

Leading Issues Journal

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WOMEN IN THE LAW - WHAT NEXT?

By The Hon Justice Michael Kirby

In a speech presented to the Victorian Women Lawyers' Association on 20 August 2001, entitled, *Women in the Law - What Next?*, Justice Michael Kirby points out that in the first eighteen months of his service at the country's highest court, he had heard about two hundred barristers argue their cases; but only six women. They were the six with "speaking parts". Today, he states that, "the proportions remain substantially the same. The faces change somewhat; but the central rostrum for advocates at the High Court of Australia is still, overwhelmingly, a male preserve."

Asking the question, "Why is this so? Is it inevitable, so that I should just be silent and accept the imbalance as a fact of life?" Justice Kirby presents a range of reasons for this disparity. He begins with the more familiar ones circulating within the profession, the existence of the Glass ceiling and the "broken career syndrome."

However, he delves further to show that if you ask women and the experts who survey the legal profession, about female disadvantage, what emerges are reasons about the culture of the profession. They are, "often places where extraordinarily long hours of work are the norm and are expected. They tend to be places oblivious to the fact that childcare facilities mostly close at 6 p.m. Many women lawyers also complain that they find the masculine social networks alienating. Drinking rituals and football tipping that sometimes dominate social life in the top legal establishments is reported as off-putting. In such a world, it is unsurprising that many women feel themselves to be strangers. Come to think of it, I would feel a stranger there myself."

For those who think that the Bar is a congenial place, offering equal opportunity for women, an escape from the glass ceiling, Justice Kirby asks, then why does the Bar "attract such a small proportion of women when for many years women have represented about 50% of the nation's law graduates?" a fact supported by the 1998 Survey of the Victorian Bar, which shows, "the same discouraging phenomena as in the big legal firms. Women tend to be disproportionately engaged in shorter cases and cases involving family and criminal law. Men still get the lion's share of big, important cases."

Kirby cites practical suggestions collected from women by this Report which include, "the incorporation of standards of equal opportunity and prohibition on

sexual harassment in the professional rules of the Bar... support for women advocates by relief from fees for chambers and clerks during absence because of pregnancy... the provision of a tax deduction for working mothers who can only keep up their earning capacity by paying for childcare." Advocating these suggestions Kirby points out, "Making it easier for women lawyers to stay in work is in the country's interest. Pregnancy leave is not enough. Children make unrelenting demands for many years after birth. Most of those demands fall on women. If they are professional women, the need for childcare is no luxury."

Kirby goes further in elucidating his position in support for women. "It is important that the experience of half the population, women, should be brought to bear fully in the exercise of those choices... Moreover, women are not just men who wear skirts. They have a different life's experience. They sometimes have a different way of looking at problems. Occasionally, they demonstrate less combative tendencies - to "kick heads" and to "thump tables" - and more skills in conciliation and the rational resolution of disputes. The real loss in the lack of female advancement in the legal profession is not just the frustration of particular women's careers. It is not simply the economic loss that is inherent in failing to promote to the full the highly refined economic talent of a trained lawyer. The biggest loss, it seems to me, lies in the failure to bring the skills of women to bear on the administration of the law...it is my experience that women often see legal issues from a different perspective. That perspective should be available in full proportion to the judiciary, the bar and the legal firms, corporate lawyers, the law schools, and government departments of Australia. It needs to be available to the whole community which the law serves."

WOMEN IN THE LAW - WHAT NEXT?

**By The Hon Justice Michael Kirby
AC CMG**

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By The Hon Justice Michael Kirby AC CMG*

**VICTORIAN WOMEN LAWYERS' ASSOCIATION, LESBIA HARFORD ORATION
2001 MELBOURNE 20 AUGUST 2001**

* Justice of the High Court of Australia.

1[1] M D Kirby, "Women Lawyers - Making a Difference" (1998) 10 *Australian Feminist Law Journal* 125.

2[2] During the year past before the Full High Court, Ms Annabelle Bennett SC presented the respondent's case in *Kimberly-Clark Australia Pty Ltd v Arico Trading International Pty Ltd* (2001) 75 ALJR 518. Ms C J McClure QC argued the successful appeal in *Rosenberg v Percival* (2001) 75 ALJR 734 and soon after was appointed a judge of the Supreme Court of Western Australia. Dr M A Perry made submissions following the Solicitor-General for the Commonwealth in *The Commonwealth v Yarmirr* (reserved); Ms R J Webb made submissions in the *State of Western Australia v Ward* (reserved) following the Solicitor-General for the Northern Territory as did Ms N Johnson QC for one of the parties; and Ms L J Clarke, Director of Public Prosecutions for Queensland argued *Doggett v The Queen* [2001] HCA 46. Ms M.M. Gordon and Ms D. Mortimer argued the substantial chamber summons of *Cabal v United Mexican States* (2001) 180 ALR 593. I have not included appearances in special leave applications but they are also few.

3[3] A Williams, "Women at the Bar", (1999) 25(5) *Brief*, 5 at 8.

4[4] S F Israel and K McDonald, "Gender Issues for the Legal Profession - A Report on the Keys Young Survey" (1999) 37(4) *Law Society Journal* (NSW) 60; S F Israel, "Disparities Continue Between Women and Men in the Legal Profession - Gender Issues in the 1999-2000 Practising Certificate Survey" (2001) 39(1) *Law Society Journal* (NSW), 63.

5[5] E Campbell, "Achieving Real Equality", (2000) 74(1) *Law Institute Journal* 27 at 28.

6[6] *Ibid*, 28.

7[7] Keys Young Practising Certificate Report 1995: J Bourke, "Gender Bias in the Legal Profession - Time for Change", (1997) 35(1) *Law Society Journal* (NSW), 52.

8[8] R Hunter and H McKelvie, "Gender and Legal Practice" (1999) 24(2) *Alternative Law Journal* 57 at 60. L Lester, "Long Hours Still Worn as a Badge of Honour", *Australian Financial Review*, 10 August 2001.

9[9] Campbell, above n 5, 28.

10[10] Hunter and McKelvie above n 8, 60; ; Campbell above n 4, 28.

11[11] M Brown, "Workplace Change - Needed to Retain Women" (2000) 74(9) *Law Institute Journal*, 26 at 27.

12[12] L Scott, "Women Lawyers at Deacons Find a Voice in a Man's Profession" in the *Legal Insider*, 15 August 2001.

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- 13[13] C Wall, "Women: Barristers v Barriers", (2000) 22(9) SA Law Society *Bulletin*, 23.
- 14[14] *Equality of Opportunity for Women at the Victorian Bar*, report on the 1998 Bar Council Report, in *Victorian Bar News*, 26 at 29.
- 15[15] F McLeod, "Equality of Opportunity for Women at the Bar: The Victorian Bar Council's Response" (1999) 12 *Australian Feminist Law Journal* 111.
- 16[16] *Victorian Bar News*, above n 14, 17.
- 17[17] *Ibid*, 17.
- 18[18] *Ibid*, 29.
- 19[19] *Ibid*, 29.
- 20[20] M G Gaudron, "A Happy Coincidence of Self-Interest and the Public Interest: Equality of Opportunity for Women at the Victorian Bar" (1999) 12 *Australian Feminist Law Journal* 117 at 118.
- 21[21] *Ibid*, 120.
- 22[22] Campbell, above n 5, 29.
- 23[23] Hunter and McKelvie, above n 8, 59.
- 24[24] *Ibid*, 59.
- 25[25] Bourke, above n 7, 53 citing K Hall, "Unconscious Bias in the Judicial System" (1993) October, *Australian Lawyer*, 34-35.
- 26[26] Bourke, above n 7, 53 citing A O Ferrers, "Australia Calling: Canadian Bright Star Convention Highlight" (1996) January, *New Zealand Law Journal* 9-13 at 9.
- 27[27] Gaudron, above n 20, 120.
- 28[28] But see P Easteal, *Less than Equal: Women and the Law* (2001, Butterworths); C Wells, "Ladies in Waiting: The Women Law Professors' Story" (2001) 23 *Sydney Law Review* 167.



SPEAKING PARTS

Soon after my appointment to the High Court of Australia, I was invited by the Women Lawyers' Association of New South Wales to address them on the subject of women in the law.

In my remarks, I recorded the fact that, in the first eighteen months of my service on our country's highest court, I had heard about two hundred barristers argue their cases; but only six women. They were the six with "speaking parts". I did not count in my list the women who had junior briefs to the leading advocates in the big cases or who had prepared written submissions. These are valuable experiences and a great training for really big speaking parts in the future, if conditions remain favourable. But confining myself to those who had actually addressed the High Court from the central rostrum, I could name only six women.¹[1]

Looking at their names today I can see that three of them have been appointed judges. In Australia, it is politicians who appoint judges. Whatever their party, they are under pressure to reduce the gender imbalance of the Australian judiciary. A leading woman advocate is very quickly offered judicial preferment. Many accept because, whatever are the defects of other parts of the legal profession, the judiciary generally allows its members to organise their lives in a more rational way. Organising our lives, and reserving a proper space for a full and rounded existence as a human being, is one of the big challenges facing the legal profession of this country. Humanising the life of the legal profession is a demand that can be postponed no longer.

In the intervening years since I drew this disproportion of "speaking parts" for women to notice, things have not really improved much. The proportions remain substantially the same. The faces change somewhat; but the central rostrum for advocates at the High Court of Australia is still, overwhelmingly, a male preserve. In the past year the number of women who had speaking parts before the Full High Court was six²[2]. This is not steady as she goes. We have hit the doldrums.

Why is this so? Is it inevitable, so that I should just be silent and accept the

imbalance as a fact of life?

The reasons usually offered for the disproportion (in the High Court and in my 13 years earlier in the Court of Appeal of New South Wales) remain much the same. Such courts see the top performers in the law. There is a glass ceiling and women find it harder than men to break through. When they do, like three of the six star performers of my last list, they are quickly whisked away to become judges. Inevitably, many of the cases in the High Court tend to involve the big law firms. There is evidence that many of these have a bias towards briefing male barristers³[3]. Doubtless they often explain this fact on the basis that it represents their clients' expectations, not their own. Even senior women solicitors often seem to favour male advocates. Males represent the ordinary face of the Bar in Australia. No one can accuse a woman solicitor who briefs them of gender favouritism. But the problem is an escalating one. To become very good in the law, like surgery, you need lots of experience at the top. Unless a women advocate can break into the magic circle, she will not get that experience. She will remain a comparative outsider.

In response to my earlier remarks, I was urged by many, males and females, to face the reality of the biological facts that disadvantage most women in the hectic, demanding life at the peak of the legal profession. If a woman wants to have a family life, with children, a window of opportunity opens and closes effectively in her late twenties and her thirties. After early training as a solicitor and before it is too late, she must interrupt her career. The length of the interruption may depend on many factors. One of these may be escape from the culture of "successful" lawyers. The woman lawyer, as mother, may come to realise that there can be other and more fulfilling goals in life than working seven days a week and being at the beck and call of case-managing judges and demanding clients.

Men do not need to interrupt their professional career to have babies. They can sail along leaving such matters to their spouses or female partners. We are told that the biological interruption and its aftermath of child caring and rearing, impose on women lawyers who have children, inescapable difficulties that most of their male counterparts do not experience. That's life, they say. Literally.

SOLICITORS

But since my earlier remarks, important surveys of the legal profession of Australia have reinforced the difficulties that women commonly face and of which my six with "speaking parts" represent but the tip of the iceberg.

In New South Wales, surveys of women working in the legal profession in the 1990s have investigated the disparities between the high representation of women amongst law graduates and their low representation in the senior levels of the legal profession. Although the first such survey was conducted in 1995, it was not until later that the State Attorney-General and the State Minister for Women's Affairs established a Committee to monitor implementation of the ensuing recommendations.⁴[4] The report and its follow-up revealed how, although

women now represent about 50% of the graduates of most Australian law schools, five years out of law school there has been a big attrition. Women are significantly under-represented amongst the partners of law firms⁵[5]. They tend to congregate at the lower scale of earnings. Often they are confined to less interesting work⁶[6]. Whilst males push their way forward remorselessly into partnerships and higher salaries, women tend to cluster just below the glass ceiling⁷[7].

Various explanations are given for this reality. The "broken career syndrome" is usually cited; but this would not explain this feature of legal practice in Australia in every case. The increasing number of women who opt for part-time work is said to put them out of favour with clients who want their lawyer at their beck and call twenty-four hours a day⁸[8].

If you ask women, and the experts who survey the legal profession, about female disadvantage the explanations are rather more complex. At least in part, they appear to revolve around the culture of the legal profession, especially that in the big firms. These are often places where extraordinarily long hours of work are the norm and are expected. They tend to be places oblivious to the fact that childcare facilities mostly close at 6 p.m⁹[9]. Many women lawyers also complain that they find the masculine social networks alienating. Drinking rituals and football tipping that sometimes dominate social life in the top legal establishments is reported as off-putting¹⁰[10]. In such a world, it is unsurprising that many women feel themselves to be strangers¹¹[11]. Come to think of it, I would feel a stranger there myself.

Last week one of the large law firms in Melbourne began to address the loss of female lawyers and the problem that so few of them make it to partnerships. A special forum for women was established to help raise issues facing them in practice. According to the report, women in the legal profession were concerned that they faced their strongest opposition to change in the culture of big law firms not from the old lawyers who know nothing different but from young male lawyers who were most resistant to the part-time partnerships and other flexible working arrangements that are often needed to find a space for women in senior legal practice¹²[12]. Exasperated with the lack of progress, the two women partners of this law firm created the forum. One of them is currently working part-time. They demand more than "lip service" for the idea of equal opportunity for women lawyers in the big firms. But to the extent that gaining equal opportunity will require a new balance between professional work and personal lives, any change will have to confront deep-seated work practices in the law that go back not decades but centuries.

BARRISTERS

On the face of things, one would expect that life as an independent barrister would be easier. Some women report that it is indeed easier at the Bar. They urge women who want to escape the glass ceiling to escape to the Bar. There, they hope, they will advance on their merits. Skills of analysis and communication are

not determined by gender. They are partly inborn and can be improved and refined, if only the opportunities offer.

Yet if one looks at the Bar in Australia, it too remains, overwhelmingly, a male preserve. The proportion of full-time women advocates varies slightly. In Victoria it is 16%. In Queensland 13%. In South Australia 12.5%, in New South Wales 12% and in Western Australia 8%¹³[13]. So if the Bar is such a congenial place, offering equal opportunity for women, why does this branch of the legal profession attract such a small proportion of women when for many years women have represented about 50% of the nation's law graduates? Part of the explanation is the time it takes to correct the old disproportions. In my years at law school there were but seven women in our class of a hundred students. Now it would be fifty-fifty. So why such a big imbalance?

The answers to this question are easier to find since a major survey of the Victorian Bar was reported in July 1998. The report showed the same discouraging phenomena as in the big legal firms. Women tend to be disproportionately engaged in shorter cases and cases involving family and criminal law. Men still get the lion's share of big, important cases. Men are not stereotyped as specially suitable for any branch of legal practice¹⁴[14]. Men, it seems, are suitable for everything. Women barristers still report instances of the alienation at the Bar akin to that their sisters find in the big firms. Although active hostility has probably diminished since an earlier survey in Melbourne in 1993¹⁵[15], there are still reports of alienating gameplay and barriers to entry into the mainstream of advocate's practice¹⁶[16]. Women are less likely to be briefed regularly than men¹⁷[17]. Amongst the ten largest Melbourne law firms it was discovered that 91% of the briefs went to male barristers. Some government departments had an unblemished record of never briefing a female advocate.

All sorts of unconvincing excuses have been offered over the years for these practices. Women it was said were shorter in stature and might not be seen. They have high pitched voices that did not carry in Australian courtrooms¹⁸[18]. What an unconvincing excuse that is, second only to the old excuse that there are insufficient female toilets to allow the appointment of women judges. I remember vividly the squeaky voice of Sir Owen Dixon - probably Australia's greatest lawyer. Then it is said women have fewer mentors than their male counterparts¹⁹[19]. They find it more difficult to break into the big time because of what Justice Gaudron has called the "Old Mate's Act",²⁰[20] a statute you will not find in the library or even on the internet. Judges too are sometimes blamed for insensitivity, as for example in pressing the hearing of cases beyond the normal court hours without regard to the needs of women advocates, in particular, to attend to their family responsibilities²¹[21]. Yet if complaint is made about such practical problems, women advocates may be denounced as grizzlers who would not, or could not, face up to the practical necessities of life in a gruelling profession.

On top of all these problems, there are, sad to say, continuing reports of

sexist conduct and even harassment targeted at young women lawyers. An old curmudgeon may mean no great harm by telling a young women lawyer that she is nice to look at²²[22] or playing santa claus at the firm's Christmas party and insisting that all the young women lawyers and interns sit on his knee. But such personal behaviour would not be something he would dare attempt with male counterparts. In a professional world, whatever the stresses, people are expected to control their conduct in such matters. Reports of such harassment come from time to time to the attention of the judges, mainly from the young female associates who are shocked that, for peace-sake, the targets all too often accept such behaviour without complaint. "Dobbing" is alien to the professional culture of the law.

The beginning of wisdom is the knowledge of a problem. The Victorian Bar report identified many of the difficulties faced by women advocates. It did so with uncensored honesty. It collected a number of practical suggestions. These included the incorporation of standards of equal opportunity and prohibition on sexual harassment in the professional rules of the Bar. They also included support for women advocates by relief from fees for chambers and clerks during absence because of pregnancy. A major step forward in this area would be the provision of a tax deduction for working mothers who can only keep up their earning capacity by paying for childcare. This would seem a reasonable contribution for society to make if we are serious about responding to the constant loss of highly trained female professionals. Their departure from the workforce comes at an economic cost to the country. Making it easier for women lawyers to stay in work is in the country's interest. Pregnancy leave is not enough. Children make unrelenting demands for many years after birth. Most of those demands fall on women. If they are professional women, the need for childcare is no luxury.

One interesting point to come out of the study of the Victorian Bar was that even male advocates are now finding it more difficult to find a domestic partner willing to put up with the hours that, until now, have been standard to the life of a top lawyer. Dutiful wives and partners of years gone by are not, it seems, available in the same numbers today²³[23]. Eighty percent of the barristers surveyed in Victoria said that their wives were the principal carers for their children. Not one of the fifteen female barristers surveyed had such a pliable partner²⁴[24]. Perhaps the pressure for a change in the work routine of advocates will come about not because of more women barristers but because males find it more difficult to gain the domestic support that they took for granted in the past. A radical change of outlook is necessary to come to that conclusion. But the past experience of the legal profession is pretty discouraging.

JUDICIARY

The judiciary lies at the end of the legal profession's food chain. Judges represent a very small proportion of those who, as advocates or solicitors, have been chosen for public service. The proportion of women in the judiciary remains low in Australia, especially when compared with most countries of Europe. In the High Court with one of seven Justices, women have taken 15% of the places. In the Federal Court it is 9%. The average for State Supreme Courts is about 6%. In the

Family Court it is 40%. In the District Court 25%. In the magistracy the proportion is higher and perhaps this is because of the more open procedures of recruitment and selection that apply. The Chief Magistrate of New South Wales told me with satisfaction recently that she was going to a farewell function for one of her magistrates who was taking maternity leave. The judge was having a baby! That is a real breakthrough for the judiciary. But the day will come when it is not even a matter for comment.

If in the big legal firms women still cluster below the glass ceiling and if amongst the advocates they still lack the speaking parts in the biggest cases, the high road for women to the judiciary in Australia will remain full of obstacles. The high road to the highest courts will remain, for the foreseeable future, largely a male preserve.

Some will say that we should not be too concerned about these facts. After all, the judiciary is a technical job, merit is the sole criterion for appointment and it matters not who performs the role of the judge. I disagree. The law is not just another business. The bench is not just another workplace. Judges of our legal tradition have choices that they make in interpreting the Constitution, the Acts of Parliament and the common law. It is important that the experience of half the population, women, should be brought to bear fully in the exercise of those choices.

Moreover, women are not just men who wear skirts. They have a different life's experience. They sometimes have a different way of looking at problems. Occasionally, they demonstrate less combative tendencies - to "kick heads" and to "thump tables" - and more skills in conciliation and the rational resolution of disputes. The real loss in the lack of female advancement in the legal profession is not just the frustration of particular women's careers. It is not simply the economic loss that is inherent in failing to promote to the full the highly refined economic talent of a trained lawyer. The biggest loss, it seems to me, lies in the failure to bring the skills of women to bear on the administration of the law. Women bear many of the enduring burdens of life. They are better at it because those burdens are usually foisted on them and they just have to make the best of things. Whilst one must not stereotype men or women, it is my experience that women often see legal issues from a different perspective. That perspective should be available in full proportion to the judiciary, the bar and the legal firms, corporate lawyers, the law schools, and government departments of Australia. It needs to be available to the whole community which the law serves.

I reject as the explanation of the glass ceiling for women in the law the "broken career syndrome". It is an excuse that has been done to death. It is not excuse enough.

When I was a young barrister my table was full of briefs. But in 1970, my partner and I decided to travel overland from India to England. We drove in a Kombi van. We did this to win back a human life. The briefs were returned. My colleagues, ashen-faced, warned me that my "broken career" would never recover. Indeed, that it was the end of my legal career, if not the end of civilisation. It did not prove so. On the contrary, on my return to practice a year

later, I was able to change the direction of my practice and to cut away work that I did not want to do. We went overland again for a year in 1973 and the same warnings were given. But I was not a victim of the broken career syndrome. I was male. Bigger and better work flowed in. So do not tell me about the broken career syndrome. Of course, my interruption was not followed by babies and nappies, and school functions and the demands of children that mostly fall on women. But let us at least drop the excuse about interruptions. Sometimes interruptions can renew a jaded lawyer's zest for the excitement of legal practice. Sometimes I have to tell young lawyers: get a life, as I did.

Speaking generally, women are no better at law than men. And no worse. They often have a few extra problems because in our society they usually end up as the principal child carers. It should not be beyond the wit of the legal profession to address and help solve these extra problems. And as for the rest, in solicitors firms, at the Bar and in the judiciary, what is needed is a healthy dose of realism, more open minded discussion, more flexibility, and an end to the stereotyping of women lawyers as second class. In the law schools, women gain more than their share of the top prizes. When they ultimately reach that central podium, women shine or they fade according to their talents and the merits of their clients' cases. Just like the males.

In the remaining years I have in the High Court of Australia, I trust I will see more women rise to speak to the Court. By the time I fold up my robes, I hope that "condescension, indifference and hostility"²⁵[25] to women is no more. That even unconscious systemic bias has been realised and banished²⁶[26]. That equal opportunity in legal practice is a daily reality²⁷[27]. That the tectonic plates of the law have moved to bring to practice the same virtues of fairness and non-discrimination that the law itself in Australia is supposed to preach.²⁸[28] And that we will have caught a fair wind and escaped the doldrums in which legal practice in this respect appears to be becalmed at this time, despite all the hopes of the new millennium.

WESTERN AUSTRALIAN VICE CHANCELLOR'S HARMONY DAY ORATION

By The Rt Hon Mr Malcolm Fraser AC CH

PERTH – 21 March 2001 at Murdoch University

"There is still a great need to work against prejudice and bigotry and to establish a truly equal and fair Australia," concludes Mr Fraser in a speech that addresses Multiculturalism, Reconciliation, Asylum Seekers and Human Rights in Australia. Although presented in March 2000, well before the current climate and recent events surrounding these issues, this speech is significant in challenging a political mindset with considerations that are critical to Australia's national and

international identity. It begs the question, 'Can we afford to be complacent?'

"Perhaps the major lesson of our own experience in recent times, the lack of effective progress concerning reconciliation and the harshness of our treatment of asylum seekers is simply that, even in an open and vigorous democracy like Australia, we cannot afford to be complacent about basic human rights. It is so easy to slip into habits of mind and actions which are discriminatory, which deny basic human dignity. We have not been immune from that slide in Australia."

**WESTERN AUSTRALIAN VICE
CHANCELLOR'S HARMONY DAY
ORATION**

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**WESTERN AUSTRALIAN VICE CHANCELLOR'S HARMONY DAY
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By The Rt Hon Mr Malcolm Fraser AC CH

PERTH – 21 March 2001 at Murdoch University



I am honoured to have been asked to give this inaugural Harmony Day Lecture. The letter of invitation asks me to speak about the importance of multiculturalism for a healthy democracy and of the need to build on our cultural diversity to fight racism at all levels.

I value this opportunity. No subjects are more important to Australia. Without racial harmony, without peace and tolerance in our homes, in our cities and our countryside we have no real future. What a country is or becomes is derived from its own history and from the attitudes and actions of those who are members of society at any one time.

I applaud the initiatives taken by the Vice Chancellors of Western Australia, designed to advance social cohesion, to encourage participation in the civil society and to oppose discrimination and racism wherever it may be found. In your recommendations you also commit to advance reconciliation with indigenous peoples - perhaps the most important single social issue confronting Australia at the present time.

We began as a white settlement in a land inhabited by indigenous people. As white settlers pressed outwards, the clash at the frontier between the old and the new was terrible, hateful and all too enduring in its consequences. The settlers and their colonial government were not prepared to contemplate a just accommodation with Aboriginals, even though such a course was urged upon them by British authorities. We had also witnessed a bitter course of relations between Europeans, the Chinese and South Sea Islanders.

Most significantly, we experienced the importation into Australia, a new nation, of old conflicts between the English and the Irish, Protestant and Catholic. With the preponderance of migrants from Britain or from Ireland, it was perhaps inevitable that these problems found their way into Australian life. This occurred because people in those years found it difficult to leave aside old prejudices and hatreds. It was also significantly promoted by the actions of government. Prime Minister Billy Hughes deliberately turned the conscription debates during the First World War into an attack on the Catholic Church and the Irish.

We could so easily have foundered on those differences in the early twenties, before the settlement of 1922 between Britain and Ireland. The scars were not removed from our society until nearly half a century had passed.

In the years before the Second World War, we were a dominant Anglo Celtic society. To be a good Australian, one would have to belong to that narrow mould. Religious discrimination was rife. Catholicism was actively discouraged in many professions. The religious divide carried through into political life.

The more we look at past attitudes and policy in Australia, the more we understand about the reality of indigenous policy, and the attempts to "breed out" Aboriginals, the more we realise how far we have come over the last fifty years.

During the World War, Australia was so nearly invaded and, if invaded, almost certainly occupied.

At the end of the War, political leaders from all parties had shared many common experiences, the World Depression, trade embargoes and sanctions, which deepened that recession, the Holocaust, the war itself. In so many places, including Australia, people knew that they had to do better. A return to the old ways would at some point be a return to another war, so how to build a better, a more enduring society?

For Australia's part, there was a shared belief amongst the political leadership that we had to "populate or perish".

In some respects it is fortunate that Australia had a Labor government in the immediate post-war years. Only a government with close links with the Union movement would have been able to persuade that movement to accept a large-scale migration programme.

The Minister for Immigration, Arthur Calwell, advised Parliament in 1946 "the Government's immigration policy is based on the principle that migrants from the United Kingdom shall be given every encouragement and assistance. It is my hope that for every foreign migrant, there will be ten people from the United Kingdom ... Aliens are, and will continue to be admitted, only in such numbers or classes that they can be readily assimilated."

Such a statement was essential in achieving acceptance of the new immigration programme. Consensus in that programme was also made clear when the next Minister for Immigration, Harold Holt, from the other side of the House in 1950

said: "This is a British community and we want to keep it a British community ...".

A great effort was made to try and achieve the twin goals of maintaining a homogenous population and of assimilating those who were different. Both attempts failed. It is a great credit to Australians and to ethnic community leaders that they failed peacefully.

The hope that settlers from the United Kingdom would greatly outnumber others was confounded by the composition of successive migrant intakes. This was inevitable. War had ravaged all of Europe. Many people had been persecuted. It was certain that tens upon tens of thousands from Nazi-occupied Europe would want to leave and seek a better home in a more peaceful land.

Migrant actions also refuted the suggestion that they would assimilate. It was again inevitable that new migrants from one country would tend to gather in one place. It was a natural phenomenon to hear the old language spoken, to be around people who came from the old land. It was obviously comforting to many people who had come so far to a country so different. Later generations moved more widely through the community.

But while Australia did not assimilate people who became new Australians, the record shows that those who believed assimilation was the only course were wrong. Between 1947 and 1980, three and a half million people from more than a hundred countries came to Australia. During this period Australia embraced an ever increasing degree of ethnic and cultural diversity. The record shows that the Australian people, from wherever they have come, have enriched and strengthened this country with their cultures, their energies, their commitments and their children. We could not have built Australia without them. Together we have built a nation which, by any international standard, must be judged a success.

This achievement was obviously greatly assisted by the economic prosperity of the fifties and sixties. There was a shortage of labour, people could get jobs. Patently the migration programme was adding to productivity, to demand. It was a significant factor in creating more jobs.

But there has been far more to our acceptance of diversity than favourable economic circumstances. Social and political processes made vital contributions to the outcome.

The way Australia's ethnic communities developed, the initiatives they have taken and the responses they have provoked, have played a central part in Australia's progress. Migrants established churches, community groups, welfare associations, schools and sporting clubs, through which they could preserve and develop those aspects of their inheritance which they valued. Australia's general tolerance and freedom were important in enabling this to happen.

There are some people who through this period spoke of ethnic ghettos. Ethnic communities were established but they did not cut themselves off from the

community at large. They asserted their right to be accorded a place of respect within the Australian community, a place that acknowledged their linguistic and cultural needs. Ethnic communities sought out and changed the attitudes of the press, educators, welfare agencies, churches, politicians, public servants and the general public. They secured acceptance of issues which concerned them as legitimate and significant on the nation's social and political agendas.

In terms of the life of the nation, these changes took place with relative speed. What occurred is profound and subtle. It was not just the recognition of the needs of ethnic communities. We have not merely grafted an ethnic dimension to an otherwise unchanged view of ourselves. There is a fundamental change in the established way of seeing Australia.

In multiculturalism we have forged a radically innovative basis upon which we can respond as a nation to Australia's diversity, to its challenges and opportunities. It is a basis which offers at once both an understanding of the present and a vision of the future. Multiculturalism is built on realism and idealism. There had to be an idea of a nation, a vision of what we could become.

It also involved a practical recognition of what Australia was fast becoming – a population derived from a wide variety of ethnic and cultural backgrounds. Perhaps we have learned from some of those earlier years and the bitternesses and hatreds that flowed from the English relationship with Ireland. In the first part of our history as a nation those religious and ethnic differences had left Australia deeply scarred.

There can be two reactions to diversity. We had probably learnt even then that any efforts to enforce conformity carries with it high costs to the individual and to society. It denies identity and self-esteem. It can drive a wedge between children and parents. It poses a threat of alienation and division. It is not possible to demand that people renounce the heritage they value and also expect them to feel welcome as full members of our society. Realism dictates that cultural differences must be responded to in a positive way.

Multiculturalism involves far more than the passive acceptance of diversity. It sees diversity as a quality to be actively embraced, as a source of social wealth and dynamism. It encourages groups to be open and to interact so that all Australians may learn and benefit from each other's heritage. Multiculturalism is about diversity and not division. It is about interaction, not isolation. It is about cultural and ethnic differences within a framework of shared fundamental values, which enables them to co-exist in a complimentary, rather than a competitive basis. It involves respect for our law and for our democratic institutions and processes. Insisting on a core area of common values is no threat to multiculturalism but its guarantee, for it provides minimal conditions in which the well-being of everyone is secured. It is about a quality of opportunity for the members of all groups to participate in and benefit from Australia's social, economic and political life. This attitude is dictated by morality and hard-nosed realism.

I am talking about basic human rights, not benevolence, which the giver bestows

or withdraws at will. No society can long retain the commitment and involvement of groups that are denied these rights. If particular groups feel that they or their children are condemned, whether through legal or other arrangements, to occupy the worst jobs, the worst housing and to suffer the poorest health and education, then the society in which they live will pay a high price for that division.

Thus multiculturalism speaks to us forcefully and directly about a range of fundamental issues relevant to all Australians. It is not an abstract or alien notion, it is not a blueprint holding out Utopian promises, but a set of guidelines which grows directly out of our society's aspirations and experiences. That is why, in a little over a quarter of a century, multiculturalism has so quickly entered our political and social vocabulary and become a simple reference point. It is too strong, too deeply ingrained, too much part of Australia, ever to be set aside.

It needs to be understood that multiculturalism, from the outset, involves the firm acceptance of Australian core values, a commitment to the freedom and well-being of this society. An acceptance of our laws and our rules, of our political and judicial processes.

That commitment has been absolute and without equivocation. It was never a question of placing loyalty or affection for another country above and beyond affection for Australia but the days are well and truly gone where one had to be Anglo-Saxon and Protestant, or pretend to be, to be accepted as a good Australian. As a nation we have come a long way.

We might all have our own perception about when multiculturalism became more than an aspiration. I have two benchmarks in my own mind. The Commonwealth's total acceptance in 1978 of the Report and Review of Post-Arrival Programmes and Services to Migrants – the Galbally Report. That Report identified Multiculturalism as a key concept in formulating government policies and recognised that Australia was at a critical stage in its development. It re-examined existing assumptions and methods and urged the need for policies and programmes to take new directions.

Central to the report was a commitment to the principles of equal opportunity and equality of access to general services. The provision of special services where these are needed, respect for cultural diversity, consultation, self help and self reliance. The Galbally Report chartered a new course. The Government moved rapidly across a broad front to implement the report in full.

In the next few years, the Commonwealth developed a major orientation programme for new arrivals and introduced innovative English language instruction; promoted multicultural education in government and non-government schools; boosted the child migrant education programme; extended the provision of special welfare services to migrants by substantially increasing the number of grant-in-aid social workers; established a network of migrant resource centres; established the Australian Institute of Multicultural Affairs. We extended ethnic radio services and carried out a range of projects in particular areas of need.

While time and circumstance have impacted on these programmes, the underlying

philosophy remains.

Another of the report's recommendations related to the establishment of a Special Broadcasting Service called multicultural television. It was deliberately not called "ethnic television".

There were some who argued at the beginning that the ABC should be responsible for this work, that we did not need a second government service. The ABC had not been good at going beyond the narrow confines of the old Australia. It had shown no sense of obligation, of providing services that may be specially attractive to three and a half million new Australians. When the ABC Board found that the government was determined to proceed, they ultimately came forward and said that they would do the job after all. By that time I had no confidence the ABC would really do the job required, that it would be sincere, that it would have conviction.

We went ahead and established the Special Broadcasting Service. Its programmes are not designed to be ethnic programme for ethnic communities. The programmes are designed to enable all Australians to learn more of the history, of the culture, of the background of the tradition of the people who make up modern Australia. In a very real sense it was a programme for all Australians. This was also one of the recommendations of the Galbally Report.

Governments clearly can do a great many things. They can lead, they can define directions, they can set the tone. But in the end, it depends upon people. The essence of multiculturalism can be realised only in the attitudes and behaviour of people in areas which are beyond the proper reach of democratic government.

A law on the statute book punishing those who use racial or ethnic insults will not compel neighbours to respect and appreciate each other's cultural heritage. A code of conduct for the media which warns against denigrating ethnic groups will not prevent advertisers and scriptwriters using exclusively Anglo-Saxon models for their heroes and heroines. Educational institutions can introduce multicultural courses to raise awareness of social diversity but these cannot guarantee cultural sensitivity where it is most needed, by doctors towards their patients, by teachers towards their pupils, by lawyers and social workers towards their clients. Ultimately, responsibility for multiculturalism rests on the community at large.

We can record with a sense of satisfaction but not with complacency that, during the first bout of Hansonism, support for multiculturalism ranged between 70%-78% of the entire Australian population. Her attacks on multiculturalism had not dented general support.

In addition, formal enquiries by the National Multicultural Advisory Council were launched to see if the term "multiculturalism" should or should not continue to be used. The Council concluded that multicultural policies have served Australia very well, contributing to a fair and more just society. Inclusiveness was the key to the principles of Australian multiculturalism recommended by the Council. These principles articulate the essential balance of rights and obligations that are necessary to a just and united society.

Support for and understanding of multiculturalism is affecting Australia in profound ways. It will make it easier to accept a natural relationship with countries of east and south-east Asia and to play a role in east and south-east Asian institutions, as a country whose future will be determined by the sense of security and economic well-being throughout the whole region.

The changes brought by multiculturalism encouraged us as a nation to make a distinctive international contribution to the struggle against racism and to the defence of human rights and to the needs and aspirations of people in the developing world. Thus we have had recognition and support from nations with whom we once had little in common.

There have been attacks on multiculturalism, there have been continued misunderstandings that suggest that multiculturalism puts loyalty to another country above loyalty to Australia, that it diminishes Australian values, that it weakens Australian culture. It does none of those things. We only have to ask ourselves what kind of country are we now, what kind of country were we before the changes began?

Since I have been involved with CARE Australia, I have seen more of countries where racism, ethnic division and hatred, are rampant. In the last fifty years we have avoided racist and religious problems seen so sharply in Somalia, Rwanda, Yugoslavia, Serbia and Kosovo and in Northern Ireland. It is significant that leaders of ethnic groups within Australia have played a greatly different role from that which was played during the worst English-Irish divisions in the earlier parts of the last century. What governments and individuals then did exacerbated the differences and the hatreds and Australia was scarred.

In the second half of the last century, we had all learnt much from earlier divisions and failures. So it was not only political leaders from the old Australia but ethnic community leaders from new Australians who were saying that we have come to a new country to make a new land, we want to work together. We are not going to import old divisions and old hatreds. Nowhere has this been more fully recognised than in recent years with the problems in the Balkans.

In this country we have people from all groups in the Balkans, from Serbia, from Croatia, from Kosovo. It would have been so easy, amidst the intense hatred that torture that unhappy land to have these problems imported to Australia. The fact that this has not happened is greatly to the credit of ethnic leaders and of the inclusiveness of our free and open society. Above all, it shows that ethnic leaders understand what Australia is about. It shows that their commitment to this country, to its peaceful well-being and progress is absolute. We have had Australians in the Balkans fighting on many sides of the Balkans issues, but they have done it in the Balkans, not here.

This is an essential message. We are a new land and we must not import old differences.

Australia has been remarkably successful in general programmes of migration. New settlers from many lands have been accommodated. The old idea of

assimilation is dead and new Australians find their own way in a country which tolerates and respects their heritage, their culture and diversity.

Simply because we have done well should not blind us to two failures.

We still have not adequately come to grips with the question of reconciliation. We have not been prepared to look at the past honestly and take actions that will enable that past to be put aside, allowing us all to move on to build a better and a more credible country.

We should remember that authorities in the United Kingdom, through the 19th century, sought to persuade the colonial governments that Aboriginals should be treated with respect and decency. We know that, for a large part, those injunctions were put aside. In this state, control of indigenous policy was left in the hands of the colonial office because of distrust in Britain of the local administration.

Even today we have legislation that is discriminatory and which adversely affects indigenous Australians. Mandatory sentencing is contrary to international obligations. The idea of allowing the police to have discretion but giving none to a magistrate, so that he cannot take into account all the circumstances of a case, is indeed a basic denial of justice.

Undoing mandatory sentencing would offend some sections of Australian society, especially in Western Australia and the Northern Territory. This is a classic case where governments should lead and persuade their masters in the electorate that what they are doing is correct. It would also create a greater urgency on behalf of governments and communities in tackling the basic problems which mandatory sentencing was designed to combat. It treats the symptoms, however, and not the cause. It seems to me that all major political parties are equally guilty of neglect on this issue. How long will we have to wait before one or other of the major parties is prepared to stand on principle and act accordingly?

With Sir Gustav Nossal, I believe that the next Prime Minister will make an apology and I believe he should. It is not, as we have been told, a question of transposing what people did in the nineteenth century and in the earlier part of the last century, onto the shoulders and consciences of today's Australians. It was then a different and a harsher world. An adequate expression of sorrow does not make today's Australians guilty of past events. An appropriate apology would, however, place on record our official attitude to that past and assist significantly in healing still-open wounds.

The present course of pushing people through the courts has already cost around \$12 million. The cost will rise because appeals are under way and more cases are to be heard.

Perhaps most importantly, an apology would do much to enable us all to get on with building the future together. An apology would unlock the past and make it possible to put it behind us. In addition it is clear that a number of the approaches to Aboriginal problems have not been particularly successful. It will enable

indigenous and non-indigenous Australians together to work more effectively in seeking appropriate and effective solutions.

There is a second area where, in more recent times we have failed in our obligation and responsibility to treat all people with respect and self-esteem. Both political parties are responsible for the policy of putting migrant detention centres in remote and inhospitable parts of Australia. We have placed those detention centres within the hands of a private administration which, on all accounts, seems to be harsh and extreme. As people enter those centres, they are given numbers by which they are known – a prison characteristic and one which seems to dehumanise life.

Reports which have been recently published indicated significant shortcomings with the operation of detention centres. All too often these refugees have been treated as people outside the law. We have been told that they are illegal, that they are queue jumpers, that there are terrorists amongst them.

It is interesting to see what happens to most of them at the end of their period in the detention centre. Overwhelmingly, unauthorised refugees are ultimately given permission to stay in Australia. The Parliamentary Library Research Service has advised me that in the year ended 30 June 1999, 97% of Iraqi and 92% of Afghani boat people were given refugee status. In the next six months, 96.2% of Iraqis and 90.4% of Afghans were given refugee status. These were people who have been overwhelmingly denigrated in public statements. The rhetoric totally fails to match the ultimate outcome.

We know the Minister has learnt that many countries treat these categories of refugees more humanely than we have in Australia. It is a blot on our reputation. When we look at the overall numbers of illegal arrivals, in 1998, 8,000 came to Australia, about 52,000 to Britain, 98,000 to Germany and 427,000 to Canada and the US.

Recently, when 1,000 Kurdish refugees were beached on the southern French coast, we saw a French Minister moving to the place to see that the refugees were properly treated. It is plain she thought they had been through a considerable ordeal. A number had already been taken to hospital for treatment. The first task was to make sure that anyone who needed medical care, received that care and then they could talk about longer-term solutions. It was a humane and sympathetic approach. The refugees were treated with dignity and esteem.

On Australia's record of recent times, our reaction would have been very different. What we do damages Australia's name as a compassionate and humane country.

It would seem clear that our approach to the problem is indeed in breach of the Universal Declaration of Human Rights Conventions. It would seem to be in breach of the International Covenant of Civil and Political Rights. This view is supported by the Human Rights and Equal Opportunity Commission. It is also in breach of the Convention of Rights of the child. Current practice runs counter to UNHCR guidelines on detention. Australia is seriously out of step in these

matters.

It is hard to avoid the conclusion that Australia's welcome to refugees who have come here without authority, has been made as tough as possible to deter others from coming. When we consider the conditions that they have left, it becomes clear that no democratic government could make conditions tough enough to succeed in that objective. There is a growing international consensus that harsh treat is not a deterrent to asylum seekers.

A country like Australia, which, despite the exceptions, has a good reputation in relation to human rights, needs to protect its reputation assiduously. It is that reputation that allows us to use our voice in the forums of the world to advance the cause of human rights around the world. When we put ourselves in the wrong, we damage our capacity for advocacy and soil the reputation we have gained over fifty years.

Perhaps the major lesson of our own experience in recent times, the lack of effective progress concerning reconciliation and the harshness of our treatment of asylum seekers is simply that, even in an open and vigorous democracy like Australia, we cannot afford to be complacent about basic human rights. It is so easy to slip into habits of mind and actions which are discriminatory, which deny basic human dignity. We have not been immune from that slide in Australia.

There are two sides to this coin. The importance of actions that citizens can take cannot be over-emphasized. At the end of the day, it is our own personal determination to treat people with respect and self-esteem that wins the day. This is the grass roots of a decent society. The other side of the coin, however, involves government. The attitude and actions of government are critical in shaping our society for the future. They are critical in providing a lead where citizens may be hesitant. It is for the government to define the path for the future, to re-emphasize the need to maintain a just and humane society. It is a combination therefore of action by citizens and leadership by government that is essential to the creation of a just society.

I greatly welcome the concern that the Vice Chancellors and those who support them, have shown in the nature of our society. I applaud the recommendations that have been made concerning the way forward and the need for citizens to build a shared future. But when we talk of a shared future, we need to recognise that the future is not shared by far too many. There is still a great need to work against prejudice and bigotry and to establish a truly equal and fair Australia.

EDUCATING YOUTH AGAINST RACISM

A Report Prepared by Morris Lipson

A Report Prepared by Morris Lipson for the UN Office of the High Commissioner for Human Rights for the World Conference Against Racism

Durban, South Africa, August 2001

"In a number of recent reports, the High Commissioner for Human Rights, and numerous others, have documented the rise of racism and racist activities around the world." " Anti-racism work is on the increase. Networks of educators, often with government support or participation, are being formed and alliances are being established. The word is spreading that racism can be effectively countered by the provision of information to children and youth to enable them to see what is wrong with it, and what is right with others that are different from them. This Report has chronicled a sampling of such educational efforts, by national and local governments, by unions, NGOs, and by dedicated teachers, administrators, and citizens of the world."

Included in Morris Lipson's presentation of the projects established by various countries to stop the rise of racism is a referral to Australia's No Way! Racism Project that came into existence in 2000 and was funded jointly by state education systems, the New South Wales Catholic Education Commission, and the federal Departments of Immigration and Multicultural Affairs and Education, Training and Youth Affairs, among others.

"The Project recognizes three pre-conditions for effective anti-racism education. First, action must occur at all applicable levels: at the system, at the school, and within the individual. Second, anti-racism strategies must go through a cycle of planning, implementation, and evaluation. Finally, implementation must occur throughout the gamut of educational institutions and activities: it must be part of policies and guidelines; it must occur in curriculum and pedagogy; it must be a fundamental part of teacher training and staff development; there must be efforts to involve parents and communities; and there must be continual monitoring and reporting of efforts."

**EDUCATING YOUTH AGAINST
RACISM**

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Lipson**

EDUCATING YOUTH AGAINST RACISM

Below is **Section F. Racism No Way! Project in Australia** from a Report Prepared by Morris Lipson for the UN Office of the High Commissioner for Human Rights for the World Conference Against Racism Durban, South Africa, August 2001

F. Racism. No Way! Project in Australia

Racism. No Way! is a national effort in Australia to document, analyze,

and combat racism in Australian schools. The project came into existence in the

year 2000, as a result of efforts on various fronts. Initially, a number of government and non-government studies in the early 1990's had investigated racism and its impact on Australian society. These studies documented racist activities, including violence in schools and elsewhere, directed particularly against indigenous Australians and others from language backgrounds other than English.

In response to these reports, and in the context of the International Year for Tolerance in 1995, the Ministerial Council on Education, Employment, Training and Youth Affairs – a body consisting of Ministers of Education from the various states, territories, and Commonwealth comprising the Australian federation – identified the need for a *national* anti-racism education project. At that time, it established a task force, consisting of representatives from education systems, parent organizations, and union representatives, with the goal of creating a database of policies and resources that would relate to racism and how to combat it in the schools.

Two years later, the Chief Education Officers of the education systems across Australia created a second task force, subsuming the first one, dedicated to the establishment of a national anti-racism education agenda. The *Racism NoWay!* Project grew directly out of the efforts of this task force, and is funded jointly by state education systems, the New South Wales Catholic Education Commission, and the federal Departments of Immigration and Multicultural Affairs and Education, Training and Youth Affairs, among others.

The Project recognizes three pre-conditions for effective anti-racism education. First, action must occur at all applicable levels: at the system, at the school, and within the individual. Second, anti-racism strategies must go through a cycle of planning, implementation, and evaluation. Finally, implementation must occur throughout the gamut of educational institutions and activities: it must

be part of policies and guidelines; it must occur in curriculum and pedagogy; it must be a fundamental part of teacher training and staff development; there must be efforts to involve parents and communities; and there must be continual monitoring and reporting of efforts.

In recognition of these pre-conditions, the Project has adopted the following goals: defining racism in the Australian education context, developing understanding of Australia's history and cultural diversity, documenting racism in Australian schools, developing strategies for recognizing and dealing with racism in schools, monitoring and evaluating anti-racism efforts in schools. The Project has developed various resources such as a guide for Australian schools that sets out principles for effective anti-racism education which describes the nature of racism and the ways that it is manifested in educational institutions; and it provides practical anti-racism strategies. Every school in the nation possesses copies of the guide.

A second resource is a "special edition newsletter," which highlights good anti-racism initiatives and practices from schools around the country. It contains articles and news stories from each state and territory in Australia.

The most ambitious and far-reaching of the Project's resources, however, is the website that it has created and operates, at [www.anti-racism.org.au](#). It contains electronic versions of all the print documents that the Project creates or collects. It contains several sections designed for specific audiences such as a games room, designed for students. It contains games, comics, crosswords, quizzes, competitions and a graffiti wall, all with anti-racism themes and information. Another section is a library containing reference material, including information on understanding and recognizing racism, dates and details regarding Australia's development as a culturally diverse nation, relevant national and international legislation, and an annotated bibliography. Another contains

lesson ideas and fact sheets designed for teachers' use in the classroom.

Teachers are encouraged to submit their own teaching ideas and suggestions in a moderated teachers' forum operated within the section. Other sections of note include a news section, containing information on recent anti-racism initiatives of note and schools are invited and encouraged to submit information about their own activities, for publication in this section.

Perhaps the greatest significance of this Project is its national scope and mandate. While it is true that Australia's school system is principally a state-by-state enterprise, an overarching countrywide initiative provides a unifying imprimatur to the message that racism in schools or anywhere else is not tolerated, and is being combated.

Women and Leadership by Cathy Miller, Chair of the Queensland Premier's Council for Women presented on July 4, 2001

The Forgetting of Wisdom By Win Metcalfe of The Older Women's Network presented on October 3, 2001

for the Lunchbox Seminar Series of the Queensland Office of the Status of Women, Government Dept of Premier and Cabinet

Cathy Miller introduces the term, '**Double O**' factor - The 'Oestrogen Obstacle', "a socially induced oestrogen surge where millions of highly trained hormones attack the self-esteem nerve centre of the brain and turn otherwise competent women into self-deprecating wrecks."

With her central message being that "women need to reverse the 'Double O' factor. Get rid of those social shackles and strive to appreciate what you have to offer," Cathy Miller asks: "But what type of leaders and decision-makers should we be calling for - regardless of gender? Do women supporting other women's progression have some right to expect that such women will encourage, support and mentor other women to similarly progress? ... for women who accept the challenge and take the risk (and it is a risk with potential huge personal costs) and strive to be effective leaders, should they expect to receive the support and encouragement of other women?"

Answering "Yes" to both questions, she elaborates, "Women leaders need our support and women leaders need to support leadership development in other women." Summing up in three points, she states, " Expect good leadership from women and men right throughout the chain of management positions. Conduct a frank audit of your leadership potential to see whether you're an effective organisational member - are you part of an organisational problem or solution? And remember: leadership ability is not constrained to leadership positions. Think about it."

Reflecting on her leadership and that of the Premier's Council for Women, she offers a valuable list of fundamental qualities and skills that makes an effective leader in the workplace.

Win Metcalfe in her speech, *The Forgetting of Wisdom*, asks, " why do older women, who comprise the main and most constant carers, babysitters and voluntary workers, remain virtually invisible with their work poorly paid and devalued? Why are they still seen as a burden on society? Why does this broad and diverse group - spread across culture, lifestyle and class - all endure the same ageist oppression?"

To answer these questions Win Metcalfe addresses some of the societal constraints that have been placed on older women. She explores "the natural process of growing OLD" in the context of today's society.

"Old age is seen as: obsolescence, ugliness, disease and brain impairment...according to current societal 'wisdom' we are obsolete, ugly, brain impaired etc. On this account 'Old Age is NOT Wise'! No wonder I have called this talk, 'the Forgetting of Wisdom', because I am one 'old' determined to fight back!"

She encourages us to " to grow old disgracefully" to recognise that "whoever has ALWAYS made the right choice, who has ALWAYS remembered everything they need to know and who has FULLY reached the pinnacle of their potential is a very rare bird indeed. In all probability they don't exist!"

"A lively sense of humour is vital and the support and friendship of others who have this can be a source of comfort, enthusiasm, shared fun, and a positive 'growing older disgracefully' attitude to life."

**Queensland Government Dept of
Premier and Cabinet**

Lunchbox seminar series

**Speeches by Cathy Miller and Win
Metcalfe**



Speeches by Cathy Miller and Win Metcalfe

(Click on the title to see the speeches on this page.)

L-R: Cathy Miller and Win Metcalfe

Cathy Miller, Chair of the Premier's Council for Women since 1999 and Women's Infolink Acting Manager

Win Metcalfe's of the Older Women's Network

Speech by Cathy Miller, Chair of the Premier's Council for Women, for the Office of the Status of Women, Queensland Government Dept of Premier and Cabinet, Lunchbox Seminar Series on 4 July 2001

'Women and Leadership' by Cathy Miller

Speaking on leadership from my perspective as the Chair of the Premier's Council for Women is a bit of a challenge as you can imagine. The Council is still active and our term has been extended until September.

I didn't want to wake up to a *Courier Mail* headline 'Chair tells all on Premier's Council' with my morning coffee!

I've learned to exercise caution when talking from your own viewpoints as I know comments can often be misinterpreted or extrapolated! I've been burnt before. Years ago while working at the Domestic Violence Resource Centre a reporter phoned me for a comment on the Strathfield massacre. We discussed violence in general and the reporter asked me whether the circumstances existed for a similar massacre in Brisbane. I said 'Absolutely - this type of violence could occur anywhere'. The next day I opened the paper to a screamer headline: "Expert on Violence Warns of Massacre".

The 'Double O' factor

When I first started thinking about this presentation - for once in my life I was stuck for words. I've got all manner of views on leadership and am formally

studying aspects of the subject for my MBA. So why was I feeling blocked?

Well, I have this theory It's yet to be scientifically proven but I call it the '**Double O**' factor. The 'Oestrogen Obstacle'. This is a socially induced oestrogen surge where millions of highly trained hormones attack the self-esteem nerve centre of the brain and turn otherwise competent women into self-deprecating wrecks.

I'm quietly confident that most women in this audience can relate to 'Double O'. It particularly strikes during job interviews when it comes to talking about matters remotely related to your own ability.

Many women have an aversion to accepting the title of 'leader' or recognising leadership qualities within themselves.

Using myself as an example, when I was asked to speak on leadership my instant reaction was: "Oh no, everyone's going to think that **I** think I am the *great* leader!" (I got hit by the 'Double O' factor at a thousand miles an hour). I had a vision of some of my former colleagues downloading this speech from the Internet and sitting around over some pizza and a bottle of red having a good old laugh. The age-old fear of women critics!

Many women do not put themselves forward for this reason. And there's a myriad of other reasons related to gender bias, discrimination, and stereotypes about what makes a leader and what makes 'strong' and 'effective' leadership. Issues like political behaviour in the workplace, bad experiences, 'in' or 'out' group status, perceptions about self and others, perceptions about what it's like to be in leadership positions and so on. Remember, you don't have to be in a so-called 'leadership position' to be a leader. But I think you need good leaders that encourage others to reach their potential.

As part of my MBA, I was required to do an assignment that partially looked at aspects of leadership. It gave me an opportunity to interview women in various 'leadership positions' in the public, private and community sectors. When I approached one woman in middle management whom I have always admired she said "Cathy do you really want to talk to me?" and expressed doubts about what 'value' she could offer me. Two hours later I had learned more from her than I did reading a 450-page textbook on leadership.

So my central message today is this.

Firstly, **women need to reverse the 'Double O' factor**. Get rid of those social shackles and strive to appreciate what you have to offer.

Women are calling for greater equity - an equal balance of men and women in leadership and decision-making positions. Indeed, the Premier's Council for Women's report, Beyond the Pink Collar, devotes attention to this issue. We call for increased targets for women's progression into decision-making positions in the public and private sectors.

But today, I'd like to take this matter further and say that it's more than a numbers game. Certainly, increased numbers of women in male dominated arenas will erode the stronghold of traditional male leadership stereotypes and norms and will be a clear statement against discriminatory practices that restrict women's progression. Critical mass in this respect is therefore essential.

But what type of leaders and decision-makers should we be calling for - regardless of gender?

Do women supporting other women's progression have some right to expect that such women will encourage, support and mentor other women to similarly progress? I would argue 'Yes'.

Similarly, for women who accept the challenge and take the risk (and it is a risk with potential huge personal costs) and strive to be effective leaders, should they expect to receive the support and encouragement of other women? I would argue 'Yes'.

In short, the call for more women must be accompanied by an empathetic understanding all round, as well as clarity as to what makes an effective leader and organisation member - regardless of gender.

For me, there are a couple of important points when it comes to discussing leadership.

Firstly, there's a continuum with positive leadership at one end and destructive leadership at the other. (There's a common assumption that 'leadership' is simply positive. This depends on your definition).

Secondly, you can have people who are positive leaders or people who simply occupy leadership or decision-making positions.

Leadership is not automatically a good thing if it fails to address or worse still inspires 'followers' to perform negative and destructive acts. For me, good leadership is value-based and exercised toward a worthwhile purpose. Some people are considered extraordinary 'leaders' - because they can influence others but have extraordinarily destructive outcomes. Hitler comes to mind.

Like beauty, good leadership is often in the eye of the beholder. This can be one of the greatest challenges of leadership or good management. It's all about managing or leading diversity - diverse groups of people with different goals, needs, values, and attitudes.

Human nature being what it is means that your leadership ability is therefore assessed against individual belief systems.

Premier's Council for Women

I was invited to discuss my experience of chairing the Premier's Council for

Women. So with the Council as one example, **what were some of my leadership challenges?**

The Premier's Council for Women comprised 12 women from varying backgrounds drawn from vastly different locations across the state. We were asked to advise the State Government - through the Premier - on women and work related issues.

Now each member of the Premier's Council for Women would be considered a leader in her own right - in different fields. We generally met quarterly - bringing to the table our own passionate perspectives on women's needs and issues.

Several members sat on high level boards - for others it was their first experience of something like this. Some members looked for immediate 'action' while others looked for simultaneous good process. Some had recognised expertise on women and work-related issues, while others admitted to a learning curve. There were diverse opinions over how to progress issues for women and on how the council should operate. Some valued a participatory model more than others did. The greatest leadership challenge was to harness such variety to establish an entity that would work for women's common good.

We had two important things in common. We had a common goal - to improve opportunities for women and girls. Secondly - behind every good council for women there's usually an excellent secretariat of women working behind the scenes. For this council it has been the executive officer and her colleagues located within the Office for Women.

Over the past two years, we sought to achieve tangible outcomes for women. Through a process of negotiation, we accepted our advisory role and channelled our resources into the provision of high level, empirically sound advice on improving work-related outcomes for women.

As Chair, my aim was to devote Council resources to achieve tangible outcomes for women in the here-and-now and a strategic policy framework to address women's interests into the future.

My personal bias was against entering into expensive negotiations with women on an issue that had been often canvassed before - that might lead to a report reiterating the problems faced by women without specific reference to possible solutions. As chair, this required extensive negotiation with women who advocated full meetings at locations outside of Brisbane.

As with any group there were varying communication styles so my challenge was to develop a cohesive team that valued diversity. Meeting protocols had to be tight to ensure equitable discussion. I'm sure if members of the Premier's Council for Women hear a pen tinkling on a glass they would even now stand to immediate attention!

So what were some of our more tangible outcomes?

- The '*Beyond the Pink Collar*' report - toward strategies to respond to women and work issues in Queensland.
- The Women and Work Web Navigator and accompanying materials (which at last report had 2,500 hits).
- Participation in and financial support for a range of projects including '*Stepping out for Work*', Women in Technology Showcase and the Young Women's International Women's Day Forum.
- The Queensland Working Women's Service's *Workplace Bullying Kit* - techniques for preventing and dealing with bullying in the workplace.

Less tangible outcomes included our advocacy activities including support for an inquiry into pay equity, the Forde Inquiry and support of the Aboriginal and Torres Strait Islander Women's Taskforce report into violence against indigenous women.

Rather than go through the findings of our major outcome '*Beyond the Pink Collar*' today I want to focus on our theme of leadership.

So do men and women lead differently? Apparent authorities on organisational behaviour, Robbins et al, did an extensive review of the literature and offer two conclusions.

Firstly, that the similarities between the genders tend to outweigh the differences. They believe this is because people with traits associated with leadership - such as confidence, intelligence and sociability - are more likely to be perceived as leaders or encouraged to pursue such options.

Secondly, although there are many similarities, there were a few key differences in leadership style. According to Robbins et al, women tend to adopt a more democratic style. They encourage participation whereas men are more likely to use a 'command and control' style. They emphasise facilitation and interaction between people (while men emphasise goal setting) and women share information and power and attempt to enhance members' self-worth. Women prefer to lead through inclusion and rely on their charisma, expertise, contacts and interpersonal skills to influence others whereas men rely on the formal authority of their position for influence.

Interestingly they note that female leaders tend to be less democratic when they are in male dominated jobs. They posit this to be a result of group norms and masculine stereotypes overriding personal preferences, or alternatively, those women with a more directive style are attracted to male dominated organisations. They state:

"In today's organisations, flexibility, teamwork, trust and information sharing are replacing rigid structures, competitive individualism, control and secrecy. Women seem to do these things better than men. With the increasing use of cross-functional teams, women's abilities to facilitate, negotiate and enhance relationships will encourage the use of women in modern leadership roles."

In conclusion, chairing the Premier's Council for Women has been a privilege and

more importantly - judging by my meetings with the Premier and Ministers like Matt Foley and Gordon Nuttal - there will be good outcomes for women. Certainly, early targets for women's appointments to leadership and decision-making positions have been exceeded.

I've had the privilege of working with women leaders in the public sector, women in parliament and women in the community (paid and unpaid). I particularly admire those women leaders who are genuinely supporting and mentoring other women - while they themselves are having to sometimes withstand discriminatory and challenging opposition from some men, and sadly some women, around them.

While the women's movement celebrates more women in senior leadership positions - spend a moment appreciating the risks and costs they might personally endure.

Women leaders need our support and women leaders need to support leadership development in other women.

So to finish with three points:

Expect good leadership from women and men right throughout the chain of management positions.

Conduct a frank audit of your leadership potential to see whether you're an effective organisational member - are you part of an organisational problem or solution?

And remember: leadership ability is not constrained to leadership positions. Think about it.

Finally I have made the following list of what I think makes an effective leader in the workplace. It's a veritable ideal shopping list of fundamental qualities and skills! But let me also say this - many of these qualities also describe an effective team member.

Effective leadership fundamentals:

- Values driven - respect for others (irrespective of role); honesty, trustworthy and integrity
- Display a genuine generosity of spirit
- Empathic understanding of people - respect diverse perspectives, backgrounds & experiences
- Inspirational and visionary - able to set the direction (and 'put wheels on' the vision, think strategically, have clarity of expectations)
- Can see and clearly articulate a big picture perspective
- Intellectual and emotional intelligence and maturity, self-efficacy
- 'Walk the talk' - their actions match their words (provided their words are appropriate!)

- Courage to tackle difficult or sensitive issues (eg. conflict)
- People *and* task oriented
- Are explicit about and take action against unacceptable behaviour (discrimination, bullying, harassment)
- Rules are applied fairly and rewards distributed ethically and equitably
- Communication champions
- Leadership style is situational - able to vary according to the situation/people
- Give credit where credit is due - 'we instead of me'

Skills Based

- Interpersonal skills (really more values than skill based!)
- Develop their communication skills - and engage in true listening
- Management skills - planning, evaluation, monitoring, job design, organisational structure, workplace health and safety issues, change management etc.
- Attend to 'process' and 'content' in the right balance
- Effective balance between participatory decision-making and personal decisiveness - they get things done or at a minimum ensure that things get done (respond appropriately during times that call for a more "directive" approach & explain the rationale for such decisions/process)
- Networking and resourcefulness
- Give feedback -timely & genuine
- Create a learning environment - self & organisational

Effective Leaders...

- Know that their way is not necessarily the right or best way
- Ask 'In whose best interests'? (Own ego or the 'cause'; don't engage in inappropriate territorialism & empire building)
- Foster an environment that encourages innovation and creativity (be it problem solving, new modes of service delivery, policy & program initiatives etc)
- Admit mistakes and set about rectifying, learning from and never repeating them
- Act to develop positive organisational commitment, culture & climate - morale and satisfaction
- Actively invite & listen to 'upwards' feedback (ideally without defensiveness!)
- Empower others - respecting capabilities & professional autonomy, training and developmental opportunities, mentorship, and performance feedback
- Celebrate little and big successes (short & long term)
- Acknowledge people's lives beyond work - striving to create flexibility wherever possible
- Accept human fallibility
- Share information & power (not covet)
- Withstand diverse expectations & the 'no win' situations (which at times calls for a tough hide)

- Don't act out of jealousy, undermine or sabotage others' progress
- Understand the essential human need for humour!
- Sleep comfortably at the end of the day - having given their best and acted with integrity

Speech by Win Metcalfe of the Older Women's Network for the Office of the Status of Women, Queensland Government Dept of Premier and Cabinet, Lunchbox Seminar Series on 3 October 2001

'The Forgetting of Wisdom' by Win Metcalfe

Like most men and women in our contemporary society **I badly need a wife.** Being an imperfect 'me', complete with several foibles I would like an old fashioned, domesticated, dedicated 'wifely' sort of wife. You know the kind. Gingham-clad and apple-cheeked, always smiling and smelling 'nice'. Never losing her/his temper, never raising his/her voice. Only giving a slight frown, with lips pursed in disapproval at any of the naughtiest things we might do. She/he will cook, clean, shop, organise the kids, love us all indiscriminately and bake **REAL** cakes which rise and stand upside down on a rack. He/she will leave enough cake mixture in the bowl for us to lick out while she/he starts on the pies. Pies with **REAL** crust which overlaps the edges! Lovely smells will greet us when we come in the door!

Like most wives, his/her salary will be ludicrously low, and the job satisfaction dependent on how she/he looks after us. But, unlike 'real' wives, his/her conjugal duties will be minimal. The odd hug or two or perhaps a pat on the arm after a particularly hard day in the kitchen. *Does anyone here know of a reliable 'wife agency' in Brisbane? Would you see me after this? Thank you.*

Women worked for hundreds of years in the pivotal role of 'housewife' with the family as the primary centre of their human experience and activity. This also goes for your mothers, as well as your grandmothers.

Several questions can be posed here.

- Why do older women, who comprise the main and most constant carers, babysitters and voluntary workers, remain virtually invisible with their work poorly paid and devalued?
- Why are they still seen as a burden on society? Why does this broad and diverse group - spread across culture, lifestyle and class - all endure the same ageist oppression?

With this in mind it is reasonable to assume that societal constraints have been placed on these women.

Even though the majority of women over 60 are active and wish to use their skills and knowledge, society finds them unproductive and dismisses them as 'women who were once women'. So they suffer deprivation of status, significance and sexuality as part of a social 'apartheid' process.

Even today, menopause, female ageing 'wrinklies' and mothers-in-law are still perennial grist to the male joker. Indeed, in the area of masculine jokes, older women continue to experience a derisive ageist and sexist purdah. There is a trickle-down effect of this too, in the many labels they are given by the general community. Believe me, old bag and old hag are the most polite terms used.

So just what does the natural process of growing OLD mean in today's society? Think about it.

Old age is seen as: obsolescence, ugliness, disease and brain impairment.

Of course there are some stupid old bags and dirty old men about, but they're a minute percentage of the population (The rest of us are pretty good 'for our age', for heaven's sake!).

But, there you go, according to current societal 'wisdom' we are obsolete, ugly, brain impaired etc. On this account 'Old Age is NOT Wise!' No wonder I have called this talk, 'the Forgetting of Wisdom', because I am one 'old' determined to fight back!

Here's a quote from The Hen Co op (UK):

"If enough women decide to grow old disgracefully, together we can challenge the stereotypes of old women and refuse to accept ageism in its many forms. Most of us were taught that, as adults, we should be serious, dignified, and leave the playing to children. The rule we learned was ACT YOUR AGE! But one of the great advantages of growing old disgracefully is letting go of other people's rules!"

According to the current 'wisdom', the older you get the less you know! Isn't that great news? Because for many of us olds it isn't like that. For us, ageing can bring a wonderful sense of freedom, of liberation and of empowerment. No wonder this type of ageing is called '*A Second Childhood*', because we're growing up all over again, but with what we have learned along the way! You see, most of us have 'forgotten' the 'unloving' (the negative) parts of our lives and only remember the 'loving' bits (the positive).

I have something to ask of you. Whatever age you are (even you children under 45!) I want you to consider the following. Consider **ALL the changes in your body since you were a child**: the feelings, your ambitions and dreams. How much do you remember of these changes? Your conscious ego remembers fragments and pieces and threads them together like a film editor to make your own personal past.

Recognise that in your past for every moment you felt you hated someone there was a moment when you also loved that someone. For every time you felt shame

and guilt there was also another of triumph and self-satisfaction. Look back and see that as you grew up you had potential which never developed, a choice of options which were never realised and feelings which are long forgotten.

What can be learned from this?

1. That the past is/was nearly as changeable as the future.
2. That any individual may choose to recognise their potential in a personal future which is only theirs to choose (Dr Helen Wambach).

So, again, hence the title of this talk, 'The Forgetting of Wisdom', because whoever has **ALWAYS** made the right choice, who has **ALWAYS** remembered everything they need to know and who has **FULLY** reached the pinnacle of their potential is a very rare bird indeed. In all probability they don't exist!

Many of us have watched friends and family members die with "if only" on their lips (My Dad did). Time is pulling **ALL OF US** along, relentlessly and one must decide for oneself how we want our lives to be.

Irrespective of who 'we' are, trying out new activities, keeping an open mind (and stimulating it!) and most importantly, enjoying what you choose to do, is vital. How about giving negative-thinking people a miss (they only drag you down!). The same applies to the 'grouches'! A lively sense of humour is vital and the support and friendship of others who have this can be a source of comfort, enthusiasm, shared fun, and a positive 'growing older disgracefully' attitude to life.

Here's a quote from Germaine Greer:

"The best time in life is always now because it is the only time there is. You can't live regretting what's past, and you can't live just anticipating the future. If you spend any amount of time doing either of these things you'll never live at all!"

Have fun. Enjoy your lives!

RAWA, the Revolutionary Association of the Women of Afghanistan

The movement of Afghan women attempting to resist fundamentalism - RAWA, the Revolutionary Association of the Women of Afghanistan, was established in Kabul, Afghanistan, in 1977 as an independent political/social organization of Afghan women fighting for human rights and for social justice in Afghanistan. The founders were a number of Afghan woman intellectuals under the sagacious leadership of Meena who in 1987 was assassinated in Quetta, Pakistan. RAWA's objective was to involve an increasing number of Afghan women in social and political activities aimed at acquiring women's human rights and contributing to the struggle for the establishment of a government based on

democratic and secular values in Afghanistan. Since the overthrow of the Soviet-installed regime in 1992 the focus of RAWA's political struggle has been against the fundamentalists' and the ultra-fundamentalist Taliban's criminal policies and atrocities against the people of Afghanistan in general and their anti-woman orientation in particular.

Tony Jones from ABC Lateline interviewed RAWA's spokeswomen, Sahar Sabar on 15 November 01.

'Visions for a Nation' Speech by the Hon Joan Kirner for the Hawke Centre

The former Victorian Premier, Joan Kirner was one of five eminent Australians invited to speak at Visions for a Nation organised by the The Hawke Centre at the University of South Australia and the Centenary of Federation South Australia on 20 October at the Adelaide Convention Centre.

Kirner asks "*what are the fundamental values that underpin our vision for our nation*" Her response: "I want to begin my "***Visions for Our Nation***" with a plea to all in this gathering and beyond to shape our nation according to our human values as a nation: not according to the perceived political demands of the moment."

The first element in Joan Kirner's vision is "The need for an agreement between Australia's indigenous and non-indigenous people on our past and our future."

The second element "is the achievement of social, economic and political equity for and by the women of Australia." She delineates that there are "at least three more challenges in my vision of gender equity in politics: ➤ the amendment of our Constitution, as in Canada and South Africa, to ensure that equity is a requirement of government; ➤ taking action to ensure that by 2010 half our parliament are women; ➤ the election /selection within a decade of our first woman Prime Minister, Governor General and Chief Justice. The talent is there - political parties need the will.

Outlining that "gender equity means more than political equity," she suggests that "Economic equality for women" is an area that needs a great deal of work as she presents "the disturbing facts on Australia's failure to deliver pay justice to women in both salary and working conditions."

The third element of her vision, "is the need for creating strong partnerships in community building." She lists the principles that we should adopt in our practice, "to generate a sense of pride and ownership that is essential to building strong communities and a strong nation."



Finally to ensure that the talents of women and men are fully harnessed by Australia, she offers a 10 point - economic equity action plan for women.

Visions for a Nation

Speech by the Hon Joan Kirner

for The Hawke Centre



Visions for a Nation

Visions for a Nation was presented by the The Hawke Centre at the University of South Australia and the Centenary of Federation South Australia on 20 October at the Adelaide Convention Centre.

The Hawke Centre at _____ is a national initiative of the University of South Australia devoted to public learning, for national and international students and local and global audiences. It encourages knowledge, research and debate about the issues that we face as individuals belonging to communities, societies and the world.

Visions for a Nation brought together five eminent Australians - former Prime Ministers Malcolm Fraser and Bob Hawke, former Victorian Premier Joan Kirner, former Leader of the National Party Tim Fischer and Australia's Foreign Affairs Minister Alexander Downer.

The Speech by Joan Kirner has been reproduced in this edition of the Leading Issues Journal.

Hon Joan Kirner

Joan Kirner graduated as an English, History and Social Studies teacher from Melbourne University in 1958. Following her time as a teacher, she became a well known community activist arguing for greater parent participation in decision making in government schools. In this role she became State President, Executive Officer and national President of the Australian Council of State School Organisations. Prime Minister Gough Whitlam appointed her as a member of the School Commission in 1973 and she was awarded an AM by the Fraser Government in 1978 for her services to education and the community. Joan Kirner entered the Victorian Parliament in 1982 as a member of the Cain Government. After three years as a backbencher she served as Minister of Conservation, Forests and Lands, then Education, Women's Affairs, Deputy

Premier and finally Premier from 1990-1992. Joan Kirner was Leader of the Opposition from 1992-1994 and then resigned from Parliament. Joan Kirner recently co-authored the best selling 'Women's Power Handbook' and continues her active role in the community. She is co-convenor of EMILY's List, an organisation providing support to women seeking to election to government.

Speech delivered by the Hon Joan Kirner for *Visions for a Nation*

The Honourable Rob Lucas, Opposition Leader Mike Rann, my distinguished panel colleagues, members of the Centenary of Federation Committee and Hawke Institute, Family, Friends, colleagues and the legendary Charles Kingston in absentia.

Thank you for the invitation to speak at such a significant Federation gathering. Just sometimes like tonight I wonder to myself what a nice working class girl like me is doing on a platform like this, especially when I think back 30 years ago. It is 30 years since as a parent / school activist I sitting across the table from then Minister Malcolm Fraser lobbying for school funding according to need. Now as former Premier of Victoria I am sharing this platform with him on equal terms. Let's hope that's an inspiration for women here tonight.

My I begin by thanking Lewis O'Brien for his welcome to country and pay my respects to the Kaurna nation, their elders and the local aboriginal communities of Adelaide.

I hope that the welcome ceremony augurs well for a discussion tonight which enhances our respect for country and for the peoples of this nation and the world.

Our discussion is taking place at a time when many people in this nation and across the world are troubled, even fearful, about our security and our future. Sadly for the people in many other countries this is the norm, but for many Australians, especially young Australians, these are is new and very challenging times.

In today's fearful new world, we all face a central challenge. How do we as a nation strengthen democracy at home and abroad at the same time as we enhance and empower humanity rather than destroy, impoverish, or divide our people and

the people of the world.

Today, in Australia, we are all faced with the question, “*what are the fundamental values that underpin our vision for our nation.*”

Paul Kelly of “The Australian” newspaper, put it well recently on the ABC Sunday Insider Program:

“We are all faced with the question of our values - individual, community, national and global. Valuing people, valuing democracy, valuing peace, tolerance, cohesion, co-operation and the elimination of poverty above profit, division, competition, and all kinds of fundamentalism.”

So I want to begin my “***Visions for Our Nation***” with a plea to all in this gathering and beyond to shape our nation according to our human values as a nation: not according to the perceived political demands of the moment.

As a first step, we must be clear that a secure Australia, a strong Australia, is one which Professor Kenneth Gailbraith describes as:

“a society in which all of its citizens must have personal liberty, basic well being, the opportunity for a rewarding life and racial, ethnic (and I would add) gender equity.”

To advance that kind of society in Australia I wish to emphasise tonight the need for a vision which embraces:

- an agreement on our past and future between indigenous and non-indigenous people;
- the achievement of social, political and economic equity for women;
- the recognition and strengthening of our local communities and communities of interest to ensure citizens participate in shaping their own futures. For I am convinced that unless we want to continue to alienate many Australians from the political process, we must ensure that people

affected by decisions participate more fully in making these decisions.

First let me address briefly from a non-indigenous persons point of view, as we don't have an indigenous person on the platform, a key element for Australia's future. The need for an agreement between Australia's indigenous and non-indigenous people on our past and our future.

In my view, one of the reasons that the major Centenary of Federation celebration in the Melbourne Exhibition Building, though impressive, failed to resonate with the people, was the failure of our nation's leaders on the day to commit to two symbolic and nation building acts for Australia in the 21st century - reconciliation and a republic.

Public policy and community marches in all Capital Cities indicated broad community support for reconciliation, though disagreement on the specifics. But recent deliberative polling across Australia done by Adelaide academic Dr Pamela Ryan and her Issues Deliberation team have demonstrated that community discussion, when it is on-going, well informed and interactive, can bring indigenous and non-indigenous people closer together on this crucial issue for human dignity and national progress.

According to the Final Report of the Deliberations group, through this process of in-depth information and consultation between all parties there were high levels of support for reconciliation being part of our vision for the nation.

There was agreement on the need for:

- Formal acknowledgement that Australia was occupied without the consent of Indigenous Australians (81%);
- Formal acknowledgement that Indigenous Australians were the original owners of the land and waters (81%);
- An apology to the "stolen generation";
- Greater investment in education as the major practical reconciliation

policy after recognition (59%);

I believe this deliberative process and the results clearly indicate the potential for the agreement I and others advocate.

And what is the alternative? The alternative is what we have now. In the words of Australia's Nelson Mandela, Patrick Dodson:

"I believe the alternative to such an agreement are fear, racism, ignorance, and continuing social dislocation."

Like Patrick Dodson, I want the Australian people to continue their work on an agreement so that we don't:

"find ourselves in a position 20 years from now looking back at these times and realising that we had missed significant opportunities to sign off on an agreement - an agreement that is as important to our nation today as the Referendum was in 1967."

The second element in my vision is the achievement of social, economic and political equity for and by the women of Australia.

Recently I had the pleasure of being house guest of Australasia's second woman Prime Minister, the Prime Minister of New Zealand, Helen Clark. An impressive, gutsy and no-nonsense woman and political leader. Strangely, I am still waiting for a similar invitation from an Australian Prime Minister! Perhaps I'll have to wait for the sisterhood to be installed in Kirribilli. We'd like to see that!

In New Zealand you couldn't help but be impressed with their ongoing achievements in gender and racial equity. It is the first Country in the world where women won the right to vote. It has achieved the Waitangi Treaty between Maori and pakeha New Zealanders and it has effective, progressive women in the key top jobs of Prime Minister, Governor-General, Chief Justice and Head of Telstra, as well as women making up 30% of their national Parliament. What I wouldn't give for political leaders in Australia who would, like Helen Clark, say

and mean the following words:

“When I first went into parliament (it) was a mean and ranting place and a lot of personal abuse took place. (Now that I am Prime Minister) I won't tolerate it.”

Part of my vision for gender equity in our nation is to achieve the critical mass of women in the Parliament who are necessary to emulate and surpass New Zealand's achievements.

We have some of the basic ingredients in place. More women are now completing secondary and tertiary education than men but limitations in post-graduate monetary rewards, career diversification and promotion still undermine equity.

We have also made great strides in more equal parliamentary representation for women. It took some 40 years for the first woman Senators to be elected and some 60 years for the first woman to be elected to the House of Representatives. But since 1994, the number of women in Parliaments across Australia has almost doubled (from 125 to 214). Moreover, due to the effective introduction and successful implementation of Labor's Affirmative Action target, the number of Labor women is now double that of Liberal women. (128/67).

And in the last two elections (Western Australia and Northern Territory) I am pleased to say that the first two Indigenous women, Carol Martin MP (Kimberley WA) and Marion Scrymgour MLA (NT) have been elected to Parliaments in Australia. Both won with the strong financial, mentoring and training support of women across Australia through our new women's political support network EMILY's List.

But we must not rest content. There remain at least three more challenges in my vision of gender equity in politics:

➤ the amendment of our Constitution, as in Canada and South Africa, to ensure that equity is a requirement of government;

➤ taking action to ensure that by 2010 half our parliament are women;

➤ the election / selection within a decade of our first woman Prime Minister, Governor General and Chief Justice. The talent is there - political parties need the will.

But gender equity means more than political equity. As Vera Brittain, an eminent British writer and feminist wrote in 1931:

“Political equality is Dead Sea Fruit unless it leads to economic equality.”

Economic equality is the second element of my vision for the nation. As a nation we pride ourselves on the “Fair Go”, but I can assure you that as a nation we have a long way to go to achieve economic equity for women. Let me share with you the disturbing facts on Australia’s failure to deliver pay justice to women in both salary and working conditions.

- In 2001, average wages for women are \$166 per week less than those of men;
- Across all industries women in full time work earn 11.2% less than men.
- In the finance sector women earn 23.2% less than men;
- More than 50% of all full time women employees are paid less than \$500 per week compared to 25% of men;
- 75% of all casual work is part time and of these 1.5 million workers, 87% are women;
- women casual workers earn on average \$104 per week or 40% less than men casuals;
- 44% of all women who work regular overtime are not paid for those extra hours, compared to 28% for men;

- Only 1.3% of senior Australian executives are women - the lowest rate in the developed world. We compare badly with the USA which has 5.1% women executives;
- Australia lags behind the world in parental leave rights;

About 70 per cent of women employees in Australia have no paid maternity leave rights. When New Zealand passes its paid maternity leave laws in April 2003, Australia and the USA will be the only two “Western” countries without government funded paid maternity leave: the average is 12-14 weeks;

To ensure that Australia underpins its future by harnessing fully the talents of women and men, my vision for the nation embraces a 10 point - economic equity action plan for women. The plan includes:

- Reversal of the Australian government’s refusal to sign the optional protocol for the CEDAW (for the Elimination of Discrimination against Women). A protocol which would give Australian women a last resort appeal to the United Nations Committee on Discrimination against women. 68 countries including Bosnia and Peru have signed the protocol which Australia helped develop and then declined to sign;
- Re-installation of the central umpire in award bargaining which throughout Australia’s industrial history has provided greater protection for women’s wages and working conditions;
- Introduction by bi-partisan agreement of 12 weeks paid maternity leave in the private sector;
- An amendment to Australia and States’ Constitutions to require equity in all areas of government action;
- Detention of the Sex Discrimination Act without amendment;
- The provision of more flexible working hours and work-place conditions

to facilitate family caring and sharing of children;

- Demonstration in practice that our children and grandchildren are the nation's prime asset by paying decent salaries to staff in childcare and early childhood education development;
- Extension of the access for women to second chance education and training.

The third element of my vision, which I haven't got time to enlarge on this evening is the need for creating strong partnerships in community building.

The principles on which I based the creation of Victoria's Land Care in 1985-86, which Bob Hawke then translated to National LandCare, are in my view the principles and practice for attaining community participation in the major questions that shape our nation's future.

If, the implementation of all our vision's for this nation we embrace the principles and practice of:

- Empowerment;
- Inclusions;
- Access;
- Co-operation;
- Diversity;
- Equity;
- Productivity;
- Sustainability;

If we adopt these principles in our practice, we will generate a sense of pride and ownership that is essential to building strong communities and a strong nation.

Let me finish with two anecdotes.

First, my Late Show leather-jacketed performance of the Joan Jett song “I Love Rock and Roll.” It wasn’t the best rock ‘n roll performance you’ve seen in your life, but it was one of the best things I did politically. It had an extraordinary impact on the community. Why? Suddenly I connected with the community as a human being. I had embraced my own humanity.

My second anecdote is from a conversation I had as the then Chair of the National Committee of the Centenary of Federation by Lillian Holt, a leading Aboriginal academic, formerly from the Aboriginal Community College in South Australia. Lillian said,

“Joan, I believe Australians should talk more about racism. Talking about racism in this country is about collective healing, and we can learn as a result of it. It is not about being anti-white, it is about being pro-humanity. For what has diminished me as an Aboriginal woman in this country has diminished all Australians, both white and black.”

I am hope that at the end of tonight we will all share a vision that both enhances our humanity and our nation.

The Refugee Council of Australia (RCOA)

RCOA is a peak non-profit organisation with some 140 organisational and individual members. In 2000, the Refugee Council was highly commended by the Human Rights and Equal Opportunity Commission in its Human Rights Day Awards for the promotion of humane and constructive policies towards refugees. Mr David Bitel is President and Dr William Maley is Chairperson of RCOA.



Refugee Council of Australia

ONLY PART OF THE STORY: PM AND RUDDOCK LEAVE OUT RELEVANT FACTS ON REFUGEES

Both the Prime Minister and Minister Ruddock were quick to defend Australia’s detention policy in the wake of their fellow politicians’ criticisms and to stress the importance of “sending a message that Australia is not a soft touch” but they are

telling the Australian public only part of the story. What we are not hearing is that:

- the vast majority of unauthorised arrivals at this time have come to this country to seek protection from persecution they genuinely fear;
- most refugees are not able to travel through conventional channels because they cannot get a passport from the government that is persecuting them;
- over 75% (more in the case of Afghans and Iraqis) of the unauthorised arrivals are being determined to be refugees;
- Australia is obliged under international law to provide protection for refugees;
- Australia is also bound not to punish refugees for arriving in this country without permission.

We are also not being told that:

- every western country is receiving asylum seekers;
- last year 452,000 asylum seekers sought protection in Europe. Fewer than 12,000 came to Australia;
- in 2000, nearly 35,000 Iraqi asylum seekers went to Europe; only about 2,000 to Australia;
- Australia spends over \$120 million per year on detention centres but gives the UN High Commissioner for refugees less than \$14 million for its core work protecting and supporting 21.1 million refugees and people of concern;
- Australia is the only western country to maintain a policy of mandatory, non-reviewable detention;
- Australia has slashed the number of places it devotes to the offshore humanitarian program from 15,000 in 1995-96 to 5,700 in 2001-02.

Nor are we being told that:

- the failure of the international community to provide adequate support to countries of first asylum in the Middle East has a great deal to do with the movement of asylum seekers to the west.

If the Government is serious about stemming the flow, the message it should be sending is that Australia will spend more money on making sure that refugees do not have to risk their lives in search of protection.

Today has been declared by the United Nations as World Refugee Day. There are 21.1 million good reasons why Australia should mark this day with respect and

not demonise the victims further.

Enterprising Woman of the Year in South Australia

The Enterprising Woman of the Year Awards recognise the contribution of women of all ages in the business and professional activity of South Australia. There were three awards presented by the Enterprising Women's Association in South Australia: Enterprising Woman of the Year (the main award); Enterprising Young Achiever (must be under 30) and Recognition of Achievement.

Enterprising Woman of the Year

SHARON ZIVKOVIC, SENIOR COMMUNITY DEVELOPMENT OFFICER – THE PARKS, DEPARTMENT OF HUMAN SERVICES

Sharon Zivkovic is a social entrepreneur. In her own words, “social entrepreneurs are committed to transforming communities by using innovative and dynamic approaches and working in alliances across the public, private and not-for-profit sectors.” Since leaving school at the age of 14, Sharon Zivkovic has carved an inspiring career. Being unable to answer her (then) six year old daughter’s questions spurred Sharon to return to school at 25, completing her Year 11 studies and topping her class in Physics – not bad for someone who says she “probably left school at 12 but kept showing up until I was 14.” She went on to complete a Bachelor of Accountancy and a Graduate Diploma in Education and taught at TAFE and the University of SA before becoming the Finance Manager at Kosmea Australia. It was her continuing close relationships with those who had been her friends and support when she had been a welfare recipient which led to her work in the sector.

Enterprising Young Achiever of the Year

CATHY PEARCE, MANAGING DIRECTOR, CATHY JAYNE DEVELOPMENTS/CATHY JAYNE REAL ESTATE

From a starting capital of \$6000 to 100 current projects across Adelaide, Cathy Pearce continues to build a property development and management business which belies her years. Still under 30, with 2 daughters whom she describes as her major achievement, she has positioned her company at the forefront of development which cares for the urban environment. Coupled with the energy she expends on her business, Cathy is a vigorous worker on behalf of others. She is currently involved in a project to provide apartments for victims of childhood cancer and is a counsellor on the next Operation Flinders, an outdoor adventure experience for young people from disadvantaged backgrounds.

Recognition of Achievement Award

**LINDA SAUNDERS, ASSOCIATE DEAN, SCHOOL OF NURSING & MIDWIFERY,
FLINDERS UNIVERSITY OF SOUTH AUSTRALIA**

By combining nursing, education and law Linda Saunders has made her mark as a leading player in the fields of Clinical Forensic Nursing and Health Correctional Nursing. In addition to being a fully qualified nurse, fully qualified educator and fully qualified lawyer, Linda has pioneered debate and education in fields of health previously considered too difficult to address. Her concern for all who require health care extends to the welfare of victims of sexual crimes – especially the concern that valuable evidence is not destroyed in the caring process, and to patients in custody – ensuring that they receive medication and appropriate care even at times of high security. These passions have led to the establishment of accredited courses – the only ones of their kind in Australia. Linda Saunders was also awarded the Virginia Lynch Pioneer Award in Forensic Nursing at the International Forensic Nursing conference held in Ontario in October this year.