

**FORUM<sup>#</sup>****THE SEX DISCRIMINATION ACT:  
A TWENTY YEAR REVIEW****FOREWORD**

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This year marks the 20<sup>th</sup> anniversary of the enactment of the *Sex Discrimination Act 1984* (Cth) ('*SDA*'). The objects of the *SDA* are, essentially, to eliminate, 'so far as is possible', sex discrimination and discrimination involving sexual harassment, and to promote recognition and acceptance within the community of the principle of equality between men and women.<sup>1</sup> As the qualified wording of the objects of the Act suggests, the *SDA* may only be able to take us so far towards the achievement of genuine equality between men and women; clearly, cultural and systemic change is also required. Thus, the 20 year milestone provides an important opportunity to reflect upon the extent to which the *SDA* has been successful in achieving its objects, and to consider what further steps might be necessary to achieve genuine equality.

The aim of the *University of New South Wales Law Journal Forum* is to promote greater awareness and understanding of an important contemporary legal issue by bringing together a series of different perspectives from key figures in the field. This *Forum* embraces the opportunity presented by the 20<sup>th</sup> anniversary of the *SDA* to undertake a review of the legislation, examining its context, application and effectiveness in achieving its objects. The *Forum* encompasses a range of views on the *SDA* and its operation within society, as well as a number of suggestions for reform in further pursuit of equality.

The *Forum* begins by looking back to the social and political context that surrounded the introduction of the *SDA*. There follows an examination of the concept of 'equality', which establishes the theoretical framework in which the

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1 *Sex Discrimination Act 1984* (Cth) s 3.

Act can be assessed. Subsequent articles engage in various legal analyses concerning certain key provisions of the *SDA*, issues relating to litigation under the Act, and the effectiveness of the *SDA* in the light of international human rights obligations. The *Forum* then turns to a more practical examination of the operation of the *SDA* within society. The issues of sexual harassment and sex discrimination in the workplace are examined, with some focus on the legal profession; the potential of the *SDA* is tested in the context of the important and current issue of balancing work and family responsibilities; and a critique of the Act and its practical operation is provided from an employer's perspective. The *Forum* ends with two broad reviews of the *SDA*, which examine its successes and limitations, from both a legal and social perspective, and which consider options for the future in order to fulfil more effectively the *SDA*'s fundamental object of equality.

The central message that emerges is twofold. On the one hand, the *SDA* was crucial in removing the legal and social barriers to women's equal participation in society, particularly in the workforce, and, over the 20 years of its operation, it has served an important symbolic and educative function, in terms of raising awareness about the issues of sex discrimination and equality more broadly. On the other hand, as the Act itself acknowledges, there is a limit to the extent to which it is 'possible' for a legislative instrument providing for formal legal equality to achieve substantive equality between men and women. As many of the contributions to this *Forum* suggest, the *SDA* needs to be complemented by policies and reforms aimed at reshaping the social attitudes and institutions underlying the remaining gender inequality in society.

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