greatly reduced the demands on women to fill a totally domestic role. Therefore the options and opportunities available to women today exceed those of her counterpart in past generations.

Throughout the twentieth century women in western society have been granted greater legal, political, and social status. There still remain areas in community life, however, where women have not yet achieved full equality with men. It is towards the eradication of these pockets of discrimination that the main thrust of a Liberal and Country Party Government's policy for women will be directed.

The first step towards the achievement of equal rights must obviously be to create and develop in the minds of all Australians a consciousness of the degree to which sexual discrimination continues to exist, the reasons why it continues to exist, and the means necessary to accelerate its eradication.

The persistently greater potential for discrimination against women in all aspects of employment; the fact that women are especially vulnerable to discriminatory treatment in termination of their employment; and the pervasive sexual harassment which continues to destroy women's enjoyment of work, hamper their effective performance, and threaten them with loss of their jobs.

It should be obvious to all that many women already wish to participate in the paid work force as much as do married men. When they seek to exercise their rights they ought not to be discriminated against in any way. The Bill, when enacted, will not persuade more people to enter the paid work force, but it will ensure that those who do will not suffer discrimination without rights of redress. It is in the enlightened self-interest of employers and for the benefit of individuals and Australia that this discrimination be exposed and eradicated.

2 March 1984

Mr (Bruce) GOODLUCK (Franklin)—Mr Speaker, I have come to this Parliament trying to hate the women opposite, but really I have not found it in my heart to hate them because they are all so different for me. They are all so different in their ideas and what they believe the role of the woman should be, et cetera. I have tried to be objective. I listened to them intently last night. I probably interrupted a few times. I think one lady said that the Catholic Church supports the Sex Discrimination Bill. Well, I thought to myself: 'I am a Catholic and I don't support this Bill. I am the Catholic Church, not a bishop up in Queensland or a bishop in Hobart. I am a member of the Catholic Church so I am the Catholic Church and there are many other Catholics who do not support the Bill'.

Anyway, I thought I would have a good look at this Women's Electoral Lobby and I would study a few of the appointments to it to find out what it is all about. I read a few editorials and listened to

a few people and I formed my own opinion, nobody else's opinion, just mine. I am a pig-headed coot and I like to think I am right all the time. I talked to my wife, I talked to other wives in my electorate, and to other women in my electorate, and I could not get any views that coincided with the view of the Women's Electoral Lobby. I started to do my research on this Women's Electoral Lobby. Most of the members of it were given-up Catholics. They are all women who had had problems, et cetera. They were women who had something against men. I thought to myself, 'Boy, what a nucleus from which to form a Bill; what a nucleus for us to follow', when in fact the silent majority of women did not have very much to say about this Bill at all.

I have looked at the four women on the Government side. They are nice ladies. I have nothing against them, I have talked to them. We talk to each other. But they are all the same. They are always campaigning to save the cats, save the dogs and save the whales. They are anti-nuclear and pro-abortion. I do not mean that nastily. But they are all the same. They are anti the flag and anti the dam. Everyone knows that I am right; they are all the same. That is predominantly what Labor Party women are like. But they can talk; they are dashed good talkers. We have a few Liberal women who cross those lines and who are called trendy. But the majority of Liberal women are quite and do not say very much. They support their husbands, although I am not saying that Labor women do not. I have to be careful what I say. The majority of women that I know do not want to go into politics. They do not complain about having to look after their families or talk about those sorts of things. I have nothing against Labor women personally but they all seem to take up this role and I am afraid that everybody is starting to think that that role is the norm.

We have to fight back. These women have it all their own way; if we do not fight back they will take over.

Ms (Jeanette) McHUGH (Phillip) — I want to try to understand some of the opposition to the Sex Discrimination Bill which, unfortunately, still remains. There are two forms of opposition to this Bill. The first is from those who have been mischievously fear-mongering. The second is from those who have been misled. Those mischievous fear-mongers, despite their protestations of caring for defenceless women, have set about frightening little old ladies. I think that the most sad opposition to this Bill has come from little old ladies who have been terrorised into wondering how this country will continue once the legislation is in place. They have been totally misled by malicious fear-mongering.

Mr (Andrew) PEACOCK (Kooyong) (Leader of the Opposition) —I thank the House and the honourable member for Lilley for her co-operation. I recognise in speaking to the Sex Discrimination Bill that many things relating to discrimination against women or men simply cannot be protected and promoted by legislation alone. However, it is important that where discrimination against women can be discouraged or prevented by legislation that such legislation should be supported. Policies and practices which condone the continuing existence of discrimination, by regulations and practices in society are, in my view, at odds with liberal values. The essence of liberalism, as I see it, is genuine equality of opportunity and genuine freedom of individual choice. In my view, the Liberal Party believes that discrimination on the grounds of race, sex or creed must be removed if the whole community is to have equality of opportunity and a maximum level of freedom of choice.

Mr (Bob) HAWKE (Wills) (Prime Minister)—The Sex Discrimination Bill, when it completes its passage through the Parliament later this week, will become one of the finest achievements of this Government. Australia will finally catch up with the rest of the civilised world in making it unlawful to discriminate in matters such as employment, education, accommodation and the provision of goods and services. Our predecessors had seven years in which to bring in such a basic reform but, as the honourable member for Balaclava (Mr Macphee) admitted in his speech on this

Bill last week, it was not until just before the election a year ago today that they even got round to preparing a proposal for Cabinet. In seven years their only principle, if one can call it principle, was procrastination. The honourable member for Mackellar (Mr Carlton), who spoke previously, quite rightly referred to glacial progress. This community knows where responsibility for such glacial progress resides. By contrast, this Government introduced this legislation in June, only three months after assuming office. Had the Bill not been subject to the disruptive and delaying tactics of the Opposition in the Senate, it would have been law by now.

I commend those Opposition members of this House, including the Leader of the Opposition (Mr Peacock), who have indicated their intention to support the Bill on the third reading vote. But regardless of the attitude of the Opposition, or of individual Opposition members, this Bill will become law and Australia will be a better place for it being unequivocally clear that this society will not tolerate discrimination against its members.

Madam Deputy Speaker, this Bill itself will not, of course, create jobs or services where none exist. Nor will it necessarily improve women's access to the labour market. What it will do is ensure that women no longer suffer discrimination within that market; that if they are denied jobs, if they seek them, this will be because unfortunately there are still insufficient jobs for those who want them. No Act of Parliament can remedy that. The Bill has been accused of doing all kinds of things of which it is incapable. It can neither force women out of the home, nor require them to stay there. Nor, of course, should it. It will not influence access to child-care services or require children to be cared for in centres, as some Opposition members have, in fact alleged.

Mr (Michael) HODGMAN (Denison) — This is an appalling piece of legislation, one of doubtful constitutional validity. It is based on a premise which threatens death to federalism: it is badly drafted; it is ambiguous and imprecise; it is destructive of basic and fundamental rights and freedoms and itself constitutes a denial of the principles of natural justice. In so many ways this Bill offends the fundamental precept of our Constitution wherein all Australians are guaranteed 'one indissoluble Federal Commonwealth'. In so many ways this Bill offends both the rule of law and individual rights in a parliamentary democracy. In so many ways this Bill constitutes an attack upon our traditional values, the importance of the family as the fundamental unit of society, and our traditional Australian way of life. The Bill relies heavily upon the recently broadened—and in my view dangerously extended—interpretation of section 51 (xxix) of the Constitution, the external affairs power.

Whilst conceding that there are parts of the Bill with which I have no quarrel whatsoever, I have to say that the legislation as a whole is tainted with the pseudo-intellectualism of selfish and unrepresentative feminism and doctrinaire marxist-socialist precepts of contrived equality-defying even the laws of nature. This Bill, in so many ways, brings down upon itself the maxim *reductio ad absurdum*. It therefore does a grave disservice to the principle it espouses. I have, on legal grounds, a strong dislike for what I call neon sign legislation, which attracts a lot of flashing publicity, but is ill-prepared and in the ultimate is more likely to harm the cause than help it. Whilst acknowledging that there are many supporters of this legislation who genuinely and sincerely believe that it will advance the status of women in Australia, I find myself in the position where, after careful deliberation, I have concluded that, at the very least, this Bill, if it becomes law, will be counter-productive and counter-productive in the extreme.

Mr (Wilson) TUCKEY (O'Connor)—In all quietness and sincerity I asked the Minister at his next opportunity to explain to me the difference between a female employer and a female employee and where this Bill gives any rights to a female employer. I know there are no employers on the Government side; no one over there even understands what that is all about. If they want to achieve it, perhaps they should. I believe the Bill is significantly deficient in one of its objects as set out in clause 3. I repeat that object to the House: 'to promote recognition and acceptance within the

community of the principle of the equality of men and women'. In that object I do not see anything specific about the type of man or woman. If anyone on the Government side believes there is a difference after the achievement of a certain status, perhaps someone from that side would explain it

Mr (John) HOWARD (Bennelong) —I want to make a short statement in this third reading debate of the Sex Discrimination Bill. As many honourable members would know, I was one of a number of members of the Liberal Party who had some major reservations about the Bill in its original form. I am pleased that the position of independent schools has been greatly improved as a result of amendments made by the Government. I welcome that. On balance, I have decided to vote in favour of the third reading of the Bill because its broad objectives outweigh the reservations that I continue to have. I must say I am a profound sceptic of the value of legislating conduct, and I am a profound sceptic of the value to our society of the Human Rights Commission. I acknowledge that the Human Rights Commission was established by the former Government and this is barely the place to attack the Commission as a concept, but I am profoundly sceptical of its value. That matter really belongs to another debate.

There is no doubt that amongst the less privileged in our community, amongst ethnic groups, there are incidences of discrimination and disadvantage against women which are not present within some of the more conservative or Anglo-Saxon elements of our society. I think the Bill will be of value in respect of that, and I welcome the effect it will have.

In deciding to vote for the third reading of the Bill, I should say I certainly have major reservations about the concept of affirmative action legislation and I certainly do not regard support of this legislation as being indicative of support for that. As the honourable member for Berowra (Dr Harry Edwards) said, overall the Bill represents a broad-based expression of view about attitudes and whilst I have the reservations I have mentioned I believe the Bill has been sufficiently improved to enable it to be supported.

Mr TUCKEY—I will be voting against the Sex Discrimination Bill at the third reading. My reasons might surprise some honourable members present. I have no objection whatsoever to the concept of the rights of women, be they married, pregnant or otherwise, but I have deep objections to this Bill. Over many years I have managed to recognise the rights of women, even in the business which I conducted. As I have pointed out time and time again, the first women in Australia to receive equal pay under an award were women working in the hotel industry in Western Australia. That never deterred me from employing them. I chose them and often preferred to have them working for me. I made judgments on ability, never on sex. What is more, I am proud to say that my mother saw herself very much as a campaigner for women's rights. My mother is living and is 83 years old. Honourable members could well understand the types of rights which she sought for women. One of them was to stop governments imposing a gift tax, which was imposed on my father when he chose to make my mother a half-owner of the family home. That was the type of discrimination that existed in our laws. That is the discrimination which we should rightly remove.

Mr (LIONEL) BOWEN (Kingsford-Smith) (Minister for Trade)— I want to thank all honourable members for their participation. This has been a rather extensive third reading debate. The purpose of the third reading debate is to indicate basically that one either agrees or disagrees with the Bill. I note that there have been some comments that the Sex Discrimination Bill is not altogether what some honourable members would like it to be. I want to congratulate the honourable member for Balaclava (Mr Macphee) for his approach to this legislation. It has been basically one of support. I think it is very important in the Australian context that in matters of this nature the people of Australia see some consensus in our attempts to make a strong democracy.

Let me make it very clear that on 18 December 1979—I think this is of some significance—the United Nations Convention on the Elimination of All Forms of Discrimination Against Women was adopted. I note that the Australian women who were at that Convention participated in the drafting of the text. Australia was amongst the early signatories of that Convention at the initial stage. In fairness to the honourable member for O'Connor (Mr Tuckey) I suggest that he misunderstands the position of sex and discrimination. I think that is basically it. The only problem with his argument is that if it is a question of ability—he keeps making that point—there is nothing wrong with the Bill. One cannot discriminate against ability but one can discriminate against sex. The honourable member seems to be getting confused. I know that no matter how long we tried to argue the matter here we would never get the Bill through to the honourable gentleman.

The House divided.

Ayes 86

Noes 26

Majority 60