

ZONTA CLUB OF HOBART 50TH ANNIVERSARY DINNER
SPEECH BY
HER EXCELLENCY PROFESSOR THE HONOURABLE KATE WARNER AC
GOVERNOR OF TASMANIA
ROYAL YACHT CLUB OF TASMANIA, SATURDAY 15 MAY 2021

Good evening everyone, it is a pleasure to be here as an Honorary Member of Zonta International.

Can I pay 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.

I mourn the fact that there are no living descendants of the Muwinina, the Aboriginal people who once lived on the Derwent River where Government House stands. But as Zonta is an organization that promotes enhancing the status of women, we should celebrate the fact that it is largely through the resilience and tenacity of Aboriginal women of the North East Nation that we have a thriving Aboriginal Community today in lutruwita/Tasmania.

Vernonika suggested in my speech to you this evening that I compare and contrast the status of women in 1971 and 2021.

1971, Tasmania, Australia. Fifty years ago, I was a young, very recently admitted lawyer working as an Associate to the Chief Justice, Sir Stanley Burbury. The legal world then was male dominated with just a handful of female legal practitioners. There were no female judges, no female magistrates, no female prosecutors and no female partners in law firms.

The legal system discriminated against women in multiple ways as did society and social attitudes. It was a time when society took a 'white picket fence view of women' – the place of women was in the home. Few saw the value in educating women in the professions – what was the point if they were going to marry and leave?

In 1971, young unmarried women feared pregnancy. Contraception was still not readily available. In 1968 a papal encyclical outlawed the use of birth control for Catholics, and it was not until 1972 that Whitlam Government removed the luxury tax on all contraceptives and put the pill on the Pharmaceutical Benefits List. In 1971 so-called 'shotgun marriages' were common, or young unmarried women were sent away by their family to have the baby, which in many cases was then adopted. In the 1960s and 1970s safe terminations were not easily accessible – in fact doctors who performed abortions faced criminal prosecution if the woman's life was not in danger. 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 discreet way. The horrors of back-street abortions were brought home to me when I was a judge's associate in 1970.

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.¹ She was by no means Molly Savage's first victim. A number of others gave evidence of paying the accused 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 (now Harris Scarfe).

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 since. 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. A dramatic improvement since 1971 but there remain questions about access.

In 1971 the criminal law did little protect women who were victims of family violence – a husband could not be found guilty of raping his wife and the marital immunity rule was to persist for another sixteen years. There were many other flaws in the rape laws including evidentiary laws which made a woman's prior sexual history relevant to both her credibility and to consent. Complainants were as much on trial as the offender. Rape crisis services were unheard of and police were trained that most complaints of rape and sexual assault are false. Fifty years later the position has improved dramatically but gender violence remains a problem, the attrition rate from complaint to conviction is unacceptable and sexual offences remain greatly under-reported.

¹ The case is reported: *R v Savage* [1970] Tas SR 137.

In 1971 violence within the home was regarded as a private matter and rarely led to prosecution. If a serious assault did go to court, the fact it was a domestic matter meant that it was regarded as less serious than an assault by a stranger. It was not until second wave feminism exposed domestic violence as a pervasive problem and lobbied for resources and law reform that it started to be taken more seriously. Women's refuges and shelters for victims of family violence were unheard of fifty years ago – the first hand-full of shelters was funded by the Commonwealth Government in 1975.

In 2021 is an assault by a partner, sexual or non-sexual still regarded as less serious than the same act committed outside a marital relationship? As the Victorian Royal Commission into Family Violence noted, this is difficult to assess empirically because generally offences are not described in a way which identifies whether they were committed in the context of family violence.² In terms of sentencing principle, the courts have moved away from suggesting that violent offences are less serious if committed in the domestic context and they stress the need to place more weight on deterrence and denunciation in such cases.³

How did women fare in the workplace 50 years ago? In 1971 women did not have equal pay. The 1969 equal pay case only applied to women doing exactly the same job as men in predominantly male occupations. So, as the Chief Justices Associate in 1971, I received the same salary as a male Associate. But occupations dominated by females attracted lower salaries – and fifty years later the position has not changed. The total remuneration gender pay gap is still 20% and it is estimated that it will take another 25 years for parity to be achieved.⁴ [The gap is less if calculated on the basis of average full-time weekly earnings: 13%.]⁵ Various factors contribute to the gender pay gap but much of it is due to gender concentrations by industry and occupation with the those dominated by women attracting lower salaries than those dominated by men.

² Royal Commission into Family Violence, Final Report, March 2016, Volume III, (Recommendation 81).

³ *Pasinis v The Queen* [2014] VSCA 97 [57]; *Laa v The Queen* [2020] VSCA 136, [50]; *DPP v Muliano* [2005] VSCA 13, [21].

⁴ <https://www.wgea.gov.au/newsroom/over-a-quarter-of-a-century-until-gender-pay-gap-likely-to-close> accessed 8 May 2021

⁵ https://www.wgea.gov.au/sites/default/files/documents/Gender_pay_gap_fact_sheet_Feb2020.pdf accessed 8 May 2021.

Fifty years ago, there was considerable opposition to women with children working with dire predictions about the fate of children of working mothers, often termed 'latchkey children'. And there were many obstacles for mothers seeking employment outside the home. There were virtually no childcare centres until the Federal *Child Care Act 1972* (Cth) was passed and no paid maternity leave until 1973 when 12 weeks paid leave and 40 weeks unpaid maternity leave was introduced for Commonwealth employees.

Another obstacle was the lack of fractional appointments. In 1971, Universities, for example, offered academics full-time appointments or casual rates, which for me, as a young academic, meant that despite the fact I was lecturing and co-ordinating one full-year subject and tutoring in another, I did not earn enough to pay income tax throughout the 1970s. Nor were postgraduate scholarships available on a part time basis. This has now changed with much more flexibility in terms of fractional appointments and postgraduate scholarships.

Women have gained independence, including financial independence, over the last 50 years. And it is now much easier for them to leave an abusive relationship. However, spaces are limited in women's refuges and stays in them are limited with many women facing homelessness. I know homelessness is a focus of your club.

I want to commend Zonta on its work – on saying 'Yes' to gender equality, 'No' to violence against women and 'Now' to gender equity and climate action. In 1971 the phrases 'climate change' and 'global warming' were not in the news or on the agenda. In 1976 the Australian Academy of Science acknowledged that human activity is likely to contribute to warming the planet but concluded there was no evidence that the world was on the brink of a major climatic change.

In 2021 we know that it is – that Australia's average temperature has increased 1 degree since 1910 that carbon emissions have increased dramatically and that it is vital that we reach zero emissions by 2050. We must say 'Now' to climate action before it is too late.

To quote David Attenborough, 'The problems that await the world in the next five to 10 years because of climate change are greater than the coronavirus pandemic'.⁶

⁶ <https://www.bbc.com/news/av/57050259> accessed 14 may 2021.

And:

The fact is that no species has ever had such wholesale control over everything on earth, living or dead, as we now have. That lays upon us, whether we like it or not, an awesome responsibility. In our hands now lies not only our own future, but that of all other living creatures with whom we share the earth.⁷

Happy 50th Birthday Zonta Club of Hobart. Keep up the good work!

⁷ David Attenborough, *Life on Earth*.