



Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
Department of the Senate  
PO Box 6100  
Parliament House  
Canberra ACT 2600  
[Legcon.sen@aph.gov.au](mailto:Legcon.sen@aph.gov.au)

Thursday, 21 August 2008

To the Committee Secretary,

Firstly, EMILY's List would like to thank you for the opportunity to provide a submission to the Inquiry into the effectiveness of the *Commonwealth Sex Discrimination Act 1984* in eliminating discrimination and promoting gender equality being conduct by the Senate Legal and Constitutional Affairs Committee. In particular, we would like to thank the Committee for extending the deadline for submissions for us.

EMILY's List is a national organisation which provides financial, political and personal support network for progressive Labor women candidates and Members of Parliament. It is the only network of its kind in Australian politics. EMILY's List campaigns for and with women on issues related to our principles of choice, equity, equal pay, child care and diversity. We have over 3500 members nationally.

While EMILY's List welcomes this long overdue inquiry into the effectiveness of the Commonwealth Sex Discrimination Act, we urge the Committee to consider a more wide-ranging and dynamic consultation on this issue. EMILY's List feels that the limited time given for the receipt of submissions and for the Committee to consider them before reporting, reduces the potential of the inquiry. Given this is the first review of this legislation in almost 15 years, there is a substantial amount of reviewing and potential amendments to be offered in assessing the true effectiveness or otherwise of the *Commonwealth Sex Discrimination Act 1984*.

Yours sincerely,

**HUTCH HUSSEIN**  
National Co-convenor  
EMILY's List Australia

## **EMILY's List SUBMISSION**

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As other organisations have made substantive submissions, the goal of this paper is to flag three areas which we believe to be of particular concern.

1. We believe there must be impetus for employers and other organisations to proactively address all forms of discrimination in their workplaces and in their service delivery.
2. Sexual harassment remains an area in which more work is needed to address gender equity.
3. Finally, we believe that discrimination on the basis of sex remains prevalent in our society and affects all areas of women's lives, and in many instances gender discrimination is subtle. As such, any reforms must seek to redress systemic and indirect instances of discrimination as well as more direct examples.

EMILY's List also feels that any amendments to the Act must include provisions for employers, service providers and all public entities to proactively address sex discrimination.

Women's Health Victoria have proposed in their submission the United Kingdom's *Gender Equality Duty* and the *Gender Equality Scheme* as measures to base amendments to the Act.<sup>1</sup> EMILY's List would like to reinforce that suggestion.

The UK's *Gender Equality Scheme* places the burden of proactively addressing gender inequality on the service providers and employers. As Women's Health Victoria said in their submission, "with the focus of the duty on outcomes rather than process, organisations are duty bound to proactively promote gender equality".

Research undertaken by the Australian Human Rights and Equal Opportunity Commission (HREOC) in 2003 revealed that less than one third of all people that experienced sexual harassment in the workplace lodge a formal complaint. Given that HREOC received over 400 complaints in 2007/08 this presents a worrying figure 24 years after the *Commonwealth Sex Discrimination Act 1984* (the Act) was first enacted.<sup>2</sup>

Nareen Young, then Director of the NSW Working Women's Centre, commented on the personal impact sexual harassment took on the women who contacted the Centre, in a paper responding to HREOC *A Bad Business: A Review of Sexual Harassment in Employment Complaints 2002*.

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1 Women's Health Victoria (2008), Submission to the Inquiry into the effectiveness of the Sex Discrimination Act 1984 in eliminating discrimination and promoting gender equality.

2 Human Rights and Equal Opportunity Commission (2008), Time for fresh ideas to tackle sex discrimination, available at [http://www.hreoc.gov.au/about/media/media\\_releases/2008/69\\_08.html](http://www.hreoc.gov.au/about/media/media_releases/2008/69_08.html) [cited 13 Aug 2008]



'When describing the experience of sexual harassment to our InfoLine, women often become very upset. They frequently report feeling confused and uncertain. Many are traumatised and express uncertainty about what exactly happened. They also experience self doubt and uncertainty about why they have been targeted.'<sup>3</sup>

EMILY's List feels that any amendments to the *Act* must go further to address the issue of sexual harassment, given its impact on the lives of Australian women.

EMILY's List would also like to flag the importance of proposed reforms addressing the full range of discrimination experienced by women, including indirect and systemic discrimination which form substantial barriers to women's equity in society.

EMILY's List was founded to increase the number of progressive women legislators, in order to effect change on issues that are important to women. A modern and effective *Sex Discrimination Act* is integral to ensuring equality for Australian women.

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<sup>3</sup> YOUNG, Nareen. Sexual harassment and the Sex Discrimination Act : the micro effect. [online]. UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL; 27 (3) 2004: 877-883. Availability: <<http://0-search.informit.com.au.library.vu.edu.au:80/fullText;dn=20050761;res=AGISPT>> ISSN: 0313-0096. [cited 13 Aug 08].