

## SPEECH TO UNIVERSITY OF QUEENSLAND CELEBRATION BREAKFAST AND AFFIRMATIVE ACTION AWARD

UNIVERSITY STAFF AND GRADUATES CLUB, STAFF HOUSE ROAD,  
ST LUCIA, THURSDAY, 2 MARCH 2000, 7.00 AM.

### *Bridges and Strategies Spanning the 20th and 21st Centuries A Personal View*

Congratulations to the University's Senate Standing Committee on the Status of Women and its executive body, the Office of Gender Equity, for sponsoring and organising this Breakfast and the Affirmative Action Award to recognise, publicise, promote and celebrate the advancement of women at the University of Queensland. I particularly commend the Senior Deputy Vice Chancellor and Feminist of the Decade, Professor Ted Brown, for his outstanding, long term support of the Committee, both intellectually and financially. Ted's innovative perspective has helped develop a culture here at UQ which values women and their achievements. Your vision, Ted, is worthy of my Venice Beach millennium sunglasses of which even Dame Edna would be envious!

The culture which now exists for women in the University of Queensland, whilst perhaps still flawed, has vastly improved since the 70s when I was a student. My formative years were passed comfortably with TV institutions like The Wonderful World of Disney every Sunday night at 6.30 p.m., each episode set in one of four worlds Fantasyland, Adventureland, Frontierland or Tomorrowland. Forgive me whilst I reminisce and return to Disney's Frontierland and tell tall tales but true from the legendary past.

When I commenced my law degree at UQ in 1972, lobbying by women law students had just resulted in the provision of the first dedicated women's toilets within the law faculty. As a 17 year old straight from a girls' high school, it took me a while to realise that the contraption on the wall as you entered was a men's urinal. It remained in the women's loo throughout my years at the law school but, contrary to the jibes of some of the male law students, to my knowledge it was never used by the girls! Whilst I'm telling toilet stories, I also recall hearing that the male student toilets prominently featured explicit graffiti about the women law students.

In keeping with this crude theme, I remember once looking up a law report in preparation for a pending tutorial and reading a decision of a judge named Cockburn (which, in the polite English way, was pronounced Coburn but spelt C-o-c-k-b-u-r-n). I was not impressed to see that a male student or students had written the names of female students against the name of that judge!

After hearing these stories, you won't be surprised to know that in those days there was no women law students association. That much needed organisation was not established until some years later by Di Fingleton, now Chief Stipendiary Magistrate, and others.

Apart from the annual law ball, a still-continuing pleasant enough tradition which bridges both centuries, the only social functions organised by the law students association were the law smokos, "prawn and porn" Friday evenings, featuring Brisbane stripper, "Lana Banana", whose name left just enough to the imagination for the boys to enter Fantasyland, but not perhaps the Disney variety! I did not find it difficult to resist the temptation to attend.

Although there was a high percentage of women students enrolled in first year law in 1972, I was always puzzled as to why only a handful attended lectures and studied in the law library. In retrospect, I realise it was because of the culture: for a young woman student, simply walking into a law lecture or the law library was an act of courage; the young woman's presence would be met by hushed silence, leers or sotto voce sniggers. Perhaps it was the law faculty's equivalent to Walt Disney's Adventureland for women, good training for the trail blazing that lay ahead, but hardly a culture to nurture the talent of bright young women. The term "sexual harassment" was not then known to lawyers; no wonder so many women dropped out or lacked confidence to later enter practice. Who knows how many potentially outstanding women lawyers were discouraged by such an unwelcoming, hostile environment.

On one occasion, another women law student and I upset the applecart by putting our name on the list of students to play the staff in the annual Staff/Student Cricket Match, something which I suspect would not raise an eyebrow these days, but was then considered quite radical. Unfortunately, we were pretty hopeless at cricket and so I do not think we did a lot for the women's movement, but we gave the staff an even chance of beating the students that year!

I remember, a fellow law student, now a prominent stock broker known as Brisbane's Medici, who told me in the course of a discourse on women's rights: "Margie, you're not a feminist. Feminists are just girls who can't get guys!"

At least I had the benefit of the role models provided by Quentin Bryce, now head of Women's College in Sydney, and Margaret White, now Justice White of the Supreme Court, clever, articulate and what my teenage boys would call "drop dead gorgeous" tutors in law, managing to live the superwoman myth, successfully combining work and family commitments. It is hardly necessary to mention that there were no women law lecturers, let alone professors.

I also have many happy memories of my time at UQ Law School. With my busy life now, it is pleasant to reflect on those luxurious but poverty-stricken days when I

had an abundance of that rare commodity "time". Long, lazy, sometimes romantic afternoons by the lake in the winter sunshine; intellectual, and sometimes not so intellectual, discussions in the refec over the world's worst coffee, making difficult decisions like whether or not to attend the next lecture; afternoon movies at the Schonell, especially if it meant avoiding exam swotting; life-long friendships formed; red wine and cannelloni at the Giardinetto in the Valley; the development of a commitment to and love of lifelong learning. It was at UQ that I met my husband, Phil, a fellow law student and on a personal level, that supporting relationship has been a central, strong bridge between the centuries.

One of the highlights of my university days was hearing Ralph Nader, renowned USA consumer advocate, speak on campus on what could be achieved by lawyers working for the public good. His lecture inspired me to continue with my course at a time when I was feeling jaded and disenchanting with the law.

I share these reminiscences not to be self-indulgent, but to demonstrate the positive changes to the university culture over the last 25 years and the worth of affirmative action awards and celebratory breakfasts like this.

I hope the less pleasant reminiscences are now completely foreign and that the many positive memories remain apposite, representing elegantly crafted bridges preserving all that is worthwhile from the past. Our challenge is to extend and to build more bridges and strategies for the next century, creating, shaping and embracing positive change.

Let me demonstrate with a potted history of women in the law. Like Ted Brown, Shakespeare was also a man of vision when he saw in Portia the woman as lawyer/advocate. But it was another 300 years before that vision would become reality. In 1896, Edith Haynes in Western Australia was refused admission as a solicitor by the court although she had completed all requirements, simply because of her gender. The statute permitted every "person" who had completed the requirements to be admitted, but the court held that "person" did not include "women". Enabling legislation was required in the early 20th century to permit women to be admitted as lawyers. Queensland's first female solicitor, Agnes McWhinney, was admitted in December 1915. She worked as a solicitor in a Townsville firm, significantly whilst many men were absent during World War I. It seems her salary was paid not to her, but to her solicitor brother, who was a soldier posted overseas. Agnes married in 1919, giving up her career as was the norm in those days. She later became a judge of cookery!!

Very few women exercised their entitlement to enter the legal profession over the next 50 years. In 1976 when I was admitted as a barrister, the Bar Association had 350 members, 4 or 1.1% of whom were women. The Queensland Law Society had 1,250 members, 45 or 3.6% of whom were women. In 1976, the University of Queensland Law School, the only Law School in Queensland, produced 76 graduates, 13 or 17% of whom were women. There were no women judges and no

women law lecturers.

In 1978, a group of women lawyers led by Leneen Forde, later Queensland Governor, formed the Women Lawyers Association of Queensland. We were confident that one day there would be no need for a Women Lawyers Association because women would have full equality and acceptance.

Twenty years later in 1998, 51.2% of university law graduates in Queensland were women. Despite this, women are still not represented at the higher echelons of the legal profession as judges, silks and high income earning partners in the big solicitors' firms. Of the 541 present members of the Bar Association, only 61 or 11.3% are women. Of these, only 5 of 105, or 4.7% are senior counsel. Of the 4,525 solicitors with practising certificates, 1,224 or 27% are women. The percentage of partners in the large and prosperous firms is much less.

As to judicial appointments, Justice Mary Gaudron (who was appointed in 1987 on the retirement of Sir Harry Gibbs) became the first and remains the sole woman appointee to Australia's High Court of seven judges. In Queensland, we have one woman Federal Court judge from a bench of 5; 4 women Supreme Court judges, of which I am one, from a bench of 24; one woman Family Court judge from a bench of nine; 4 women District Court judges from a bench of 35 and 10 women magistrates from a bench of 78.

The position in academia also reflects this disparity. The UQ Law Faculty has 51 full-time teaching staff, 16 or 31% of whom are women BUT there are no women professors, just 2 readers, 4 senior lecturers, 9 lecturers and 1 associate lecturer.

For many years now the various Queensland law schools have produced at least 50% female graduates who consistently equal or beat the males in achieving the glittering prizes. Why then are women so under-represented in positions of power and influence in the legal profession? The answer usually given is that all will change and be put right in time. But many women and right thinking men like Ted Brown ask, how much time? The 22 years since the formation of the Women Lawyers Association of Queensland has not been enough time.

The appointment of more women to positions of power and influence in the community creates positive role models for other women, especially young women, and helps change the male culture of the institutions and organisations which they join. Many far-sighted people in the community advocate that in order to accelerate positive, considered change, gender should not be excluded as a consideration when making appointments to influential community positions, whether to the judiciary, boards, or academia; these institutions should more equitably reflect the diversity of those qualified to be appointed to them. That is not to suggest there should be any compromise on the quality of those appointed. Australia's egalitarian background and its future hopes are and must continue to be solidly founded on a

meritocracy. For example, judges are appointed until age 70 and they make daily decisions affecting the liberty and fortunes of litigants; to appoint someone who is not up to the very demanding job is to do a disservice to the appointee, the court and the community. Similar considerations apply to other influential appointments in the community and academia. But if a candidate is well qualified for the position, why should gender not be considered in finally determining the best person for a particular body or institution at that point in time.

In 1990 there were no women judges in Queensland. An increasing number of women judges have since been appointed. Women now fill the positions of Chief Stipendiary Magistrate, Deputy President of the Queensland Industrial Relations Commission, Chief Judge of the District Court, and President of the Court of Appeal. Despite the fears of some little red hens, the sky has not fallen in!

Looking into the 21st century with my millennium glasses, I see Disney's Tomorrowland, promise of things to come. I envisage a world in which our children will be part of a culture where females and males share a comfortable equality within the family, the classroom, the universities and the professions. Women will be equitably represented, with equal pay a reality, at all levels of the community, to the benefit of women, men and society as a whole. Strategies such as this Breakfast; the Affirmative Action Award; the efforts of individuals like Professor Ted Brown, Dr Janet Irwin, Rachel Hooper (the recipient of this morning's Affirmative Action Award) and you all and, at least in the short term, appropriate, carefully considered affirmative action in respect of community appointments form strategically important bridges which span the 20th and 21st centuries, to bring positive change.

Who can say how quickly this change can be wrought? But as more and more women complete their tertiary education and enter the professions, accepting challenging roles of power and responsibility (even where it means biting off more than others might think they can chew or they would ordinarily want to chew, requiring them to chew like mad), mentoring and nurturing other younger women along the way, more and more bridges will be built for women to cross until the culture is changed irrevocably, and at a snowballing pace. Do not underestimate the power of voting women, protected by the rule of law, working together effectively in a democracy.

As we approach International Women's Day (prophetically this year on Ash Wednesday, a day of acknowledgment of past sins), we should remember that the democratic vote was a monumental 20th century achievement for many women, yet most women in the world do not yet have a democratic vote; nor do they have the protection of the rule of law which we Australians take for granted, at least those of us who do not live in some notorious Aboriginal communities or in relationships of domestic violence. As Australian women accept positions of power and influence, we must remember the desperate plight of most of the women of the world, including many of our indigenous Australian sisters, and continue to build

bridges for them to safely cross into this 21st century vision, bridges between women and women; schools and universities; universities and the professions; nation and nation; women and men.

Congratulations to you all on your strategies so far and happy, busy bridge building!