



# STICKY BEAK

An irregular column of profiles

## Interview with Moira Rayner

**The space provided for the biography in the Sticky-beak column was inadequate for me to be able to list all of Moira Rayner's achievements and activities.**

Born in New Zealand, Moira arrived in Australia with her family in 1965. After completing articles and a law degree (honours) at University of Western Australia, Moira set up her own law firm (not realising that you couldn't do that!). She became active in a number of bodies including the Social Security Appeals Tribunal, as a member and chair, and was involved in chairing a number of government reviews. She was responsible for a number of reports including recommendations for reform to the law affecting incitement to racial hatred, medical treatment for the dying, medical treatment for children, confidentiality of medical research, and children and other vulnerable witnesses (to name a few) when in 1986 she was appointed a full-time commissioner of the WA Law Reform Commission and in 1988 was elected its Chairman.

In 1990 she was appointed the Commissioner for Equal Opportunity for the State of Victoria, a position she held until the position was abolished in 1994. In 1994 Moira joined the Australian Institute of Family Studies as the acting Deputy Director (Research). At the end of 1994 she joined Dunhill Madden Butler as a consultant where she still works part time, in the field of discrimination and workplace management.

In 1994 Moira was appointed as a hearings commissioner of the Human Rights and Equal Opportunity Commission. The appointment expired in 1997.

Moira completed a Masters in Public Policy in 1990 and is an Adjunct Professor in the Faculty of Arts at Deakin University as well being the chair of a number of organisations such as the National Children's and Youth Law Centre (Sydney) and the Council of Complaints Resolution Scheme of the Financial Planning Association of Australia. She has been a council member

of the Law Institute of Victoria for three years.

In 1997 Moira published her first book *Rooting Democracy: Growing the Society We Want* published by Allen & Unwin and she is currently writing her second.

### Madeleine Spies

*Madeleine Spies is a Canberra lawyer.*

*Q: Could you describe a highlight and a low point of your work life during your time as the President of the Victorian Equal Opportunity Commission?*

A: The high point was probably one of the low points too. The Kennett Government abolished my position in October 1993 (effective in February 1994), which was widely seen as retribution for my performance of my statutory duty when this was inconvenient to the new government's cost-cutting agenda. A dinner was held in February at what is now the Sofitel Hotel, to which more than 800 people came. That night \$28,000 was raised in donations for a fund for equal opportunity, devised to help those who might be intimidated out of using equal opportunity laws by new changes to claim their right. Bitter sweet. It was a job that I really loved, and I've never found one quite as satisfying since.

Another high point was the realisation of long-term plans to establish an effective Aboriginal outreach program, using the skills and knowledge of Aboriginal staff — and working with Aboriginal communities. The EO office was in serious disarray when I began in 1990, after two years of financial constraints and scandals. By the time I left the complaint rate had soared (from about 250 in 1990 to about 1500 in 1994, with no increase in funds at all), and management systems were well in place. Most of my staff managed to find

good jobs elsewhere, and the office has continued. I find that satisfying.

*Q: As a woman in the field of law have you personally had to overcome any discriminatory conduct?*

A: Any woman who practised law at my time was subjected to discrimination. I could not get articles, at first, because the leading firms in Perth wanted males, even though I had much better grades (almost straight As) and one partner suggested I would go off and have babies, and certainly wouldn't get on with his partners. I didn't do the former, but he was probably right about the latter. I recall a coroner making pointedly rude remarks and giggling about 'silly housewives' practices' in dealing with electrical equipment, when I was representing a union inquiring into the death by electrocution of a young apprentice, when I had just begun practice.

I recall a solicitor refusing to brief me at the bar because 'his client wouldn't stand for a woman'. I recall being lobbied against when I stood for election to the council of the Law Society because of my gender and perceived feminism, and being told publicly how fat I had become by a law professor at a public function — designed to have the embarrassing effect it did. There were instances of sexist behaviour and what I would now call sexual harassment from law lecturers and older solicitors and some barristers — my peers wouldn't have dared! The major obstruction was attitudinal; because I was (and am) a good lawyer. I was often characterised as aggressive or a ball-breaker when I was doing what all good lawyers do in negotiations. You do have to be twice as good to be considered half as competent. These attitudes are still alive and well. I can only assume the fact that I have not been appointed to the boards of BHP and other major companies that actually pay you to be an executive director, is because I am a female (that was a joke). I get asked to go on charitable boards (for free of course).

*Q: What attributes do you see women bringing to important offices in government and private enterprise?*

The most important attributes are our own skills and women's experience — especially the experience of being an outsider. Women tend to be more



Moira Rayner

consultative and human in their management styles — and this works very well, in my experience — than many men. Since women make up more than half of the Australian population, it is very important that their experience drives policy making too, and a lot of homosocially reproductive appointments are ultimately inefficient and lead to limited vision. I think women have a lot to offer in terms of a broader experience, new ideas, and breaking up the old, self referential cartels of the mediocre. It improves decision making. Women tend, too, to offer more opportunities to other women, and a critical mass of women is necessary to break up the inefficient and self-congratulatory circles in some of the more dodgy, inefficient businesses. I don't think we are softer or more conciliatory — but we are creative, original, thoughtful, intuitive, as well as highly skilled, ambitious, strong and strategic.

**Q:** *Do you think the Constitutional Convention was a successful forum in which future directions could be discussed and formulated?*

**A:** The Convention was far more successful than we could have hoped. It allowed democratic engagement — something to do with the location, the lobbies, and the passion on the issue, and perhaps the public interest and the journalists. There was more movement than I thought possible, but it was set up to fail, and it was I think the contribution of the non-aligned republicans and appointees whose views were not known that made it effectively an expe-

rience of 19th century, pre-two-party-system politics. Fascinating. It was designed to fail and it didn't. It was designed to come up with a non-elected model, and it did (numbers). It was designed to exclude discussion of citizen's rights and government accountability to the people, and it didn't. It was designed to be a farce, or boring, and it was neither. The outcome is, in my view, a dog's breakfast for a republican model, but at least it is going to the Australian people for a vote — and they unquestionably *want a republic* and they *want to elect their president*. We did broaden the agenda, and my greatest achievement was that, plus making links with like-minded people, and the (apparent) commitment to a new constitutional convention if the dog's breakfast does get up at the referendum. It taught me more than I would have imagined was possible about the art of politics. I am a changed woman. It also taught me that if I had to choose between Malcolm Turnbull and Gareth Evans, I'd take Malcolm. But I'd rather jump out of a burning building.

**Q:** *There were a number of colourful participants involved in the Constitutional Convention, can you tell us about them?*

**A: Bruce Ruxton:** constant interjector, a self aware/mocking 'muppet' with a sense of humour who saw me as his *bête noire* (but with humour; 'if you were my mother I'd petition to be un-conceived': **Moi:** 'Bruce, I know you fancy me: do stop talking about it in public' (it shut him up for a bit).

**Pat O'Shane:** passionate, principled and beautifully aware of the effect of bullying on vulnerable people — she constantly 'threw' opportunities to young people, especially young women (feminism in action: fantastic). We became known as the 'sibilance sisters' because male journalists thought we were dreadful feminists, and because she says 'issues' instead of the common 'ishues'.

**Paul Tully:** Ipswich Councillor, wearer of terrible ties, and an akubra with a Eureka flag, who was the worst publicity hound I have ever seen, and who at one point I restrained from standing on his chair and singing 'The Red Flag'.

**Phil Cleary:** similar beard, passionate populist, who speaks in footy terms most of the time. Made me laugh a lot.

**Paddy O'Brien:** Paddy is an associate professor of politics at UWA and was my sworn enemy, until we actually met. Wild-haired, myopic, a good drinker — well, he was a merry one. Paddy ran around the chamber on Monday of the second week of the Convention waving the front page of the *Australian* which said we want to elect our president. He was a passionate advocate for the rights of the people, and on this we made a common cause. At one point, in week two, we were spied capping each other's quotes of TS Eliot poetry in the courtyard, where we were guests of Dick Smith and the Constitutional Centenary Foundation. We ended up respecting one another and enjoying our respective differences too. This was a pleasure.

**Moi:** I think I got the bad hair award from a couple of rather unpleasant personal writers from the *Fin Review* (I am disappointed in McGregor, but not Pearson, a recently 'outed' misanthrope) nobody appreciating that a pink streak looks okay in Fitzroy, is a joke, and should be taken as such. I rather liked Mike Steketee's description of my 'stripe' as 'a gaping head wound'. It certainly got me unexpected attention.

**Eric Lockett:** A Tasmanian who kept fence-sitting until the second last day when he voted for the direct-election model and we cheered him, but on the last day kept moving that the 'question should not be put'.

There were many larger than life characters. Malcolm Turnbull was. He just couldn't help himself; he offended *everybody*. I now realise it was just his fragile ego. He must *not* be criticised. I

didn't see a lot of his charm. He was certainly a political mover. He had allies, though . . .

**Bill Hayden:** What a lonely and confused man: monarchist one day, full Monty republican the next. A lonely chap.

Will that do? There were a lot of Big Personalities there. I liked mixing with them on terms of equality. Mind you, Jeff didn't say hello that day. Can't think why not.

**Q:** *What do you see as the biggest challenges facing the Republican Movement in Australia today?*

**A:** The Australian Republican Movement (ARM) will have to persuade people to vote for a model of a republic that gives all the power to the Prime Minister and doesn't let them select their own president, using a leader who puts his case in a condescending and often unwittingly offensive way. This is not just a question of personalities. The people don't like being talked down to and told what is good for them. And if the referendum doesn't get up in a majority of States, Turnbull would be devastated and would probably take his money elsewhere, and they will have to regroup. Mind you, I am sure the Australian people will vote for a republic. Just not this model, perhaps — I may be wrong. If so, the model is remediable — if the second Convention is held, 2–5 years after the republic is launched. And it will be necessary.

**Q:** *Who are/were the people in your life that have been your role models and why?*

**A:** Hard to say who my role models were. Probably the strong, sarcastic women in my mother's family, and women who achieved mightily in other fields who I was taught about — Elizabeth I, Marie Curie, Joan of Arc — the characteristic feature is that they all did what they were told they couldn't do as mere weak women, with great fortitude and a sense of purpose. I have always thought that apparent defeat can be seen, with the wisdom of hindsight, as a great success (e.g. artist who died in penury but whose works are now masterpieces). And my maternal grandfather, a Presbyterian minister who always stood for what was right, and often alone. I loved him. So did my father, and he is certainly a kind of role model. Not many women of my age were blessed with a feminist father who said I could do anything and insisted that I didn't ever become dependent on a man for my economic, social and emotional

happiness. When my marriage broke up he turned up on my doorstep with a present: a box of my very own tools, so I could do my own repairs. What a man.

**Q:** *Where do you see yourself in five years time?*

**A:** God knows where I will be in five years time. I have never planned my career. I hope that I am working in an area that captures my entire imagination. I would think it probable that I will not be in Australia, and I would like to work in Europe or the UK, preferably in the human rights area, or with children. I will not, I think, be a rich woman. I hope I have a dog.

**Q:** *What advice can you give to young women attempting to achieve success in fields that traditionally have not been areas in which women have been as successful as their male counterparts?*

**A:** My advice to women going into non-traditional fields is to assume the worst and plan for it; never take personally the insults and knockbacks you will receive — it is political; surround yourself with supportive and loving friends, if not family, who will nonetheless tell you the truth about yourself and what you are trying to achieve; and strive to be excellent in what you do. You should also ensure that you help other people who are disadvantaged — not just women, but people from different cultural backgrounds, with disabilities, whatever — not just out of charity but a sense of solidarity. Discrimination knows no favourites. Use your own experience, and you will have it, to understand. Many young women think that they haven't been and won't be discriminated against. It took me a long time to realise that much of my early success arose from my unique status (very few women in the law at the beginning) my intelligence and the fact that I did not, at that stage, challenge the establishment — and my good looks. When the looks go (the bloom fades quick) and your experience and confidence mounts, the challenges to you will become a lot more serious. And retain your sense of humour.

I don't know that planning your career is especially helpful. I never did. But you do need a sense of purpose, and a centre — a feeling that you are, whatever your fragilities, worthwhile. In my own case I also had to learn to forgive myself for my own mistakes. I don't know that I have ever really done it successfully.

**Q:** *If you could change only one thing in Australia, what would that be?*

**A:** Where do I start? I would like to change the attitude of Australians to children — they 'love' them but won't insist that government provides their families with what they need; regard their rights as some kind of a threat to political stability and the position of the earth's axis; and actively detest adolescents — especially if they are Aboriginal. That streak of child-hating, and racism towards Aboriginal kids particularly, is simply vile. And if I can't change that, then I'm willing to spend the rest of my life trying.

**Q:** *When you do get away from work, how do you relax?*

**A:** I never get away from work; some work is, however, a delight (writing particularly).

I love walking the dogs in the morning (at about 5 a.m.).

I love reading the papers on Saturday — for at least a couple of hours.

I love the opera — and rarely get to it, because I travel so much. I am going to the Ring Cycle in Adelaide in November — that will be terrific. ■

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*Sit Down Girlie continued from p.85*

gave evidence on her behalf saying: 'I think if you are prepared to give people time off to play football, you should give them time off to look after their children, especially ...when she is an excellent policing person and a very switched-on detective'. *Girlie* agrees!

**Dickless Tracey**

*Dickless Tracey is a feminist lawyer.*