SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Inquiry into exceptions and exemptions in the Equal Opportunity Act

Melbourne — 5 August 2009

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Mr K. Eideh
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Witnesses

Ms A. James, president, and

Mr P. Stratton, general manager, Lyceum Club.

The CHAIR — I declare open the second day of the public hearings of the Scrutiny of Acts and Regulations Committee of the Parliament of Victoria inquiring into the exemptions and exceptions set out in the Equal Opportunity Act 1995. The exceptions and exemptions set out areas of activity where conduct that would otherwise constitute discrimination is nevertheless considered lawful under the Equal Opportunity Act. The committee has received over 1000 written submissions since it released its options paper in May.

The purpose of these hearings is to obtain further evidence from a representative selection of witnesses covering all points of view concerning the question as to whether these provisions should be retained, amended or repealed. Following these hearings the committee will hold a number of deliberative meetings to consider its recommendations as to whether any amendments should be made to the act. The committee intends to table its final report to Parliament in October this year.

The first witnesses today are from the Lyceum Club, Peter Stratton and Annie James. Thank you for attending the public hearings. I advise you that anything you say or publish before the committee today is protected by parliamentary privilege. However, once you leave the hearing, anything you say or publish outside this room is not so protected.

I invite you now to make a brief statement for the committee on the relevant issues that you consider are important to your organisation concerning this inquiry. That will be followed by questions from the committee. Thank you.

Ms JAMES — Thank you, Chair. Thank you all for the opportunity to speak in relation to section 78 exemptions and exceptions to the Equal Opportunity Act in regard to private clubs, and that is all we are discussing today. We believe exemptions and exceptions are integral to the Equal Opportunity Act in that they provide a balance between the rights and freedoms of individuals.

The Lyceum Club strongly supports a no-change option, which is option 1 of the options paper, and I would like to briefly present why. I presume you have all read our submission?

The CHAIR — Yes.

Ms JAMES — Thank you. I begin with a brief history. The Lyceum Club was established in 1912 for women — namely, artists, writers and professional women. It is part of the International Association of Lyceum Clubs and the Australian Association of Lyceum Clubs. There are 70 clubs throughout the world in 16 countries.

In 1957, having rented our premises since the inception of the club, the women of the club purchased land, personally designed our club and then paid for it to be built. In this regard we regard our club as a second home — absolutely. We have guests of any gender welcome at any time to our club, bar two very small occasions. We are a private association with members mixing with people of their own choice and on our own premises.

The reasons for our wishing to maintain the status quo are three, and we have elaborated on them in more detail in our submission. First of all, if we were to not have this exemption, we would forfeit our association with the Australian Association of Lyceum Clubs and the International Association of Lyceum Clubs and the benefits that come with that, which are outlined in our submission. I might say that the association would also be in jeopardy because we are the largest member in that association; we are the largest club, and we are the most active club in the association.

Our second reason for maintaining the status quo is that our primary role is to support women and to foster their interests in arts, literature, science and social concerns. The club promotes friendship, understanding and the pursuit of life-long learning. In fact our club complements the present government's initiatives

relating to women. Women are singled out, as you know, because the state government has a Minister for Women's Affairs, and we are supporting the government's recognition for the needs of individuals to at times socialise with people of the same sex. Those initiatives go across both genders because, as you know, the state government is also supporting men's sheds and other institutions which are not private clubs but are still areas that recommend, at times, people of the same gender mixing together.

Our third reason for maintaining the status quo is that members of private clubs have rights to freedom of association as set out by the Victorian Charter of Human Rights and Responsibilities and also the Universal Declaration of Human Rights. The Victorian charter states that no entity should have power to destroy these rights if no harm is done.

That is the end of my reasoning for maintaining the status quo. I might say it has been suggested that we may go to VCAT to apply for an exemption. The Lyceum Club strongly opposes this action. We oppose it because in relation to section 78, to our knowledge there is no evidence before this committee or the Equal Opportunity Commission, in submission or anything that we have seen or heard about, of any harm having been demonstrated to have been done by any single-sex club in Melbourne. Your position is to take what information you have before you, and we certainly at the Lyceum Club have never been made aware of any harm being done. Therefore there is no case to be presented to VCAT, and it is in fact a denial of our right to freedom of association as provided in the Victorian charter.

It has been suggested that the onus of proof of reasons for exemption should be with the defence, but there is nothing to defend. The government is presently increasing rights. As you know, we have men's sheds, lesbian clubs, a range of activities, but it is at the same time suggesting a diminution of our rights. We are on private land with private membership and with no interaction with the public.

Finally, I would say that your brief, according to the information I have been given, states that in consideration of a bill you must consider whether the bill, firstly, trespasses unduly upon rights and freedoms; and, secondly, is incompatible with the Charter of Human Rights and Responsibilities. We say — that is, the Lyceum Club, but I am speaking in defence of private clubs — that anything other than option 1, maintaining the status quo in relation to section 78, would contravene both of those parts to your brief.

Freedom of association and assembly is enshrined in the Victorian charter if no harm is done, and your committee has not received any evidence, to our knowledge, of this occurring. Thank you, that is my submission.

The CHAIR — Thanks for that. We actually asked a series of questions yesterday at the hearings about the private clubs.

Ms JAMES — Yes, we were here.

The CHAIR — I suppose one of the issues we are trying to grapple with is the argument around freedom of association. No-one actually put that argument to us a such yesterday. Part of that is to do with membership and why women join your club. As an example of a private club, how big is it, what are the rules around your association, and how important is it for you to able to choose and have that freedom of association? We do recognise that it is protected both by international covenants and the Victorian charter.

Ms JAMES — To start with, we have about 1200 members — 1187, to be precise.

Mr STRATTON — Yes.

Ms JAMES — Our charter is that we are women who belong to the worldwide Lyceum network and who are interested in the arts, literature, sciences and social concerns, as I said. We have criteria for membership, that reflect these beginnings. The club was begun by women who were artists, writers and university graduates, and we really reflect our membership today along those lines. But I would say to you it is a private club with private members inviting into their club whom they so wish. One of the main criteria really is like-minded women who they know will enjoy and contribute to the club.

The CHAIR — The other question I want to ask is: as we know, human rights are international and you are an international organisation?

Ms JAMES — Yes.

The CHAIR — Have there been similar issues in any other Lyceum club that you know of?

Ms JAMES — No, absolutely not. We have investigated this. One club in Madrid chose to have both sexes, and it then automatically forfeited its right to be a member of the association. It then misses out on a lot of the cultural exchange which we feel is very beneficial, but that was its prerogative, as it is also any private club's prerogative to change as they see fit.

The CHAIR — You are not aware of any antidiscrimination laws in other countries that influence — —

Ms JAMES — No, absolutely not.

The CHAIR — How many countries, did you say; 16?

Ms JAMES — Sixteen countries, 70 clubs.

Mr SMITH — If you did have to appear before VCAT and justify an exemption, what is your level of comfort that you would receive that exemption?

Ms JAMES — Sorry, I did not hear the question.

Mr SMITH — If the current exemptions were scrapped and you had to apply to VCAT to obtain an exemption, what level of comfort would you have that you would obtain that exemption through that process?

Ms JAMES — I categorically feel we should not have to do that. I think it would be an abrogation of our human rights and of freedom of association. But if we were forced to do so — and we would not go quietly — I believe we would gain an exemption, and I think we have every right to be exempt. But I do not believe, as private citizens, we should have to do that.

Mr O'DONOHUE — Ms James, there is often a lot of press around this issue, and often one or two clubs are identified. But your presence here and submissions we have received from other clubs demonstrate that the club scene is perhaps more diverse than what is often portrayed in the media. Would you like to make some observations about the club scene and whether it is for single — —

Ms JAMES — I certainly would.

Mr O'DONOHUE — Or whether it is available for men and women?

Ms JAMES — I think there has been a huge misconception about what goes on in clubs. I have to tell you that in clubs of any sort — I mean, we are private clubs, but there are sporting clubs, there are clubs of all sorts — people choose to mix with people with whom they feel at ease and with whom they would like to spend some time. As a women's club we do a lot of activities with some of the other men's clubs and the other women's clubs in Melbourne. There is absolute freedom of mixing, as there would be in our homes. I think the press sometimes goes off half-baked with insufficient knowledge.

Not the Lyceum Club, but some of the men's clubs come to the focus because they have been in existence for over 100 years; a couple of them have been there for 150 years. They are part of the fabric of Melbourne society. Really I think we are almost owed something because we keep the press alive in January and February when there is no other news.

Ms PULFORD — I would appreciate it if you could make some comments, please, on the prevalence of opportunities to join a club such as yours. For example, if I wanted to join your club, how would that happen? At the moment that is somewhat mysterious to me. And are there similar numbers of clubs for women as there are for men? And to the best of your knowledge — I know this is not specific to the Lyceum Club — what is the prevalence of clubs for women in different parts of Victoria?

Ms JAMES — To answer your first question, if you were to be a member it would really be like wangling an invitation to my home. So I would meet you and find that I found you to be very pleasant company, so I would invite you to come and see the club. If you showed some interest in joining and you satisfied our criteria, I would then introduce you to other members. Because it is a private club, we tend to find that we would like a couple of people to know you and feel that you would fit into the situation, into our environment, and then you would be invited to join. That would be proposed and seconded, it would come through our membership committee, and then you would become a member.

Mrs PEULICH — It sounds like freemasonry.

Ms JAMES — Absolutely. It is a bit more elite, but do not tell them. It is, because it is the same as you coming to my home. That is how all of us believe the clubs to be.

In relation to the second question, there are two women's clubs and four men's clubs within the city, and they are the ones with whom we associate most. I think our membership numbers are about the same in each club. I think that just reflects how society has changed over the years. I think originally, 150 years ago, there were mainly blokes in the city who wanted to get away from home or do whatever they were doing. Now there are the two women's clubs. The Alexandra Club is older than we are; we are almost 100 years old.

Ms PULFORD — Your point about no harm was an interesting one. There are many areas in public life where women are not representative of their proportion as half of our population — here in the Victorian Parliament is but one example. Obviously our representation on boards and in many of our powerful institutions in the state is not quite near half. If I were to dial directory assistance, call the Lyceum Club and say, 'I work in Melbourne. I have just been appointed to', say, 'an executive position with a company. I have moved here; I don't know anybody. I would like to do some networking with some powerful and influential people. I would like to join the club; is there a form I can fill in and a subscription to pay?', what would be the answer to that question?

Ms JAMES — There are two answers. First of all, we would say that you are not associating with powerful and influential people. None of the clubs — well, you may be, but that is not — —

Ms PULFORD — Would you refer me somewhere else?

Ms JAMES — No, that is not the purpose of the club. There may in fact be many powerful and influential members in our club, as in fact there are. But the purpose of the club, as with the purpose of the men's clubs, is not for power and influence.

This is what is totally misunderstood. To answer your other question, though, you would be referred to our manager, Peter Stratton. He would say, 'Yes, Ms Pulford, I would like to suggest you come in, meet with the president and a couple of members of the board. They will show you the club, discuss with you what our aims and objectives are. If you still think you would like to join, we have a provisional membership category for such women — and women in positions often do not know someone if they come from interstate. People who are in those positions, who have come from interstate or overseas, would not know

anyone necessarily. They stay a couple of years and in that time they get to know members, and then they go through the normal channels of membership'

Mr LANGUILLER — Ms James, thank you for your submission. I read from point 2:

The Lyceum Club Melbourne was established by women for women. Its role is to support women.

How do you reconcile that your manager is a man? Evidently you have been able to reconcile that and incorporate a man as your manager. You are a lucky man, if I may say, with respect.

Ms JAMES — We are a very lucky club to have him, I might say. But it is a very easy reconciliation. We do not discriminate in any ways other than in our membership. Even within our membership we have guests of any gender at all times, other than at our annual general meeting — and I am sure you are all desperate to come and listen to that — or to our members-only Christmas dinner, which is not really high-flying and influential. We like at some stage, though, to be able to have the company of just women, or at least to have issues which relate to women that we would like to pursue that probably some of the other private clubs or other institutions do not want to pursue.

Mr LANGUILLER — If I may, through the chair, put a supplementary question — you talked about meeting the criteria. Presumably there is a criteria for the purpose of joining members. Do you have a copy of that criteria or are you able to tell us what that contains?

Ms JAMES — We do have a copy which we could give, but we are a private club. We would certainly give it, but I do not think we should need to. I think it is enough to say that our club was set up, as I said, by artists, writers and university graduates, and our membership reflects these beginnings. We do have a range of criteria, but I would think you would say that every club of whatever sort has criteria for membership, and those are normally used as guidelines, and there are always discretionary powers that go with that.

Mrs PEULICH — And would those criteria be comparable across other countries, other nations?

Ms JAMES — Actually they are not. Some of the clubs have slightly different ones, but they still just have guidelines. The main thing is that they are like-minded women who we know and invite to the club who would contribute to the club and enjoy what our club has to offer. It is as simple as that.

Mr LANGUILLER — Can I put an example to you: I represent the western suburbs of Melbourne. Would a woman from a non-English-speaking background who worked in a textile factory be able to join your club if she wanted?

Ms JAMES — Absolutely. There is no discrimination on any part in terms of that. In fact, we have in our employ our accountant who has an accent, if I may say — a fairly strong accent. She comes from Bosnia. Now, I do not ever hear anyone saying, 'Excuse me, I can't understand you'. People understand. We are a multicultural — —

Mr LANGUILLER — I get told that all the time by my parliamentary colleagues.

Ms JAMES — I was about to say 'your accent', but I was — —

Mr LANGUILLER — Thank you.

Mrs PEULICH — As a Bosnian born, without an accent, you obviously see this as an attack on your freedom of association, and I would agree it is a backdoor way. Would you have confidence that indeed that would erode over time if you were required to justify exemptions, and would you have confidence that indeed other similar clubs would be entitled to those types of exemptions, or do you think this is a progressive erosion of that freedom of association via the back door?

Ms JAMES — I think it is categorically ~~a~~ progressive erosion. I would say that there might be changes in some of the clubs over time. I frankly cannot see the Lyceum Club ever becoming a mixed gender club for all the reasons we have outlined in our submission.

Some of the other clubs may change and take people over time, but truly we are private clubs. The change should come from within. It is like if I changed the make-up of my home — the members of my family home. That may happen over time, too, but it is my decision. It is not something to come from the government because it is our fundamental right for freedom of association and assembly, and we have not had in any way any demonstration of harm being done. There is just gossip sometimes, which I think is very ill founded. I think all of you should come and have a look at a couple of the clubs.

Mr BROOKS — I just wanted to ask what you might see as some of the main differences — if there are any — between a club like yours which is exclusively for women and a couple of the men's exclusive clubs, if I can put it that way. What do you see as the differences in terms of their purpose, objectives and the role they play?

Ms JAMES — I think the only difference that I can see is that we have more specific requirements — not requirements, but listed interests of arts, science, continued learning. Fundamentally, we are all similar clubs in that we are fundamentally social clubs where we can meet with like-minded people. Actually they are not always like-minded, but people with whom we feel that we would get on, either to be able to have a very relaxed discussion or an argument about something. That is really fundamentally what we are there for. As you well know, no business can be discussed, no business cards exchanged, no deals done in any of these clubs. It is against the charter of all the clubs.

The CHAIR — I would like to thank you for coming to provide evidence and also for what has been a very entertaining and informative contribution.

Witnesses withdrew.

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Witnesses

Mr N. Bushnell, member, and

Mr J. Hannagan, member, Melbourne Savage Club.

The CHAIR — The next witnesses are Noel Bushnell and John Hannagan from the Melbourne Savage Club. Thank you for attending this public hearing. The purpose of these hearings is to report to the Parliament whether any amendments should be made to the exceptions and exemptions in the Equal Opportunity Act 1995. Anything you say or publish before the committee today is protected by parliamentary privilege. However, once you leave the hearing anything you say or publish outside this room is not so protected. I would now like to invite you to make a brief statement to the committee on the relevant issues that you consider important to your organisation regarding this inquiry, and that will be followed by a series of questions. Thank you.

Mr BUSHNELL — Thank You, Mr Carli. I have made copies of our initial statement for the members of the committee. I would like to say that our president tenders his greetings but is unable to represent our club here today because he has been seriously ill and is still recovering.

Members of the committee and Chair, it is a serious matter when government seeks to curtail the human rights of citizens. In a democracy government is required to justify why propositions such as those set out in the committee's options paper for this review are indeed necessary. Rightly so. The Parliament of Victoria recognised this moral imperative in enacting section 7 of the Charter of Human Rights and Responsibilities. Limitations on human rights need to be, in the words of the charter, 'demonstrably justified' according to five tests. Furthermore, no entity has the right to impose such limits or to destroy rights.

Parliament's intention is clear: the entity seeking to limit human rights is the one that must demonstrably justify the proposal. Yet here, in reviewing the exceptions to the Equal Opportunity Act granted to private clubs in section 78 of the act, it is proposed to remove private clubs' right to freedom of association, as stated in section 16 of the charter, or alternatively to restrict that right and require the clubs to justify their existence. This violates section 7 of the charter. It is up to those who propose to curtail the private clubs' right to freedom of association to show why this is necessary. It is they who should be called to make such justification before a court or tribunal. The onus is not on the clubs. This is the law.

It is astonishing that people who take not only a moral stand on the law but also on the primacy of human rights should advocate the contrary. The Melbourne Savage Club, along with the other clubs I might add, asserts its right to freedom of association under section 16 of the Victorian charter and as a matter of fundamental human rights. The club opposes any proposal to require private clubs to justify their existence before a court or tribunal. The club sees no reason to change the existing section 78 of the Equal Opportunity Act. The club recognises, however, it may be beneficial to seek greater harmony of similar laws around Australia by aligning section 78 with the Commonwealth Sex Discrimination Act. The Melbourne Savage Club's submission to the committee addresses those issues in detail, and you have our submission.

The CHAIR — Thank you. I would like to know a little more about how the club works, its membership and the importance of the right of association, because the counter argument has essentially been around the issue of the rights of equality by other individuals. It would be useful to have a bit of a sense of your membership, how people join and under what basis, and the importance that your members place on their right of association, which you are right to point out is both in the charter and in international covenants.

Mr HANNAGAN — A few questions. We have about 500 members, and they are a very broad cross-section of the community. Every single walk of life that I can think of that exists in the Victorian community is represented within the membership of our club. I am a relatively new member. I think I have only been there 16 or maybe a few more years — not terribly long. In terms of being asked or invited to join, I knew a few people that were journalists who went to the club, and they invited me. After going there

I think more often than I should have as their guest they suggested it would be better if I joined as a member so that I could occasionally return the hospitality.

The qualification for membership was more friendship, discussion and a general opportunity to meet with other members of the community. There are certainly no restrictions that I am aware of in our membership and no criteria other than being like-minded individuals in terms of having an interest in the arts, sport or literature or in general discussion. There are no specific criteria that either exclude or channel membership into the club. It is a very broadbased club, as I say, and membership is really open to all.

The CHAIR — To follow that up, does the membership have the opportunity to change the rules or the criteria if they see fit, over time?

Mr HANNAGAN — Yes, the members have the opportunity, through general meetings or extraordinary general meetings, to look at and amend the constitution of the club — the rules of the club — if they so desire. They have that opportunity. At this stage we do not see any need to change any rules. Certainly, any rules governing admission as a member are not even being considered because they are simply so broad that contemplating changing would in fact destroy the intent of having this very broad basis for membership.

We encourage significant diversity, not only in the make-up of the club but also in its membership so that we have a very broad range of interests and views that are then shared. I think it is a great place where people frequently come away knowing a little more about not only humanity and the way people behave but about other areas of interest that they may not otherwise have been exposed to. It is a very good basis for both friendship and learning.

Mr SMITH — Thanks for coming in. I just want to read a part of your submission to put my question in context, if I may. You have written:

QUOTE NOT SUPPLIED IN TIME FOR VERIFICATION.

Inevitably in a free democratic society viewpoints change and languages alter so that over time law requires a rethink and a realignment. Clearly SARC and the framers of the review believe that such a time has come with s78. The debate for them now is not whether s78 requires change but what changes should be made. Therefore, while the Melbourne Savage Club would prefer option 1 — no change — this is not really an option at all in the eyes of SARC.

I just want to put on the record, and for your comfort, that as a member of SARC, I for one am quite open to your argument about freedom of association. I not sure the same can be said for the Attorney-General, though, in terms of his comments in the media and the comments that he has made that he will make changes to the Equal Opportunity Act regardless of what recommendations SARC makes to him. Is there an argument that could be made that you feel discriminated against and persecuted by his comments?

Mr BUSHNELL — I do not think I would use the word ‘persecuted’ — after all, the Attorney-General is merely performing his duty as he sees it — but certainly discriminated against. I think our right to freedom of association is under attack. I do not quite understand why, given that we are a private club. We very rarely engage in any public discourse at all; I think the last time might have been before World War II when there was a bit of a kerfuffle about an arts foundation.

I suppose there might be some influence in the community through the work of some of our members. The club was founded by artists for promotion of the arts, and we have a very high degree of activity in that area with art displays and contests and poetry readings and stuff like that. Why we and the other clubs who have different activities but nevertheless are equally private should be looked at — I do not want to say ‘attacked’ because that is too strong — in the way we are being looked at and quite unjustifiably, I find

difficult to fathom. There must be more important issues to focus on in this world than the doings of a few gents over lunch.

Mr SMITH — Thank you. Perhaps you should lodge a complaint.

Ms PULFORD — My question segues nicely with 'the doings of a few gents over lunch'. Are women able to attend the Savage Club as guests; and if so, are they able to access all areas of the club?

Mr BUSHNELL — Certainly. After 4.30 p.m. every day members are invited to bring women guests into the club. Many functions that we have in the evening, including club dinners and other sorts of private functions, are mixed; it depends on the function. We had a function at the club last night. I happened to be there for another purpose, and there seemed to be a goodly display of women; I was surprised to walk into one of our bars and find a woman there feeding a baby. I do not say that is a frequent occurrence at the Melbourne Savage Club, but it is not something that we should be surprised by.

Ms PULFORD — So entry is time-limited rather than room or area-limited?

Mr BUSHNELL — Absolutely.

Mr HANNAGAN — There are no limits on access to the club in terms of the rooms; none whatsoever.

Mr BUSHNELL — There is no line drawn on the floor.

Ms PULFORD — Can I ask a further question, and it was a question that was asked of the previous witnesses representing the Lyceum Club. If you were required to go and make a submission before VCAT once every few years about the need for your club to retain its status, would you be reasonably confident about being able to do so?

Mr HANNAGAN — I am struggling to find a basis on which we would be required to do that. I really do not understand what it is that is being contemplated, because I think the general assumption would be somehow that we were creating harm of some sort by maintaining our existing structure and membership process and base. It is very difficult to understand why we would be required, and we would need to be very convinced that there was a genuine requirement or that we were acting outside any of the normal circumstances of society that would require us to be essentially licensed to mix with like-minded people. I find that an extraordinary proposition.

Ms PULFORD — It is less a proposition than a question. If you were required, you would be confident in your ability to make the case about why you should continue to be exempt?

Mr BUSHNELL — If you go to page 9 of our submission you will find some comments on that matter. We should not be required to do so. As I said, it is up to those who seek to curtail our right to make the case. We do not have to make the case for our existence, and we should not have to. We have 115 years of existence behind us, and those who founded the club had no such call to do so, but times change.

Ms PULFORD — Times have changed.

Mr BUSHNELL — However, if you go to page 9 of our submission you will see that we have examined the terms of the second part of option 3. That says, that clubs should demonstrate their exclusiveness is justified by a specific purpose and/or interest. We would find that an almost unsurmountable barrier, because we do not have a specific purpose and/or interest. Our purpose is defined in our constitution extremely broadly. We like to be broad. It is not a little closed group that sits around and generally plots the downfall of society. It is an artists' and art-oriented membership area of discussion, and art and the arts generally are libertarian in outlook.

They have a broad outlook. They like to examine life in all its phases and idiosyncrasies. That is what we do. How you actually define that in terms of option 3 here is, I think, a pretty bizarre happening. Our club,

and the other clubs, do not exist for the purpose of excluding women. It is not a men-versus-women issue. The issue is freedom of association.

The CHAIR — In some submissions we have had the argument that the harm is in excluding women from professional networks. I am wondering if you could comment on that.

Mr BUSHNELL — There are no professional networks, especially at the Melbourne Savage Club.

The CHAIR — I am putting it from the submissions.

Mrs PEULICH — Mr Bushnell, you should not feel that the Attorney-General is picking on you.

Mr BUSHNELL — Thank you.

Mrs PEULICH — He is not picking on the Lyceum Club, the Savage Club or the Freemasons or anyone. He is picking on a principle, and the principle is one of freedom of association. Let there be no misconceptions, and do not hang all of your defence on the Charter of Human Rights and Responsibilities, because this government and the Attorney-General routinely breach it. They do so with certificates of exemption, and they do so by justifying in very political and narrow terms the various exemptions that are tabled in Parliament. Could I ask you what the fallback plan is should this government, and this Attorney-General in particular, persist with removal of the exemptions and exceptions? What is your backup plan?

Mr BUSHNELL — We do not have one.

Mrs PEULICH — You should have one.

Mr HANNAGAN — If you suggest that the Victorian charter would be ignored, I presume then that we would move to ignore the Universal Declaration of Human Rights.

Mr JASPER — The information on page 9 is very telling. A strong argument is effectively put forward. You mention the people who become members of the Savage Club. You mention the artists and the art world. I have nothing to do with the arts particularly, but give me an overview of the broad membership of the club. I have visited the club a couple of times over the years I have been in the Parliament, and I would be interested to know just how broad the membership is.

Mr HANNAGAN — You mean where it is drawn from in terms of professions and so forth?

Mr JASPER — Yes.

Mr BUSHNELL — Let me say this: at the Melbourne Savage Club, although I do not think we have any at the moment, but from time to time we have had quite a large number of MPs as members of the club. There seem to be an awful lot of lawyers in the club.

Mrs PEULICH — We have got that problem too.

Mr BROOKS — Both sides of politics?

Mr BUSHNELL — Yes indeed; both sides of politics.

Mr JASPER — That is what I am getting at.

Mr HANNAGAN — We have senior union figures. We have got leading and former leading union figures. We have people from manufacturing, small businesses — lots of small business. As Noel says, there is a very broad representation from the legal fraternity, some companies, journalists.

Mr BUSHNELL — Lots of journalists.

Mr HANNAGAN — Stockbrokers, sportspeople — whether it is football — teachers, a lot of artists — we have obviously a category for artists in which we encourage a broader composition of the club by as many artists as possible. The only distinction we make in our membership is to have a much-reduced entry hurdle in terms of the cost of membership for our artist members. That is to encourage more of those than any other, but I think the legal fraternity might be just a bit ahead of them.

Mr BUSHNELL — The other thing to note on that matter is that people who come to lunch or other functions at the Melbourne Savage Club are basically seeking to escape for an hour or two their own working day, so the discussion and what happens does not revolve around their work. Lots of our members who are otherwise distinguished in their fields are to be found at functions and other places — performing in amateur theatricals or concerts. They like to sing. We have a marvellous grand piano in the place that people like to play. Generally this is a very social and broad event. People do not come to discuss their business at the Savage Club. That would be silly.

The CHAIR — I will have to cut it off there, because we have quite a few other submissions today. Noel Bushnell and John Hannagan, that was terrific. Thanks for putting in the effort to put the submission together and for making your time available. It has been very informative for the committee.

Mr HANNAGAN — A pleasure, thank you.

Mr BUSHNELL — Thank you.

Witnesses withdrew.