

**INTERNATIONAL WOMEN'S DAY BREAKFAST  
ROYAL HOBARY HOSPITAL RESEARCH FOUNDATION  
SPEECH BY  
HER EXCELLENCY PROFESSOR THE HONOURABLE  
KATE WARNER AM, GOVERNOR OF TASMANIA  
WREST POINT  
WEDNESDAY 11 MARCH 2015**

I am enormously proud to be invited to speak at your International Women's Day Breakfast. This year's theme is 'Make it Happen'. It is about celebrating the achievements of women while calling for greater equality and encouraging effective action for advancing and recognising women. Make it happen for: greater awareness of women's equality; for more women in senior leadership roles; for equal recognition of women in the arts; for growth of women-owned business; for increased financial independence of women; for more women in science, engineering and technology; for fairer recognition of women in sport; for greater awareness of women's equality.

Insofar as I have been asked by the organisers to give you something of a life story, how my background and career path led to my current role as Governor, the title of this talk could well be 'How did it happen?'

How did it? It started with a reasonable, even good education. My parents encouraged me to make the most of my opportunities at school and to matriculate. I was fortunate to be in a class which was strong academically – most of my Year matriculated, many of us were awarded Commonwealth scholarships for University and three I think were listed in the top 20. Then I had to make a decision about a course. My strongest subjects were languages, particularly French, and after seriously considering my father's suggestion of physiotherapy and then rejecting it despite having successfully struggled thought the Physics prerequisite, I enrolled at the University of Tasmania in a law degree – something that was considered quite adventurous for a female.

I enjoyed Law School. The first year was daunting and I was so terrified of failing that I worked consistently and got through. Thereafter it was easier and despite the dire predictions of Pat Higgins, the scary ex-Army Contracts lecturer ('you will fail without Maths'), I graduated with an honours degree. I served my articles with PW&B and as the Chief Justice's Associate. The CJ was

Sir Stanley Burbury, who was later Governor. He was a wonderful boss and mentor but I think it's unlikely he imagined I would one day also be Governor.

After marriage and a year overseas, the CJ asked me to come back and fill in for him for a few months while his Associate was ill. At this stage he encouraged me to apply for an academic position at the Law School and was my referee. I did not get the job but it led to an invitation to be a casual tutor in Commercial Law and later also Criminal Law. While still working for him I fell pregnant and had to relinquish a position that had been offered in a legal firm before I had even begun. In 1972 part-time work in a law firm was unheard of in Hobart. It was all or nothing, so casual tutoring was better than nothing! I liked tutoring and I was encouraged by the then Dean to think about an academic career. I have always tried to make use of every bit of the day. When my waters broke and I was taken off to the labour ward, I took a pile of assignments with me to mark. Needless to say no marking was done!

At first I went to University just one day a week and, after the Dean encouraged me to enrol in a research higher degree, that became two days. We lived at New Norfolk and I found some day care there for Emily, and Meg too when she was born. The 40 km drive to the University made things a little difficult. I remember one day sneezing violently when I got to Granton, halfway to Hobart. The rather tight new corduroy jeans, which I was wearing with a short tucked-in polo neck jumper, burst the zip, leaving a gaping hole. There was no choice but to drive home and change – making me almost 15 minutes late for my class. But I did have an excellent and original excuse.

At about this time, the University opened its crèche on the Sandy Bay campus just below the Law School and my two girls went there for two days each week. So it's 1975, I have a baby, a two-year old, and am enrolled in a research higher degree with some tutoring to pay for childcare. I needed more time to spend on my research project but did not feel comfortable about working full-time. There were postgraduate scholarships with a stipend, which would have comfortably met full-time childcare costs – but they were not available for part-time students, something I felt that discriminated against women in my position.

I managed to obtain a Criminology Research Council grant, my first research grant, to help support my studies. At this time I was the only postgraduate student in the Law Faculty. My topic was in the area of Sentencing and Punishment of Offenders, and little did I realise that this was later to be my

principal area of research. I had become interested in sentencing of offenders when a judge's associate, researching sentencing issues for the CJ and summarising sentencing remarks.

So I finished my thesis in July 1978. The next year I was offered more teaching, this time to run the Criminology unit, as my thesis had a Criminological flavour. Teaching this proved a considerable challenge; it was a steep learning curve, but it was an opportunity I grasped. By 1981 my younger daughter Meg was in Grade 1 and I was offered a one-year contract to teach Criminology and Criminal Law. I was the most junior and only female member on the academic staff at the Law School. Across the University sector, just 16% of FT academics were female. By this time I had just published my first two journal articles, some case notes and book review. And I had begun my work in law reform. In the 1980s I wrote papers for the then Law Reform Commission on rape and sexual offences; fines; and child witnesses.

Juggling work and family was always an issue. However, the flexibility of academic work made life easier. Working from home was always an option. While I picked up the girls after school most days, I was able to work in the evenings after they were in bed. Working after dinner in the evenings became a lifelong habit. And I crammed it in. I used every scrap of the day. I worked on the kitchen table with the children crawling over me. I took work to the pool while they swam. I sometimes got up early in the morning when everyone was still in bed, to squeeze in an extra half an hour of class preparation or marking. And I had a helpful spouse. I well remember the first time I went away to a conference and left Dick in charge for a night when Emily and Meg were little girls in primary school. They all had a wonderful time and when I got home the girls exclaimed gleefully that Dad did not make them have a bath and let them go to bed in their school uniforms – they only had to take off their shoes! This is what has been referred to by Annabel Crabb, as 'a Dad moment'<sup>1</sup> – of which more later.

So gradually I progressed up the academic scale. Early career highlights were being invited to give a paper at a conference in Cambridge in 1989 on child witnesses in sexual assault, and publishing a book, *Sentencing in Tasmania* in 1990, a book which took me about four years to write. From 1992-1994 I was Dean of the Faculty of Law and then from 1994-1997 I was Head of School. In 1996 I was made a full Professor.

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<sup>1</sup> Annabel Crabb, *The Wife Drought*, 2014.

In 2001 the Tasmanian Law Reform Institute was founded and I was appointed its inaugural Director. The Institute is based at the University and is a collaboration between the Law Faculty, the Government and the Law Society. I did this in conjunction with my teaching and research and found that it often complemented the research and teaching aspects of my work. Between July 2001 and 2014 the Institute completed 21 projects. Generally these consisted of an issues paper, community consultation and a final report. They covered issues as varied as Charter of Rights, Same Sex Adoption, Physical Punishment of Children and Easements and Vendor Disclosure.

As an academic I have taught mainly in the area of criminal justice: Criminal Law, Criminology and Sentencing but also Evidence. I liked teaching and have always thoroughly enjoyed research. As well as my Sentencing books, each year, since 1997, I have written a review of developments in sentencing for the Criminal Law Journal. My last review, the 16<sup>th</sup>, was published in December 2014, the same week that I was sworn in.

In 2006 I had a good idea for a research application. Public understanding of sentencing and measuring public opinion about punishment of offenders emerged as an issue in our TLRI sentencing project. So I applied for a research grant using jurors in real trials to gauge public opinion on sentencing. This had not been done anywhere and it proved to be a successful idea. Two more significant grants followed, the latest one a national study with ten research investigators and partners from around the country. These projects have been very stimulating, absorbing and even fun. Interviewing jurors about their view of the offender and the victim has been fascinating.

Now here I am in 2015, the 28<sup>th</sup> Governor of Tasmania. How did this happen? Being in the right place at the right time is part of the story. Not being good at saying no is also part of the story. But this has also meant seizing opportunities that led to other opportunities too. And really liking my work, finding it immensely satisfying has played a big part.

Having a good education has been central to my professional success. I was not an exceptionally bright child but I was given an education which opened the door. And I had parents who thought it important that I go to University, that I have a profession so that I could be independent and self-supporting. Education for all women is so important. For those from a lower socio-economic background, it is the way out of the poverty trap. It is the key to a

wider choice of careers. When I started University, very few 17 and 18 year-old went to University. And only 27% of those were females in 1966. In 1971, when I was admitted to the Bar, only 6% of Australian lawyers were women. When I had my first full-time job at the University I was the only woman academic in the Law School. Across the University sector, only 16% of full time positions were held by women. By the time I was a professor, in 1998, just 11% of Professors were women. The gender gap has narrowed over the years.

By 2009, 44.5% of academic staff were women but they comprised only 20% of academic staff at Level E. And this in the University sector, which has been at the forefront of implementing gender equity policies and where the job is suited to more flexible work practices which make life for women with children easier. In other areas the position is worse. I read the other day that fewer big Australian companies are run by women than by men named Peter.<sup>2</sup> Women on average get paid 17% less than men. And this cannot be explained by them having fewer qualifications or less experience. Even accounting for this there remains a stubborn 60% of the difference which can only be explained, in Annabel Crabb's words, by the absence of dangly bits.

The reasons for the gender pay gap have many explanations. In pondering this issue I read an interesting article based upon the work of two economists from the UNSW, Grosjean and Kahattar who suggest an explanation for why Australia has one of the lowest rates of female directorships in the world.<sup>3</sup> The claim that it is the persistence of cultural attitudes handed down between generations – historical gender imbalance (the number of men massively outnumbering women as in some parts of Australia in our convict past) still explains the 5 to 10 variation in the glass ceiling effect. Others claim that the gap is explained not by discrimination or gender bias but by women's choices, that they choose humanities courses rather than higher paying science and commerce, that they choose more flexible, less risky jobs that pay less well.<sup>4</sup>

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<sup>2</sup> Of the 200 biggest public companies that constitute the ASX200 index, 13 are run by men named Peter and only 12 are run by women: Peter Martin, 'It's lonely at the top for a woman' *Sunday Age* 8 March 2015, p 35.

<sup>3</sup> Peter Martin, "It's reigning men. How are convict past explains our glass ceiling" , *The Age*, June 29, 2014.

<sup>4</sup> Mikayla Novak, 'Pay gap due to women's choices' *The Age*, Monday March 9, 2015, page 18.

And another possibility is that men tend to be more narcissistic than women and that narcissism is associated with leadership in men.<sup>5</sup>

I tend to agree with Crabb, and stories like the ‘dad moment’ I described above are a clue. I have quite a lot of ‘dad moments’ I could relate. Complaints from my girls of Dad’s awful mashed potato, with mud and skins. And Dick’s idea of a nappy change in the trickier days of folding cloth nappies, which was just to stuff them in the plastic pants. We have long found these dad moments amusing. The Mere Male column in *New Idea* has been running since 1950. It demonstrates how deeply we believe that domestic work is a sphere of female competence and that it is endearingly funny for men to be bad at it. It’s not really an insult, we don’t expect men to be good at child care, nappy folding and cooking.

I have dined out on ‘dad moments’. When I think about why they are funny, I feel a little uneasy. Another aspect of humour is also worth thinking more about. When I was appointed Governor, Dick, my husband, copped a fair amount of light-hearted teasing. How will you cope, he was asked. New nicknames were suggested. Many suggested Dennis – as in Dennis Thatcher or ‘handbag’. And Adam, as in first man. The implicit suggestion is that he should somehow feel emasculated, demeaned or diminished by being the partner/spouse of a female Governor. Dick took this in good humour, and we are both enjoying the role. As with my predecessor, the job is very much a partnership. Dick has his own ideas of what he would like to achieve in the role, he is wonderful with people from all walks of life and he is comfortable with his self worth.

So Crabb claims, plausibly I think, that the reason for the gender pay gap is the asymmetric rate of wife-having. Of Australian families who have kids under 15, 60% have a Dad who works full-time and a Mum who works part-time or not at all. How many of such families have a Mum who works full-time and a Dad who works part-time or is at home? Just 3%! Working mothers do a lot of juggling. They are often asked how they do it. Men aren’t asked. Which is a bit unfair as they also can do a lot of juggling. If a man is promoted, gets a new

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<sup>5</sup> But men are probably more likely to be rewarded for it – women could be sanctioned for it: Emily Grijalva, ‘Narcissism increases the chance you’ll be seen as a leader, especially if you are a man’, *The Guardian*, 9 March 2015.

job that is more prestigious than his partner's, his wife is not teased in a way that suggests she is somehow diminished.

I believe that if we want to close the gender gap we need to focus more on the world of home and domestic work and we need to change perceptions of what it is to be masculine; to and make it alright for men to share the domestic load, make it alright for a woman to have a higher status/higher earning job than her partner, and break down the male breadwinner model. We need to change the stereotypes of what it is to be male and what it is to be female. Maybe this is a way in which we could make it happen.

Thank you.