

EMPOWER A WOMAN, EMPOWER A NATION

Be Bold for Change

INTERNATIONAL WOMEN'S DAY

8 MARCH 2017

MONASH CENTRE, LECTURE THEATRE

GALLIPOLI BARRACKS, LLOYD STREET, ENOGGERA, 10.30am

Thank you Brigadier Anthony Rawlins. I also acknowledge Major-General Paul McLachlan, Commander Scott Lockey and Mr Paul Lineham, together with the traditional owners of this land, the Toorbul people, whose ancestors prospered here, holding meetings and celebrations not so very different to this one, for tens of thousands of years before European contact. I pay my respects to their elders past and present.

I am thrilled to be spending an hour or two on this 2017 International Women's Day with the hard-working and talented members of the ADF and the administrators who support them.

A few weeks ago I was jogging on Teneriffe Boardwalk, something which I do quite slowly, when I began to pass two old blokes – yes, they were even older

than me. And they were walking even slower than I was jogging, so I was able to hear one say to the other, "When is that brewery tour coming up?" The Response as: Oh that's not 'til March". The first man said, "Oh it's not the 8th, is it? That's the worst day in the year. The missus gets up early and goes to breakfast and I'm in trouble all day!"

That old bloke was wrong. Sure, International Women's Day is about empowering women. But it is also about improving the lives of everyone through building a more diverse, inclusive, cohesive and strong community. As the United Nations recognises, International Women's Day is also about empowering the nation. That's why I am so pleased to see that the ADF does not view this as a women's event, but as a function of importance to all women and men in the ADF and the Department which services it. You all get what Madeleine Albright, Hilary Clinton and many others have long-been saying: women's rights are human rights. By ensuring that women have a genuine opportunity to make their full contribution at every level of society, the whole nation, children women and men will be empowered.

Today I will speak briefly about the role of the military, the legal profession and the judiciary in a democracy. I will then say something of the history of the empowerment of women in the Australian legal profession and the judiciary in Australia and draw some analogies and comparisons with the history of the empowerment of women in the Australian military. I will explain why it is institutionally important for our nation that women take up their rightful roles in the legal profession, judiciary and the military. I will remind you how much we have achieved in our professions in moving towards gender equality. I will close by discussing how we might keep being bold for change in ensuring this impetus towards gender equality continues.

We all know how fortunate we are to live in democratic Australia, with every citizen having the right to vote. Australia is governed by three branches of government. The most important and fundamental arm of government in a democracy is the legislature or parliament which obtains its authority directly from its members being elected by popular vote.

The second arm of government is the executive which advises the legislature on policy, and implements the policy and laws of the parliament and enforces

the orders of the courts. The military plays an essential role in Australia's federal executive branch of government, ensuring that the nation is protected from external threats and, as I have heard Lieutenant General Morrison say, that citizens can sleep in safety and peace at night. Personal security and safety is one of the most fundamental of human rights.

The third arm of government, the judiciary, ensures that the parliamentary and executive arms do not exceed their powers, and that all citizens, corporations and entities are treated equally before the law. The legal profession, like the military, has an essential institutional role in a democracy. An independent legal profession ensures that every person or entity has access to the rule of law in independent courts.

Not only is it important that women have and exercise the right to vote, it is also important that women have the right to and participate equally with men in all arms of government: the parliament; the executive (of which the military is an important lynch pin) and the independent judiciary, supported by an independent legal profession. If women are under-represented in any of those institutions, women are disempowered, the legitimacy and authority of the

government is diminished, democracy does not work as effectively as it should, and the entire nation is disempowered.

I am proud to say that the Commonwealth of Australia in 1902 was the first country in the world to allow women to both vote and stand for election. Non-Indigenous Queensland women won the right to vote in 1905 and first exercised that right in 1907. But Aboriginal women (and men) did not get the vote in Queensland until 1967.

Women were first able to join the Australian military in 1899, several years before they could vote. The role of women in the military was restricted, however, to providing nursing services until well into World War II when they took on a range of support roles.

But even though Australian women had the right to join the military in 1899 and the right to vote federally in 1902, they did not have the right to join the legal profession. In the early 1900's, Australian women who had completed all qualifications to be admitted as legal practitioners, like their sisters throughout the common law world, were still being refused admission to the legal

profession. White male judges considered that, as the statutes allowing people to become admitted as legal practitioners referred to “any person”, a woman who was suitably qualified was not “a person” who could be admitted as a legal practitioner. The legislation was changed in Queensland in 1905 so that suitably qualified women were at last permitted to become lawyers.

Queensland’s first female lawyer, Agnes McWhinney, was not admitted to the legal profession until December 1915. Her elder brother was a lawyer in a Townsville firm which took the then revolutionary step of allowing her to commence her articles. Agnes’s opportunity to practice as a solicitor arose in World War I when her brother enlisted. But as for empowerment, her wages were paid into her brother’s bank account. Once the war ended, she married, left paid employment and never returned to it, although she did become a judge – of cookery at the Redcliffe Show! I was recently chatting to her grandson, a solicitor in one of Brisbane’s leading commercial firms, who remembers her as a feisty, rather scary lady. I wish I had met her.

Given the thousands of years when our female forebears were deprived of the opportunity to vote or to be a part of any branch of their country’s

governance; their inability to control their fertility and the consequential burdens of constant childbirth; the prevention of married women from owning property; and that so many women were long-term victims of domestic violence, it is not surprising that more did not immediately embrace their democratic opportunities. That progressive Townsville firm that gave Agnes McWhinney a break did not employ another woman lawyer for 50 years!

Although I did not meet Agnes, I was fortunate to get to know another trailblazing woman lawyer, Una Prentice (nee Beck) who, because her name started with B, became the first person to graduate from the University of Queensland Law School. That was in 1939. Like Agnes, her career blossomed in wartime. The enlisting of young male lawyers meant that she was able to obtain a position with the Commonwealth Government prosecuting the infringement of wartime restrictions legislation. As a woman doing legal work she was not paid as a lawyer but as a secretary. Hardly empowerment! And, like Agnes, after the war, she married and forever left paid employment.

By the time I started studying law in 1972, there were still very few women in the Queensland legal profession, and no prospect of any women judges. The

newly commissioned women law students' toilet was a converted men's toilet, complete with urinal. As a 17 year old from an all-girls school I was intrigued by this strange art installation on the wall! The term "sexual harassment" was not yet invented but it was alive and well at the UQ Law School in the early 1970s, as, no doubt, it was in the military. Walking into the law library or a law lecture, dominated by young men full of testosterone, was something of an act of courage! The English Law Reports contained many judgments of Lord Justice Cockburn (pronounced Coburn but spelt C-O-C-K-B-U-R-N). The male students would write women law students' names next to this judge's name in the law reports. And the UQ Law Student's Association held prawn and porn nights which, unsurprisingly, the women law students boycotted. But the women's movement was having an impact and my female colleagues and I could not see why we could not have careers in law as well as a marriage and family. After all, our tutors, Margaret White (later Justice Margaret White of the Supreme Court and a very senior officer in the Naval Reserve) and Quentin Bryce (later Governor of Queensland and Governor-General of Australia), showed us it was possible.

Things also improved for women in the military in the '70s. They no longer lost their positions when they became pregnant, and in 1979 were granted equal

pay. Men and women could study and train together in the ADFA in 1986 for the first time. Restrictions on the numbers and role of women ADF members were gradually lifted. By 1992 every defence role, except combat, was open to women.

Returning to the legal profession, in 1990 there were still no Queensland women judges or magistrates but that dramatically changed. Now more than one third of Queensland magistrates, 20 per cent of District Court judges and 25 per cent of Supreme Court judges are women. At Commonwealth level, Queensland has women in 14 per cent of Federal Circuit Court judicial roles, with 50 per cent in the Family Court and 45 per cent in the Federal Court. There are now more female than male members of the solicitors' branch of the profession, although this has not filtered up. The percentage of women partners in top tier firms remains disappointingly low, although, happily, it is steadily increasing. The representation of women at the Queensland Bar is also too low – about 22 per cent, although, again, steadily increasing. And at the top, only 9 per cent of Queensland silks are women.

It warms my heart to hear from Brigadier Rawlins of the fantastic progress made in recent years in the ADF towards achieving gender equality and to learn of the efforts of so many who have been boldly changing the erstwhile unhealthy military culture in which it was almost impossible for women to become empowered. I understand that women now make up more than 15 per cent of full-time staff in the ADF; that recruitment of female new staff is at last approaching 50 per cent; and that since 2016 **all** positions, including combat positions, are now open to women.

We in the military and the law should be proud of what we have achieved in the past few decades in empowering women within our two professions. But we still have some way to go before women are fully exercising their democratic right to participate equally in our branches of governance. To achieve this we need to be bold for change. We must find innovative ways to not only encourage young women to join our professions but ensure they stay and prosper. We must make the military and the law professions where women feel valued, supported, and welcome; that they are places where women can and do belong. Mentoring is important, and not just of junior women by senior women and senior men. It is equally important for senior women to mentor junior men. When filling vacancies of course appoint the

most meritorious person, but always ask whether there are suitable women candidates, even if this involves some left-field thinking. Beware of unconscious bias and surrounding yourself with only those who think and look like you. In terms of the Queensland Bar, the adoption by solicitors' firms and the executive of the latest Law Council of Australia's Equal Opportunity Briefing Policy will be an important step in encouraging women to join and stay at the Bar, in time taking silk and becoming judges. And the Law Council of Australia is launching a national campaign to help counter unconscious bias amongst lawyers with a program of workshops and other courses to be rolled out across the country to open lawyers' eyes to their biases, including gender bias.

To the women present, role-modelling is important but trailblazing can be tough. There is pressure in knowing that if you fail you feel you will let down other women. My advice is to work hard, whilst striving for that elusive work life balance; do your professional duty by always making principled decisions; help your colleagues, both women and men; and if asked to step up, have the courage to accept.

To the men present, all that I have said to your female colleagues applies equally to you. But remember, empowering women in the military is not about making it harder for you to achieve and succeed. On the contrary, an ADF where women are empowered will enrich and empower your own working life as well as your fine profession and the nation you serve.