

**INTERNATIONAL WOMEN'S DAY TURNING IT AROUND WOMEN'S AWARD
LUNCHEON
OPENING SPEECH BY
HER EXCELLENCY PROFESSOR THE HONOURABLE KATE WARNER AC
GOVERNOR OF TASMANIA
C3 CONVENTION CENTRE SOUTH HOBART 8 MARCH 2019**

Good morning and thank you very much for inviting me to speak at this International Women's Day Turning it Around Women's Award Luncheon. I begin by paying my respects to the traditional and original owners of this land— the palawa people. I acknowledge the contemporary Tasmanian Aboriginal community, who have survived invasion and dispossession, and continue to maintain their identity, culture and Indigenous rights.

May I acknowledge among you:

- The Honourable Jacque Petrusma, MHA, Minister for Women and Minister for Aboriginal Affairs, among her other portfolios;
- Jenny Gale, Secretary, Department of Premier and Cabinet;
- Kym Goodes, TasCOSS CEO and
- LGAT President Doug Chipman.

Having reached a major milestone in this last year, the three score and ten milestone and, as the first female Governor in our State, I am in a good position to reflect on how things have been turning around for women in the workplace over the last almost 50 years, how far we have come but also how far we need to go.

When I enrolled at the University of Tasmania in 1966 only a quarter of University students were female. Most females were in the Arts Faculty. We (Law) shared a building with Engineering (Law did not get its own building until 1973). There were no female engineering students. All of the academic staff in Law (and Engineering) were male. The only female professor in the whole of the University, that I recall in my undergraduate and postgraduate

student days was a nun (surely there must have been more). Things were changing, however. My first year at University was the first to enroll more than one woman in first year Law.

And 1966 was the year of the abolition of the marriage bar, the bar that required women to resign from the public service, from banks, from teaching, and a range of other jobs when they married.

When I qualified as a lawyer and then had my first child in 1973, there was virtually no maternity leave, paid or unpaid. The *Maternity Leave Act 1973* (Cth) provided 12 weeks of paid leave to female Commonwealth employees (.4% of the total female workforce) – and this did not apply to me. And part-time/fractional work in the legal profession was unheard of. The only part-time legal work I could get was a casual tutoring position at the University of Tasmania. I had an honours degree and was eligible for a postgraduate scholarship but they were only available for full-time study and I did feel able to commit to 35 hours a week with a toddler and a baby.

The University opened its child care centre at about this time – and my girls went there a couple of days each week. I was a casual academic, a tutor and then, after I completed my LLM, a lecturer for seven years. This was poorly paid – and despite the fact I was lecturing and tutoring in two full year subjects with a considerable teaching load, I did not earn enough to pay income tax! This would have been impossible if I had not been supported by my partner, Dick. Teaching paid child care, petrol and not much more.

Finally, in 1981, I received an annual full-time contract. I was the most junior and only female member of staff in the Law Faculty. At this time just 16% of academics were female. And a couple of years later, I successfully applied for a tenured position – with superannuation and study leave entitlements at last. In 1996, at the age of 48, I became a full professor, the first female professor in the Law School.

Having just read Anne Summer's latest book, *Unfettered and Alive*, I now appreciate that 1996 was generally not a good year for Australian women's employment opportunities. A change of government meant that many of the gains of two decades before were reversed. Rather than seeing the

economic value of women participating in the workforce, ideology dominated policy, an ideology which Summer's calls, a 'white picket fence view of women', the place of women with children was in the home. The result was a drop in the proportion of employed women who worked full-time to 54% in 2002 from 64% in 1982.¹ (I appreciate that this is just one way of looking at female workplace participation – another measure is the proportion of women in employment).

Despite some setbacks such as in the decade 1996-2007, the advances in work force participation and educational attainment for women in my life time have been considerable. Access to child care and fertility control have been important steps to achieving gender equality in the workplace.

Child care and fertility control

Access to affordable child care has been a barrier to work place gender equality. I mentioned the University Creche/Child Care Centre which opened in the 1970s. The *Child Care Act 1972* (Cth) commenced Commonwealth involvement in child care beyond the Lady Gowrie Centres.² But the battle for increased child care funding has been a long and uneven one. In 1983 there were just 46,000 government-subsidised childcare places – today more than a million children use various forms of childcare³ although its cost, accessibility and quality remain contentious as are recent changes to rebates and subsidies.

The contraceptive pill and access to safe abortion have been significant. The latter has been too slow in my opinion. In the 1960s and 1970s safe terminations were not easily accessible – in fact doctors who performed abortions if the woman's life was not in danger faced criminal prosecution. If you needed a medical termination the only option was to go to Melbourne – and of course this was expensive and difficult to organise in a discrete way. The horrors of back-street abortions were brought home to me when I was a judge's associate in 1970.

¹ Anne Summers, *Unfettered and Alive: A Memoir*, Allen & Unwin, 2018, p 352.

² Frances Press and Alan Hayes, *OECD Thematic Review of Early Childhood Education and Care Policy*, 2000, 18.

³ Summers, p 161.

Molly Savage was an abortionist charged with manslaughter after one of her clients died of septicaemia. The young woman had made a dying declaration implicating Molly Savage, enabling the charges to proceed.⁴ The young woman was by no means her first victim. A number of others gave evidence of paying Molly Savage for an abortion and subsequently being admitted to hospital with septicaemia. The contact for appointments with Molly Savage was her daughter, a lift operator at Fitzgerald's, a department store in Collins Street.

I can well remember the exhibits at the trial. They included photos of the room in which the abortions were performed. A very frilly, fluffy bedroom with a lot of stuffed toys. And the worst of the exhibits were her instruments. A piece of pink rubber tube, and a piece of pink soap wrapped in a rather grubby looking cloth, exhibits which I was required to hold up, name and number. Molly Savage was convicted and imprisoned. And later I was to learn that my grandmother's sister, my great aunt Heide, had died from a septic abortion, leaving her small children without a mother.

The Savage trial had a profound effect on me and I have been an advocate for decriminalising abortion and access to safe, accessible and affordable termination of pregnancy services as well as for women's health clinics.

Abortion has been legalised in stages in Tasmania.⁵ In 2001 amendments to the Criminal Code made abortion available on conditions including informed consent, counselling and the certification of two doctors. In 2013 medical terminations were removed from the Criminal Code and it is now only a criminal offence if performed by someone other than a doctor. So, it is lawful if performed by a doctor but there remain questions about access.

What about progress with the gender pay gap?

A lot has been achieved in the almost 50 years since I graduated in law. In 1970 women's pay was 65% of men's earnings – a gap of 35%.⁶ And there remains a long way to go. The gender pay gap has diminished but the trend

⁴ The case is reported: *R v Savage* [1970] Tas SR 137.

⁵ See Barbara Baird, 'Decriminalisation and Women's Access to Abortion in Australia' (2017) 19 (1) *Health and Human Rights Journal* 197-208.

⁶ Anne Summers, *Unfettered and Alive: A Memoir*, Allen & Unwin, 2018, 157 quoting OECD figures.

has not always been in that direction. In November 2018 it was 14.1% based on full-time adult average weekly ordinary earnings. This has been decreasing over the last five years but the trend over the last two decades has been bumpy. And there is a significant difference between the public and private sector: 10.4% in the public sector and 17.7% in the private sector.

The gap is wider when the measure is full-time average *total remuneration*, 21.3%. That gap exists in every industry and occupation.⁷ Even in education and training where 63.6% of the full-time work force is female, there is a gender pay gap of 9.7% (full-time total remuneration).

A big concern is the superannuation gap. Women retire with roughly half the superannuation of men – the overall difference in superannuation balances standing at 38.8%.⁸ This is of course because women are far more likely to take responsibility for unpaid care work, work part-time, work in lower paid roles and have fragmented work histories.

Why has progress been so slow?

There are a number of reasons for this. Girls and boys complete Year 12 in equal proportions. And females outnumber males in University graduations. But graduate salaries are higher for young males than young females. One of the reasons for this is occupational segregation. Even though more women graduate from Universities than men, they are under-represented in the higher paid STEM industries, such as engineering, mining, computer science and over-represented in nursing, social work and teaching – the caring professions.

The problem of occupational segregation starts in high school with STEM subjects. Girls are more likely than boys to opt out of maths. In Australia, the Advanced Mathematics participation rate for girls in 2015 was 6.9% but it

⁷Australian Government, Workplace Gender Equality Agency, Australian Gender Pay Gap Statistics, February 2019, <https://www.wgea.gov.au/sites/default/files/documents/Gender%20Pay%20Gap%20Statistics%20Fact%20Sheet%202019%20FINAL%20February.pdf>

⁸ Australian Government, Workplace Gender Equality Agency, ‘Employers hatching great initiatives for employee nest eggs’, 29 February 2019.

was 12.6% for boys.⁹ The problem of under-representation of girls in maths is not confined to Australia but is common to many countries. It is widely accepted by educational researchers that the difference in gender participation in maths is not related to ability but is socially determined by gendered stereotypes influencing students' interests, parent and societal expectations and students' confidence. At least two meta-analyses have shown no difference in maths ability between girls and boys.¹⁰

However, it seems that there are differences between girls and boys in confidence and anxiety levels in relation to maths ability with girls having less confidence in their ability to solve mathematical problems than boys and greater feelings of anxiety towards mathematics.¹¹

The gender disparity in highly paid industries such as engineering and technology is not as stark as it once was. But the masculine culture of many work places where females are severely under-represented leads to problems of attrition of female employees.

In some areas such as law and medicine, women graduate now equal if not outnumber male graduates. However, in both professions there is a gender pay gap. In medicine, there is parity in medical schools but not in the high-powered positions and specialties in medicine. And in some specialties, such as surgery, women are woefully under-represented.¹²

In law there is the same story. There are now more law graduates than men and in 2016, for the first time ever, women outnumbered men in the Australian legal profession. However, women make up just 18% of equity partners and are under-represented in the ranks of QCs and SCs and the judiciary.

⁹ F Barrington and M Evans, *Year 12 Mathematics Participation in Australia – the Last Ten Years*, 2016, <http://amsi.org.au/publications/participation-in-year-12-mathematics-2006-2016/> accessed 24 January 2018.

¹⁰ Helen G Watt et al, 'Mathematics – a Critical Filter for STEM-Related Career Choices?' (2017) 77 *Sex Roles* 254-271, 256.

¹¹ OECD, *The ABC of Gender Equality in Education: Aptitude, Behaviour, Confidence*, 2015 based upon PISA 2012,14, 64.

¹² Helen Dickinson and Marie Bismark, Female doctors in Australia are hitting glass ceilings – why? *The Conversation*, Jan 6, 2016.

One answer is that there is a lag phenomenon at play. Once current women advance through their careers, figures will self-correct and result in more gender balance in leadership and higher paid positions. But the more plausible answer is that women are being channelled into particular areas of these professions that are lower status and attract lower pay.¹³ Moreover, many more females than males opt to work part-time to cope with child care than men or they take time out and their career progression stalls. This may be a matter of choice but it is constrained choice, constrained by rigid gender roles which dictate that women are primarily responsible for child care.

There have been great improvements in things like maternity leave and paid parental leave. Female university staff are entitled to 26 weeks maternity leave at their normal rate of pay and an additional 26 weeks unpaid or 52 weeks at half pay. Fathers are entitled to two weeks paid leave. Many OECD countries have much more generous parental care provisions for fathers but the problem is encouraging men to take advantage of this leave, just as there are more obstacles to men being encouraged to take advantage of more flexible work-place arrangements.

On Tuesday we had a launch at Government House of a website, aKIDemiclife, created by Dr Kirsty Nash to help academics juggle family and career.¹⁴ It is based on her personal experience as a new mother, coping with the demands of postnatal depression, motherhood and a research scientist's career. It is a collection of stories of other academics, men and women, who have combined research with parenting, advice about how to manage issues such as leave, travel, finances, health, transitioning back to a research career after a break and links to relevant information from a number of countries around the world.

Talking to the people in the room about the challenges to achieving gender equity, it was agreed that the greatest challenge is workplace flexibility and changing gender role stereotypes which make it difficult for fathers to work flexibly, fractionally and take advantage of parental leave entitlements. Women are much more likely than men to be in part time employment than

¹³ Dickinson and Bismark, n 12.

¹⁴ See <https://akidemiclife.com/>

men – according to the 2016 census 48% of women in employment worked full time compared with 74% of men. Women's participation in the work force has increased but if employed they are less likely to be in full time employment than they were in 1982.

To conclude, can I say that as a criminologist I see gender inequality not merely in terms of workplace equality but as one of the underlying causes of gender violence: sexual and family violence. Until we can breakdown the rigid gender stereotypes that lead to the gender pay gap we will also continue to see women being disproportionately victims of gender violence.

Thank you.