

Putting Equality Back on the Agenda
Seventh Victorian Human Rights Oration

by

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Honoured guests, Ladies and Gentlemen

We are here today to mark International Human Rights Day and to reflect on the progress of human rights in Australia. It is a day in which we can celebrate our freedoms and it is a day in which we can do a bit of a stock take, to assess where we are, how far we have come, and how far we have yet to travel.

It is thirty years since 1977 when Victoria introduced anti-discrimination legislation, the same year as New South Wales did and two years after South Australia. These three states led the way in Australia with legislation to protect women's human rights by outlawing discrimination against women.

Although the Whitlam government had planned to legislate, its anti-discrimination legislation was a casualty of the Dismissal, being one of many unpassed bills on that day. It was not until 1984, when a new Labor government was in power in Canberra, that Australia got comprehensive national legislation that outlawed discrimination on the grounds of sex, marital status or the condition of pregnancy, and provided remedies in the case of discrimination. A year later, Western Australia introduced its legislation.

In its first year of operation, the Victorian legislation became famous when a young woman by the name of Deborah Wardley made a complaint against Ansett Airlines, stating her belief that the airline would not employ her as a pilot because she was a woman.

It might seem incredible today, but just thirty years ago, the owner of Ansett Airlines could refer to his female flight attendants as "old boilers", and could sign a letter to a women's organisation that said: "We have a good record of employing females in a wide range of positions within our organisation but have adopted a policy of only employing men as pilots. This does not mean that women cannot be good pilots, but we are concerned with the provision of the safest and most efficient air service possible. In this regard we feel that an all male pilot crew is safer than one in which the sexes are mixed."ⁱ

In other words, Ansett made no bones of the fact that it was discriminating against Deborah Wardley and the Equal Opportunity Board found against them. As the Victorian Equal Opportunity and Human Rights Commission, as it is now known, says today with pride: "Deborah Wardley was the [Equal Opportunity] Board's first and most high profile customer!"ⁱⁱ

The case became a *cause celebre* attracting enormous publicity. Women's organisations launched a boycott against Ansett that "resulted in a massive drift of passengers away from the carrier".ⁱⁱⁱ A fighting fund was established to help pay for her legal costs. Perhaps the most important aspect of the case, however, was that it showed that a single individual

could take on a large organisation – and win.

It proved that equal opportunity laws worked for women. Women learned from this and were inspired by Wardley's fight and by her win.

The laws worked then and they work now. And the need for them has not gone away. Especially for women, who remain the single largest group in our society to still be subjected to many forms of discrimination.

We know that women still are treated unequally in employment, both with the jobs they get (or, more accurately, don't get) and the remuneration they receive. We know that women still endure constant sexual harassment at work and elsewhere. The Victorian Equal Opportunity and Human Rights Commission reported in 2001/02 that there had been a 700 per cent increase in complaints about sexual harassment over the previous ten years.^{iv}

We know women are still fired for being pregnant and they continue to be sacked while on maternity leave. This is a blatant breach of both state and federal anti-discrimination laws yet employers calculate that the risk of being prosecuted is so small that they do it anyway. Even in high profile cases such as the terminating of the contract of Channel 9 reporter Christine Spiteri a few weeks ago while she was on maternity leave. The arrogance of these employers is breath taking. Isn't it time these laws were enforced?

Yet, despite the persistence of discrimination against women, in recent years, the focus has shifted away from women. It is time to change that.

The need is greatest at the federal level where the systematic removal of women's influence and women's protection was a hallmark of the Howard government. Our society has changed profoundly in the past eleven years – I am referring to changes in status of women policy and associated advice mechanisms. Even at state level, where women's voices are heard, there has been a shift in emphasis. I will return to this point in a moment.

For now I want to spend a few moments reflecting on how great the opportunity now is for us to recognise how much damage has been done, and to make some decisions about what we want the future to look like.

TWO WEEKS AGO I doubt that any of us could have imagined that the new international face of Australia would be a young woman Senator of Chinese descent, who was born in Malaysia and came to this country at the age of eight, who is openly gay, and who has now been charged with managing two of the portfolios that are critical to the future of this country: climate change and water. Penny Wong has also been given the job of representing Australia in the international negotiations over the second commitment period of the Kyoto Protocol that will, almost literally, determine the survival of the planet.

The face of Australia at the forum that will determine the future of the human race is female and Chinese. In a single brilliant stroke, this appointment trumpets to the world, and to us, that things have changed. Our country has changed, the Labor Party has changed, and our society has changed.

Penny Wong's appointment is a decisive repudiation of Hansonism and should reassure the nations of Asia that this ugly phase of our recent history is now behind us. (In this respect, it is important to note that the historic defeat of the former Prime Minister John Howard in his own seat of Bennelong occurred mainly because the large Chinese and Korean population in that seat switched their votes to Labor's Maxine McKew. John Howard, the world's longest reigning conservative leader, was defeated by a woman. From the ABC. Now that's justice.

But Penny Wong's rapid ascent and promotion to Cabinet is a clear indicator of how much the Labor Party has changed. She is the ultimate repudiation of the mentality of the old ALP as expressed by Arthur Calwell, its leader in the early 1960s, who (in)famously said in Parliament in 1947 when he was Minister for Immigration: "Two Wongs don't make a White".

Arthur Calwell was, in the words of Graham Freudenberg, "the last, as he had been the greatest and the most articulate of the red-blooded Australian racists in the early tradition of the Australian Labor Party".^v Later, Calwell tried to undo the damage by arguing that he had been misunderstood, that it was meant to be a joke.

While it is true that as Immigration Minister Calwell presided over the great post-war migration arrivals program, his bias was very much towards Europeans. At the same time as he was welcoming people from Italy and Greece and Holland, however, he was busy deporting back to Malaysia, Indochina and China, refugees who had settled in Australia during the War, many of whom had married Australians and had children with them.^{vi}

It has taken a long time but finally, sixty years later a woman with the name of Wong is now a senior member of a federal Labor government. How appropriate – and what a delicious irony.

Penny Wong is also, of course, a woman. She is one of four women in Kevin Rudd's Cabinet, which is twice the number of women in John Howard's last Cabinet. Altogether there are ten women in Rudd's front bench – 4 in Cabinet, 3 in the outer Ministry and 3 parliamentary secretaries. This number falls far short of many governments elsewhere in the world, especially in Europe, where it is now becoming commonplace for 50 per cent of ministers to be women. Even the conservative French President, Nicholas Sarkozy, has almost equal representation of the sexes in his cabinet.

Australia has a lot of ground to make up in this respect but I hope we can be confident that with the new government in Canberra, we have at least

reversed the trend of excluding all but a token number of women from the decision making processes of the government.

IN THE US, SENATOR HILLARY CLINTON has promised, if she is elected President, to “undo the damage done under President Bush”^{vii}. Here in Australia, undoing the damage done under Prime Minister Howard is already underway. In just two weeks the new federal government has ratified the Kyoto Protocol, announced legislation to repeal Work Choices, announced the closing down of detention centres in the Pacific, undertaken to say Sorry to the Stolen Generation, started the process to withdraw many of our troops from Iraq, begun to invest in education – to name just a few of the changes.

I hope this process of reversal will extend to the damage that has been done in the areas of women’s policy and anti-discrimination laws and administration. Let us take a moment to recall the contempt with which the previous government in Canberra treated women by systematically defunding, enfeebling or outright abolishing the key offices and agencies whose purpose it was to defend women’s rights or to ensure that policy was fair to women.

In 1996 when the Howard government came to power, the Human Rights and Equal Opportunity Commission (HREOC) had been operating for a decade. It had handled thousands of complaints of discrimination on the grounds of race, sex and disability and had provided remedies for these complainants. Prior to the Sex Discrimination Act of 1984 there had been no federal protection for women against discrimination in employment or education, or anywhere for that matter, because of their sex or their marital status or because they were pregnant. Nor had there been protection against sexual harassment.

Of course, states such as Victoria – and South Australia, New South Wales and Western Australia - had legislation that women could take advantage of, but some states refused to provide protection. Queensland, Tasmania and the Northern Territory all deemed it superfluous which made the provision of commonwealth legislation all the more necessary.

Interestingly, it was not until Labor governments were elected in these recalcitrant states that anti-discrimination legislation was enacted, in Queensland in 1991, in Tasmania in 1998 and only in April this year in the Northern Territory. In every case, it took Labor being in power to provide basic legal protections against discrimination. An interesting example of a benefit derived from having “wall-to-wall Labor governments”.

In 1996 the Howard government cut HREOC’s budget by a staggering 40 per cent. This meant that one third of its staff had to go. At the same time, the human rights branch of the attorney general’s department had its staff cut from 21 to 5.^{viii}

The Howard government then set about truncating the powers of both

HREOC itself and the individual commissioners. HREOC was stripped of the power to conduct public hearings, and – worst of all – the individual commissioners for sex, race and disability lost their complaint handling powers. These powers were bestowed on the President of HREOC with the result that the powers of the individual commissioners were weakened: they not only lost a major part of their jobs but also the specialised research and knowledge of trends in discrimination that comes with hands-on complaint handling.

Within three years of the commissioner losing her complaint-handling powers, the number of complaints under the Sex Discrimination Act dropped from more than 2000 a year to just over 300.

Was this the result of a dramatic decrease in discrimination against women in Australia? It would be nice to think so. However, other figures suggest that the opposite was occurring. In Victoria, in 1996/97 there was a 40 per cent *increase* in complaints lodged under the Equal Opportunity Act.^{ix} The next year, complaints increased by only 9 per cent but in 1998/99 the Commission received 3,411 complaints, its highest ever, and an increase of 27 per cent over the previous year.^x

In other words, discrimination against women in Australia was not declining but the Howard government was successfully discouraging women – and others with complaints of discrimination – from seeking remedies under the federal legislation. Did the government want to pretend that discrimination did not exist? It certainly seemed that way.

The Sex Discrimination Commissioner, Sue Walpole, resigned her position in February 1997. She had been virtually forced out of the job when the Prime Minister himself accused her of being a “Labor stooge”. The position remained vacant for 14 months. This was a breach of the Sex Discrimination Act, which requires that there is a Commissioner, and was also another indication of what the government thought of the rights of Australian women. While the position was empty, the government sought to merge the Sex Discrimination Commissioner’s function and the Affirmative Action Agency *and* the Office for the Status of Women (OSW), evidently thinking it could simply lump all the “women’s business” in one place where presumably it could be either be controlled, or ignored – or both.

The plan showed massive ignorance of the way in which the machinery of government operated. Both the Sex Discrimination Commissioner and the head of the Affirmative Action Agency were statutory positions, created by acts of parliament that the positions were then required to administer. OSW was a policy advice office operating within the Department of the Prime Minister and Cabinet and had no competence to administer legislation. It was a mad idea and ultimately did not succeed, but it was an indication of the government’s thinking. And, in the end, the government got its way: the three offices were all downgraded and disempowered and, in the case of OSW, it disappeared altogether.

As did the Women's Bureau, an agency created under the Menzies Government to monitor women's employment conditions, and the women's desks in every federal department. The Howard government was simply not interested in women's status and ensured there was no input by women into policy. While a Minister still had nominal responsibility for Women's Issues – no longer called Status of Women – very little actually happened.

From January 2006 until the defeat of the Howard Government in late November 2007, Julie Bishop was the Minister for Women's Issues. I am told that during that entire time she did not make a single speech on women.

After almost a decade of slash and burn, and marginalising women's policy, what women got in the closing years of the Howard government was benign neglect. Perhaps this is why voting intentions in the week of the federal election as measured by Newspoll, showed a greater swing away from the government, and a bigger swing to Labor by women than by men.^{xi} In other words, the gender gap had reasserted itself, for the first time since 1993 in Labor's favour.

WHEN IT CAME to making a complaint under federal human rights legislation, the government decreed that in future all public hearings under the three acts would be in the federal court where the proceedings are much more formal – and expensive. At the time, complainants were required to lodge a \$1000 filing fee with the Federal Court, a likely deterrent to most complainants particularly women workers on low incomes who might want to pursue an employment discrimination complaint. Nor could they have expected to receive any financial assistance in taking their complaint forward since the 1996 budget cut \$120 million from the Legal Aid budget.

The Howard government made one last attempt to get rid of the Sex Discrimination Commissioner position. In March 2003 it proposed legislation that would abolish HREOC and the individual commissioner positions, replacing these with a new body, the Australian Human Rights Commission. The government had become increasingly and visibly irritated with HREOC, which was exercising its independence by intervening in court proceedings on behalf of women, refugees, people in detention and various others, in defiance of government policy.

Perhaps no intervention more infuriated the government, and especially the Prime Minister, than HREOC's decision in 2002 to intervene in the Leesa Meldrum case. As many today will recall, Leesa Meldrum is a Victorian who went to the Federal Court to challenge a state law that prevented her from receiving fertility treatment because she was single. The Federal Court upheld the primacy of the Sex Discrimination Act over the Victorian law, which meant that Meldrum could not be discriminated against on grounds of marital status.

The Howard government evidently feared that this ruling would lead to an avalanche of single women seeking IVF in order to have babies. Although there was perceived to be a fertility crisis at the time, with the government introducing a so-called “baby bonus” in order to encourage women to have more babies, there was a clear prejudice on the part of the government as to the sorts of parents who would be favoured. The government did not want single women having babies and it definitely did not want female couples taking advantage of IVF in order to reproduce.

The government took the extraordinary and unprecedented action of supporting the Catholic Bishops Conference, agreeing it could go to the High Court to challenge the Sex Discrimination Act. The High Court upheld the ruling of the Federal Court, and John Howard went spare.

“We want to change the Sex Discrimination Act,” he said on Melbourne radio, “so that if a state, as a number do at present, decides to restrict the IVF program to married or de facto heterosexual couples, it can do so”.^{xii} Interestingly, neither Federal nor High Court had made mention of the sexuality of people protected under the marital status provisions of the Sex Discrimination Act. It was the Prime Minister who was so exercised by the thought of lesbians having fertility treatment in order to conceive that he was willing to throw out the entire marital status provision of the Act.

The consequences of this would have been enormous. Protection from discrimination on the grounds of marital status has always been a fundamental part of the legislation. It had ensured that married women would not suffer discrimination in employment as they had in the past. It was not so many years since the abolition of the marriage bar, that absurd requirement of the public service, the banks and some other major employers that women resign from their permanent jobs when they married.

In doing so, of course they lost all their entitlements and opportunities for promotion.

Discrimination against married women has been a shameful and pervasive feature of employment in Australia. I met a woman recently who told me of her experience at the Commonwealth Bank when she returned from maternity leave. She wanted to work full-time but was told she would have to sit the school leavers’ exam and then undergo a probation period for six months, during which time she would receive half pay. I asked her when this was, assuming it must have been back in the bad old 1960s. “1986,” she said.

I could scarcely believe it: in 1986 I was heading up the Office of the status of Women in Canberra and thought that things were starting to improve. The Sex Discrimination Act had been in force for two years, the Affirmative Action legislation had been trialled for twelve months in the private sector, including by one bank, and the legislation had just been enacted. Yet here

was an example of blatant discrimination taking place that was clearly against the law, and totally against the spirit of equality and opportunity that the federal government was trying to engender in the private sector. And it was taking place in a government-owned entity, the Commonwealth Bank.

Now, sixteen years later, here was the Prime Minister of Australia blithely proposing to remove these protections just because he was freaked out that a few lesbians might have fertility treatment. And he was appalled that HREOC had gone to the High Court in defence of one of the laws it was required to administer.

There would be none of this with the new body. The Australian Human Rights Commission would require government permission to intervene in court proceedings. Fortunately, Labor and the minor parties combined in the Senate to prevent this legislation from succeeding.

This foiling of the government's plan was welcome not just to protect the integrity and the independence of HREOC. It was essential to protect what was left of the protection of women under what was supposed to be Australia's landmark federal anti-discrimination legislation.

The proposed name of the new body said it all: the words "equal opportunity" had been dropped from the title. And the position of Sex Discrimination Commissioner was to be abolished. Even though the position's powers have been stripped, leaving it with little more than research and educative functions, at least it was still there. It would be open to a future government to review the legislation and the powers of the Commissioners and, perhaps, reinvest both with the ability to provide protection against discrimination.

Victoria is conducting a review of its Equal Opportunity Act at present. The Attorney General has asked the question: "How can we best eliminate discrimination and promote equal opportunity?"^{xiii} How long is it since we heard such words in Canberra? The independent review, which is being conducted by the renowned human rights lawyer Julian Gardner, is inviting submissions on the framing, operation and powers of the act.

Specifically, the review will make recommendations on the following:

- Modernising the Equal Opportunity Act
- Expanding the capacity of the Victorian Equal Opportunity and Human Rights Commission to address systemic discrimination against disadvantaged members of the community
- Enable the Commission to better investigate and report on the causes and trends in relation to unlawful discrimination; and
- Consider reforms to improve the investigation of systemic discrimination and the complaints system overall

A discussion paper was released a couple of weeks ago and submissions are being sought by January; a progress report will go to the government in March with the final report being due in June 2008.

Part of the purpose of the review is also to help achieve the goals of the *Charter of Human Rights and Responsibilities*, passed by the government in 2006. It is heartening to see that the newly elected federal government has a program of law reform, which includes an inquiry into a charter of rights.^{xiv} Let's hope that, like Victoria, the federal government will also undertake a review of its sex discrimination legislation to see how best to ensure the elimination of discrimination and the promotion of equal opportunity.

Such a review would signal loud and clear to the people of Australia, and especially to women, that their rights and opportunities are once again being taken seriously by the government of Australia.

IT IS IMPORTANT that women's voices are heard when it comes to deciding policies and programs that will impact on their rights and all aspects of their lives and their well-being. There are various ways this can be achieved. Formal advice mechanisms, such as the women's offices that are – or used to be – attached to government is one way of ensuring high-level professional advice is fed into the policy-making process.

Sadly, most of these offices have been marginalised in recent years. Nationally, and in virtually every state, the office has been removed from the powerhouse departments of Prime Minister or Premier, usually to a welfare or family-oriented area. This sends mixed signals. The status of women is downgraded when the policy-advice function is removed from the most powerful department, and the relocation into a family or welfare department suggests a narrowing of focus to women's family roles, or their dependency on welfare.

Advice can also be given directly by women in government. With more women in parliaments, and especially in cabinets and ministries, this channel has assumed greater relevance in recent years and seems to be especially important in federal Labor at present. Just before the election, at a debate on women's policy at the National Press Club, Tanya Plibersek who is now Minister for Housing and Minister for the Status of Women, made the following comment:

You would have heard many, many months ago about our commitment to deliver 260 new childcare centres in areas of high need, particularly on school grounds. That incidentally is the sort of smart policy I think you get when you've got lots of women on your front bench and in your caucus. The people who've actually done the running around dropping the kids off in the morning and picking them up in the afternoon, know the value of ending the double drop off.^{xv}

We also saw women at work for women in 2006 when a cross party group of

Senators worked to repeal the power of the Minister for Health to ban the import of the abortion drug RU486. That action was initiated by women, and eventually was successful when a majority of parliamentarians in both houses voted to end the Minister's veto.

This new activism by women parliamentarians on behalf of women is long overdue, and a welcome change from earlier times when women MPs sat on their hands or looked the other way while a whole raft of measures detrimental to women, including the original banning of RU486, was introduced.^{xvi}

A third way of finding out what women want is to ask them. There are various ways of doing this: hold community consultations, invite public submissions or conduct research. In each case, the opinions and attitudes of women are sought and fed directly into the policy making process.

At present, the newly appointed federal Sex Discrimination Commissioner, Elizabeth Broderick, is undertaking a national two-month long "Listening Tour" in order to tap into the views of women, and men, about the issues that should inform her as she presides over the federal sex discrimination legislation. She is writing a blog as she goes, and thus providing a sense of what she is learning.^{xvii} She has also set out in newspaper articles what she is learning from women. For instance, she wrote recently in the *Sydney Morning Herald*:

Four weeks into the job and I'm already getting a general sense of what those concerns are. It is clear both from my own experience in campaigning for family-friendly workplaces in the private sector and from the previous work of the Human Rights and Equal Opportunity Commission that there is much more to be done in the area of reconciling work with family life. This became even clearer to me when I had my own children. Women currently bear greater responsibility for family life than men, individually cobbling together precarious work/care support systems and hoping they hold up during times of peak demand. Who hasn't experienced mortal panic when the best laid plans are thrown into disarray because of a sick child or a missing school note?

She continues...

Women across all sectors of the workforce talk about time pressures and inflexible work practices. However, the picture for women in low paid industries is even worse. Women in these industries suffer from both time and financial poverty in the absence of a national system of paid maternity leave and the ever elusive goal of equal pay for equal work.^{xviii}

Broderick is a former partner of the law firm Blake Dawson Waldron where she was responsible for introducing flexible work practices into an industry that notoriously has shockingly long working hours. She told me when I interviewed her recently that not only had her income been significantly reduced when she moved from the corporate sector to government, but that she had lost her flexible working hours! She was in her first week in the job

when I talked to her and she was still adjusting to the difference; not being able to drop off her daughter at school was difficult. I found it almost impossible to believe that the federal Sex Discrimination Commissioner has a more rigid work schedule than a senior partner in a high-powered law firm.

ANOTHER WAY OF finding out what women want is to ask them directly through research. And this is what the Victorian Equal Opportunity and Human Rights Commission has done in order to provide supporting material for this lecture. In October this year, it commissioned the company Auspoll to conduct qualitative research, more commonly known as focus groups, with women in regional and metropolitan Victoria in order to find what issues are of concern to women in Victoria today.

Six groups were conducted between October 17 and October 25 in Forrester Hill, Carlton, Moorabin, Shepparton, Warnambool and Geelong with women aged between 18 and 64 representing a wide range of family and employment combinations.

I am quite a fan of this kind of research for ascertaining what women think about their lives. I have used it myself several times: when I worked for Prime Minister Paul Keating in 1992, when I was editor of *Good Weekend* magazine in 1994 and in 2001 as part of the research for my last book *The End of Equality* which was published in 2003. While some people are sceptical of focus groups, especially when used for political purposes, I find the small group method with women talking with other women whom they have not previously met a good barometer of what is preoccupying women.

So I was very keen to learn what this Auspoll research uncovered and to see how it might compare with what I had learned from the other research I had been involved with. In other words, has anything changed in the fifteen years since I first surveyed women's opinions in this fashion.

There were a number of key findings which I will mention now and then explore some of them in more detail.

The key findings were:

- Life is challenging, hectic and stressful
- Sexualised stereotyping of women persists in the media and this is considered degrading and damaging, especially of younger women
- The superwoman stereotype does not make for a super role model
- Own mothers are seen as the most influential and positive role models
- Women are not comfortable calling themselves feminists
- Men and women being equal means men and women having access to the same opportunities
- Pay disparity is identified as the persistent example of significant inequality between men and women
- Generational difference were most apparent in the messages women received from their mothers

- A successful career means sacrifices in personal life
- Flexibility is on a par with pay equity with respect to what women want changed in the workplace
- While there was some resistance from some women, there is nevertheless solid support for a universal paid maternity leave scheme
- There is very strong support for the “right to request” (change in work from full-time to part-time due to changes in family circumstances).
- The consternation about the lack of quality, affordable and accessible childcare persists
- There is a very strong belief that sexual assault as well as domestic violence is seriously underreported by women.

In elaborating on these findings, I want to concentrate on just three themes:

- the issues involved in managing and balancing work and family
- women’s independence, including financial independence
- violence against women

These themes are interrelated and pick up most of the issues raised by the women in the focus groups. I think they can be said to summarise the key concerns of Australian women about their lives today.

Interestingly, they are similar, in some respects identical, to the themes that have been identified by Sex Discrimination Commissioner Elizabeth Broderick as being “important to ensuring equality between men and women”.

Broderick has nominated as her themes:

- Economic independence for women
- Work and family balance across the life cycle
- Freedom from discrimination, harassment and violence^{xix}

The paramount concern of women today are family and health, followed by education, workplace flexibility and safety.^{xx} These findings are similar to those articulated by women back in 1992 when the top three issues were childcare, health and violence against women (safety). What has changed is the perception that everything has got a lot harder for women – and that women are the ones who have to sacrifice themselves for their families.

This was evident in discussions about so-called “Superwomen”, a term that is associated with women being able to combine careers with having families and still have some time for themselves. It is a notion that women, and the women’s movement, have been struggling with for more than twenty years, and it is in many ways the origin of the notion that we need to strive for “balance” in our lives.

Women in the Auspoll study felt under “considerable pressure ... to constantly perform, and perform well, across a myriad of roles mother, partner, daughter,

friend, housekeeper and worker". Interestingly, young women felt that their mothers were superwomen, and admired them for this. They were far more likely to nominate their own mothers as their role models than anyone else. It was the older women, perhaps reflecting on their own lives, who felt the pressure. "I certainly think the super woman is not sustainable," said a woman from Shepparton in the 45-64 age group. "They can't do it indefinitely... something's got to give."

It was women in this age group who expressed the belief that eventually women would have to choose between having a family and having a career. Women often used the word "sacrifice" to describe this choice. Women thought that they *should* be able to have both, but that this was not the case in reality. This realization led women to strongly support the "right to request" flexible hours to deal with family responsibilities, to want childcare to be available.

I was discouraged to learn that most of the women in the research felt it was impossible for women to hold senior positions while working part-time. They felt that workplaces were simply not sufficiently flexible to allow this, although there was strong support for the idea that they *ought* to be. I say I am "discouraged" because the tenor of the women's comments was that their expectations are not high, and they are pessimistic about the possibility of change. I detected resignation and acceptance, rather than the will to fight to change things. This is probably the result of exhaustion, but it does signal that the fight needs to be taken up by others.

I found it interesting that the *cost* of childcare seemed not to be an issue; it was availability that was most frequently mentioned. This is a change from the research I did previously and perhaps suggests that policies such as the child care rebate have been effective in helping parents meet the cost of care.

As was the case with my previous research, women are ambivalent about the provision of paid maternity leave. Although most women saw a national scheme of paid maternity leave as needed, and as a measure that would enhance the perceived value of women's contribution to society, several expressed the fear that it was an unnecessary burden on the taxpayer. The same thing was said in 2001.

This is one of those classic double-bind issues for women. The majority of women in this research had not had paid maternity leave themselves and were not fully aware that this is a benefit enjoyed by many women in the public sector and working for large corporations. It seems to me that the trepidation these women expressed reflects the fact that paid maternity leave has not been championed by either of the major political parties.

In fact, it was scorned and derided by the Howard government, which preferred to introduce a baby bonus payment which was not dependent upon workforce participation. Maternity leave, on the other hand, is designed to encourage women to enter and stay in the workforce. The baby bonus joined

a host of other policies designed to discourage married mothers from paid employment.

This is an area that requires government leadership. Paid maternity leave is important for the reasons women themselves recognise: it acknowledges women's role as workers as well as their maternal ambitions and it encourages them to see themselves as being "on leave" rather than banished from employment while they spend time with their baby.

Australia is one of just two OECD countries that does not have a scheme of paid maternity leave. The other is the United States. Let's hope that now Australia has broken with the US on ratifying Kyoto, it can follow suit with a policy that would be of huge benefit to working women, especially low paid women, and would be in line with the government priority of improving participation by women in employment.

To me, women's economic independence is a fundamental right and one that is the foundation of women's ability to make meaningful choices about other areas of their lives. So I found it somewhat scary to read the women's attitudes to pay inequity. Many of the younger women – aged under 25 – were simply unaware of the discrepancies in pay between women and men, while the older women who were only too well aware of it, felt there was little that could be done. It was interesting that the latter group thought that the situation would not improve until there were more women in management, and in senior decision-making roles.

Finally, the issue of safety – though I prefer to use the term violence - is one that is still of major concern to women, as it has been with each of the four surveys I have been associated with. And there is no issue that is more directly related to women's human rights. Violence against women has been repeatedly recognized at the international level as a human rights issue that must be addressed by all countries.^{xxi}

The women of Victoria are adamant that domestic violence is extensive, that it largely occurs behind closed doors and that it mostly goes unreported. There was no agreement among the women as to whether attitudes towards this violence had improved, although some felt the negative stigma attached to being a victim had faded somewhat.

Similarly, they felt that sexual assault was still being under-reported and they were sympathetic towards victims who were reluctant to go to the police to report these crimes. There was also some discussion of whether society was more tolerant towards rapes committed by partners compared with attacks by strangers.

Many of the women in the Geelong group were still in shock at a brutal sexual assault that had occurred not long before, in broad daylight, in a public place and where passersby had ignored what was happening to the girl. She subsequently committed suicide. The women in the group were aghast at

what they saw as a decline in people's humanity, that they could not offer assistance to a woman who was under attack.

When it came to domestic violence and sexual assault, there was high awareness of what government has done in recent years. Government advertising campaigns against domestic violence were mentioned. There was also a sophisticated understanding of the need for victims of sexual assault to be able to deal with women police and court officers.

It seems likely that the considerable publicity given to recent reforms by the Victorian government in this area have been effective in informing these women and in contributing to a more educated public.

The government's research and reform record is impressive. It has established a Statewide Steering Committee to Reduce Sexual Assault whose summary research report on reported rapes between 2000 and 2003 found that offenders were charged in only 15 per cent of reported rapes.^{xxii} It also found, among many disturbing findings, that although 92.5 per cent of rape victims are female, male victims were far more likely to see charges laid.

Reforms to sexual offences and family violence laws have seen some pioneering efforts, including specialist sex offences court lists and specialist prosecutors, education for judges and other court officials by way of a sexual assault manual prepared by the Judicial College of Victoria, and the establishment of multidisciplinary centres for sexual assault in Frankston and Mildura.^{xxiii}

These centres are pilot projects involving special police investigators, medical staff and counsellors "whose mission it is" – if I may quote from article in the *Age* last July, "to help reshape the way in which Victorian authorities deal with complaints of sexual assault – and they may yet prove a foundation for the sort of cultural change that decades of tinkering with laws and courtroom procedures have seemingly failed to deliver".^{xxiv}

These reform efforts by the government are to be applauded.

It seems clear to me from the research, and from my observations generally, that when governments take a lead on difficult issues such as those identified as important by the women of Victoria, that women notice. It is when governments neglect or decline to champion the rights of citizens that these rights shrivel and can even die. There is still so much to do before we can claim true equality between women and men in this country, but at least we can affirm that it is on the agenda – and will stay there until we achieve it.

What will equality look like?

It may be necessary to draw up precise objectives and, as is the modern managerial way, to establish benchmarks to measure progress. South Australia is the only state to have done this. It has a publicly available toolkit of gender indicators^{xxv} that can be used to measure equality between women and men.

This is an idea the other states, and the federal government, might like to take up. Having nationally agreed indicators of equality would be a huge step towards making it happen. Another benefit, perhaps, of “wall to wall Labor governments”?

IT HAS BEEN A GREAT honour for me to have the opportunity to deliver this Oration and I thank Helen Szoke, the Chief Conciliator and Chief Executive Officer of the Victorian Equal Opportunity and Human Rights Commission for her invitation. It is quite daunting for a Sydneysider such as myself to be asked to speak to an audience of enlightened Victorians, knowing full well (as I do) how progressive this state is in so many areas. It is even more daunting knowing that this event is being projected onto the large screens in Federation Square, something that I thought only happened with the football!

We in Sydney look with envy at Melbourne, at your arts policies, your licensing laws and your famous laneway bars, your constant review and reform of laws, especially those that impact on women (such as family violence and rape laws) and your insistence on protecting the human rights of your citizens. We can only hope that your example will spread across the land. Now there is a change in Canberra, I feel more optimistic that it may.

Let me leave you with two thoughts.

We must cherish our rights and fight to protect them, and we must support the women who lead us, who fight long and often lonely battles on our behalf and who deserve our appreciation and our gratitude.

At the beginning of this address I mentioned two women, both of whom have helped change the world for women, and we owe them. The first is Deborah Wardley, the second is Penny Wong. One of them represents the past, the other is the future.

You might wonder: whatever happened to Deborah Wardley? Let me tell you.

She won her case back in 1978 but Ansett still refused to employ her despite being ordered by Victorian Equal Opportunity Board to include her in its next pilot training program. Instead, Ansett delayed its training intake and appealed to the Supreme Court of Victoria but the appeal was dismissed. Ansett then appealed the Supreme Court decision to the High Court in October 1979, but employed Wardley from November 5 pending the outcome of the case.

During classroom training, Ansett attempted to sack her by claiming she had been at fault in a near-miss incident at Moorabbin Airport despite an inquiry exonerating her and identifying the other pilot as at fault. Ansett backed down after unions stepped in – but they did not give up their unbelievable efforts to stymie her desire to fly a commercial plane.

When classroom training was completed in December 1979, Wardley was not assigned to training aircraft despite the male trainees progressing to flight training. Ansett Airlines had been taken over by Peter Abeles and Rupert

Murdoch in late 1979. Wardley had previously trained Murdoch's brother-in-law, John Calvert-Jones, to fly. She telephoned Calvert-Jones in early January 1980 informing him of the situation. Two days later Rupert Murdoch issued a memo directing that Wardley was to be treated the same as the male pilot candidates. She commenced flight training immediately and made her first commercial flight co-piloting a Fokker F27 from Alice Springs to Darwin on January 22, 1980.

The High Court dismissed Ansett's appeal in March 1980. The case is still used as a precedent.

Wardley progressed to jet aircraft, going on to fly the McDonnell Douglas DC-9, Boeing 727 and Boeing 737 with Ansett Airlines. She was one of 1,640 pilots who resigned en masse following the 1989 pilots' strike. She briefly returned to teaching and had her first child, Thomas, in January 1991. She published her autobiography in 1992.

In 1993 she moved to the Netherlands and joined KLM Royal Dutch Airlines as a Fokker F50 pilot. In 1994 she became a Fokker F50 instructor. In 1998 she became Flight Safety Manager and Chief Flight Safety Investigator for KLM Cityhopper. As of 2007 she is a senior Airbus A330 captain with KLM^{xxvi}.

She has said she intends to return to Australia when she retires from flying. Deborah Lawrie, as she is now known, having reverted to her maiden name after her divorce, has enjoyed a career as a pilot, something that should have been open to her in Australia but was denied due to discrimination. Even with the law on her side, she had formidable obstacles to overcome. Imagine if there had been no law!

I will conclude by looking to the future.

I know we will all follow the political career of Senator Penny Wong with heightened interest, given the importance of the jobs she has been given. Our future may well be in her competent hands. But the reason I have singled her out, rather than Julia Gillard, Jenny Macklin or Nicola Roxon, all brilliant women (and Victorians) who are also members of the Rudd cabinet, is because she represents in so many ways the country we are today.

Penny Wong probably hates to be seen as a symbol but she has no choice in the matter because the circumstances of her life equip her admirably to be the new face of Australia.

She is an Australian who was not born here. She is an Australian who has suffered discrimination and marginalisation for being different. As such, she understands and champions the need for special measures, such as affirmative action within the ALP, to ensure equality of opportunity for women who want to go into politics.

She is an Australian of Chinese ancestry, epitomising the multicultural nature of modern Australia and, especially, the increasingly diverse composition of

our population.

She is an openly gay Australian, and one of a tiny handful of gay people in prominent positions who are prepared to be open about their sexuality. A week ago today, history was made when Senator Wong's partner, Sophie Allouache, accompanied her to her swearing in as a Minister at Government House in Canberra.

And, finally the new Minister for Climate Change and Water is an Australian *woman*, and is a shining example of what women can do and be once barriers to opportunity are removed.

As a country we have lagged badly in opening up the powerful institutions of our country to women but let's hope that is about to change.

We now have a woman as deputy Prime Minister for the first time, and we have women in government in charge of Industrial Relations, Employment, Education, Health, Social Inclusion, Families, Community Services, Housing, Indigenous Affairs, Climate Change and Water. But where are the women in top jobs in the corporate world? In the military? In religion? There are still many barriers to overcome, glass ceilings to shatter, before equality is a reality in Australia.

But there is reason to feel optimistic, now that equality is back on the agenda, especially now that trailblazers and a role-models such as Deborah Wardley and Senator Penny Wong are inspiring girls around the country, letting them know that whoever they are, wherever they come from, whatever their circumstances, they have the right to be whatever they dream, be it a pilot or a politician. Or anything else at all.

Thank You.

ⁱ Quoted in Chris Ronalds, *Affirmative Action and Sex Discrimination*, Sydney, Pluto Press, updated second edition, 1991 p. 123

ⁱⁱ *Ibid.* p.2

ⁱⁱⁱ Victorian Equal Opportunity and Equal Rights Commission, *Backgrounder. Thirty Years of Equal Opportunity in Victoria* p.1

^{iv} Victorian Equal Opportunity and Human Rights Commission Backgrounder: Thirty Years of Equal Opportunity in Victoria p. 9

^v Graham Freudenberg, *A Certain Grandeur. Gough Whitlam in Politics* Sun Books, 1978 p. 11

^{vi} See http://en.wikipedia.org/wiki/Arthur_Calwell, Wikipedia entry on Arthur Calwell

^{vii} Bruce Smith, "Clinton Pushes Civil Rights Agenda", *Washington Post*, September 16, 2007

^{viii} All the information relating to the cuts to HREOC and other federal government agencies are taken from Anne Summers, *The End of Equality. Work, Babies and Women's choices in 21st Century Australia*, Random House 2003

^{ix} Victorian Equal Opportunity and Human Rights Commission. *Backgrounder: Thirty Years of Equal Opportunity in Victoria* p. 7

^x *ibid.*

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- ^{xi} Newspann voting intentions, published in the *Australian* November 22, 2007. The poll showed a swing away from the government by women of 6 per cent, and a swing to Labor of 8 per cent. By contrast, there was a 5 per cent swing away from the government by men, and a 7 per cent swing towards Labor.
- ^{xii} Summers, *op. cit.* pp 252-3
- ^{xiii} Equal Opportunity Review, *Discussion Paper* November 2007 p. iii
- ^{xiv} Marcus Priest, "Mending fences with Muslim Australia" *Australian Financial Review* November 30, 2007 p. 12
- ^{xv} National Press Club debate between Tanya Plibersek and Sharman Stone, October 24, 2007
- ^{xvi} For further examples, see Summers *op. cit.* pp 201-2
- ^{xvii} The blog can be found at <http://hreocblog.com/category/diary/>
- ^{xviii} Elizabeth Broderick, "Women's Business is Everyone's Business" *Sydney Morning Herald* October 8, 2007
- ^{xix} <http://www.hreoc.gov.au/listeningtour/index.html>
- ^{xx} All information on the focus group research is taken from Auspoll, *Qualitative Research Women, Rights and Equality*. Draft Report to Victorian Equal Opportunity and Human Rights Commission, October 2007 (unpublished)
- ^{xxi} Victorian Law Reform Commission, *Report of Review of Family Violence Laws* February 2006
- ^{xxii} Statewide Steering Committee to Reduce Sexual Assault, *Study of Reported Rapes in Victoria 2000-2003. Summary Research Report*. 2006
- ^{xxiii} Private communication to the writer by Dr Zoe Morrison, Coordinator of the Australian Centre for the Study of Sexual Assault, Australian Institute of Family Studies, Melbourne December 4, 2007
- ^{xxiv} Simon Mann, "somewhere to help heal and fight back" *Age* July 14, 2007
- ^{xxv} See <http://www.aisr.adelaide.edu.au/gio/>
- ^{xxvi} All of this information is taken from Wikipedia: http://en.wikipedia.org/wiki/Deborah_Lawrie