



# **PRIME MINISTER**

## **SPEECH BY THE PRIME MINISTER, THE HON P.J. KEATING, MP THE TENTH ANNIVERSARY OF THE SEX DISCRIMINATION ACT SYDNEY, 29 JULY 1994**

It's a great honour to be with you to celebrate the tenth anniversary of the Sex Discrimination Act.

When this Labor Government enacted the Sex Discrimination Act ten years ago, it did so against opposition that was vocal, hostile and ignorant.

This Act was one of the most fiercely contested legislative measures in Australian political history.

But then again, this seems to be the way of politics in this country: on the big issues - the ones which carry real weight - it is always, and only, the Labor Government that is capable of taking the bold policy step.

The Sex Discrimination Act stands as one of the most significant pieces of legislation in our history.

But when the Bill was first brought to the House, it was pilloried as the brainchild of radical feminists - radical feminists supposedly intent on destroying the nuclear family, creating a unisex society and, most dangerous of all, defying the laws of nature.

Women would be forced into the workforce where they would wreak havoc because of what one Senator described as "compulsory close cohabitation" with men.

I should add this enlightened Senator went on to express the grave concern that husbands would be surrounded by glamorous women intent on seduction.

Of course, the Sex Discrimination Act did not force women into the workforce - women have always been in the workforce.

What the critics at the time failed to understand was that women themselves were embracing change.

The dramatic changes in women's lives weren't being forced upon them by the Government or the women's movement, it was the women themselves who demanded more choices, better opportunities and freedom from discrimination.

But ground breaking legislation always brings out the high emotions in those who want to remain locked in the closets of the past.

You only have to go back to last year and the racism and fear drummed up over Mabo.

And we should always remember that when the Native Title Act was returned to the House of Representatives for final passage - the people's house - the Leader of the Opposition branded that day "a day of shame".

If we didn't have the Tories still with us today, it would probably be hard to believe the Sex Discrimination Act caused the controversy it did just ten years ago.

The Act's underlying purpose was and remains very simple: to end discrimination on the basis of sex, marital status or pregnancy, and to promote community respect for the principle of the equality of men and women.

Since the Act's inception, more than 7,000 complaints have been lodged - the overwhelming majority of these employment related:

And, contrary to predictions that the Act would only benefit an elite group of women, complaints have come from all spheres of employment.

The Act has been used by young women - many complaining of sexual harassment - by older women, Aboriginal women and women from non-English backgrounds.

The Act has also been used by men.

But numbers of cases or complaints can never fully capture the impact of this Act.

This Act has helped bring about a change in Australia's cultural infrastructure.

The values, it encapsulates, have found vocal expression in the working lives of women and men, in all areas of activity and in all workplaces.

One journalist described it well when she referred to the "accidental feminists" - those women who do not consciously identify with the feminist movement but who articulate feminist expectations and aspirations.

These women, who tend to shy away from the "F word", ardently support equal pay and equal opportunity.

So, despite a remark from a member of the Liberal Party ten years ago that "this Bill means nothing at all", the women of Australia know that this Act means a great deal.

But this Act can't be effective in isolation - it must co-exist with other social, economic and political strategies for improving the status of women.

That's why the Government has consistently supported strategies such as the provision of affordable, quality child care; the payment of family assistance directly to women caring for children; greater access to superannuation; affirmative action for women in employment; and better access to training and education.

On this tenth anniversary, I think it's appropriate that we pay tribute to the many women and men who fought hard for the sex discrimination legislation and who, in the ten years since, have supported the Act and continued the fight for equality.

But I'm sure no one will mind if I signal out for special attention the pivotal role played by the trio of Susan Ryan, then the Minister Assisting the Prime Minister for the Status of Women, Anne Summers, Head of the Office of the Status of Women at the time the Bill was debated, and Chris Ronalds who was the legal consultant to the Office of the Status of Women.

Their work in conceiving, drafting and guiding the Bill through Parliament earned them the label "Ryan's ruthless juggernaut".

At the time, I suspect it was meant to be an insult, but it soon became a badge of pride, an apt description of the fierce and unrelenting determination and energy of three women who wanted to make a difference, to change the social order for the better.

In all this, it is important to emphasise that their battle for the rights of women is part of a broader vision for a more egalitarian and socially just Australia - a vision this Labor Government shares.

This is a crucial point: by arguing for equal rights and equal opportunity, women are not pleading for special favours, they are fighting for a better Australia for both women and men.

The Sex Discrimination Act is often portrayed as radical and ground breaking legislation.

And so it is.

But it is also a very pragmatic document.

Ten years ago, the Government had to concede a number of issues to get the legislation passed.

The strategic victory at the time was to enact the legislation, to ensure we had in place a solid foundation on which we could build.

And that's what we have done.

In 1992, in responding to the Lavarche Report Halfway to Equal, the Government made a number of significant amendments to the Sex Discrimination Act. We also foreshadowed other amendments.

Today, I am pleased to announce a further five proposals to improve the effectiveness of the Act.

First, the Government believes it is necessary to make a strong legislative statement that clearly expresses our commitment that sex discrimination and sexual harassment will not be tolerated in our society.

To this end, a Preamble will be inserted into the Act incorporating a general prohibition on discrimination and a statement proclaiming the equality before the law of women and men.

Second, to combat discrimination on the grounds of pregnancy, potential pregnancy will be explicitly proscribed as a ground of discrimination and the reasonableness defence in relation to direct discrimination on the grounds of pregnancy will be removed.

These amendments will afford better protection to women in public life and send a clear message that this type of discrimination will not be tolerated.

Third, we will extend the definition of the proscribed ground of marital status to cover the identity or occupation of the complainant's spouse.

Discrimination on the grounds of spousal identity predominantly affects women and is unjustifiable except in very narrow circumstances.

Fourth, we will simplify the definition of indirect discrimination and place the onus on the respondent to justify the reasonableness of the discriminatory requirement.

Tackling indirect discrimination is a key element in the elimination of discrimination because the barriers to equality are often the result of apparently neutral practices.

However, due to the complexity of the Act's test for indirect discrimination and the lack of public understanding on this issue, there have been only 11 such complaints in the Act's ten year operation. I hope that these amendments will raise awareness of this provision.

Fifth, the exemption extended to the Australian Defence Force for the employment of women will be narrowed so as to only apply to combat duty. In making this amendment, I'm happy to say the Government is simply reflecting the change which has already occurred in the Australian Defence Force.

Women can now serve in all Defence Force positions except those involving direct physical combat.

This has opened up many employment and career opportunities. Back in 1984, around 10 per cent of Defence Force positions were open to women. Today, women can be employed in over 65 per cent of the positions in the Army and over 90 per cent of those in the Navy and Air Force.

The sixth and final amendment concerns the special measures provision.

This provision recognises that there are situations where exact parity of treatment between men and women cannot eradicate discrimination and that extra steps are often required to facilitate equality.

Unfortunately, the rationale for this provision has often been misunderstood by the community and narrowly interpreted by courts and tribunals.

To remedy this, the amendment moves the 'special measures' provision out of the "Exemptions" Division of the Act and relocates it in Part 1 dealing with definitions of discrimination.

It is hoped that this shift will foster recognition that such special measures do not constitute discrimination but are a key part of the process of ensuring equality.

The Sex Discrimination Act was a landmark piece of legislation when it was passed. But like most laws, it needs to be scrutinised to ensure it is in tune with current realities. It is good law, but we want to make it better.

The amendments I have announced today have the dual purpose of attacking the structural inequalities that continue to exist and making the Act more accessible.

No doubt these proposals will encounter opposition as the original act did.

We must resist that opposition as we did then.

I congratulate the thousands of women - and the many men - who fought for the introduction of this Act.

I congratulate the thousands of women who have used the Act to redress discrimination.

And I urge all Australians to support the Act in our stand for the full equality of women and men.

Thank you.