

Pass the Baton

Don Dunstan Foundation invites you to join a politically non-partisan event to mark:

Celebrate the 35th anniversary of the first Sex Discrimination legislation in Australia.



When: Wednesday 3 November 2010, 5.30pm - 8.30pm

Where: Bonython Hall, The University of Adelaide

Speakers: Gail Gago MP, Kate Ellis MP, Michelle Lensink MLC & Anne Summers AO

... followed by a debate with the proposition that ...

'For a woman to be successful in business she has to be a man'



Lindy Powell QC & Dorinda Hafner (for) vs. Tory Shepherd & Chelsea Lewis (against)

Adjudicated by **The Hon Justice Robyn Layton**

Tickets: \$25 General; \$15 DDF subscriber/conc.

Book: [Online](#) or call the Dunstan Foundation on 8303 3364

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DONDUNSTANFOUNDATION
REMEMBER THE FUTURE



**Celebrating 35yrs since Australia's
First Sex Discrimination Legislation**

3 November 2010



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Celebration of the 35th Anniversary of the passing of the Sex Discrimination Act 1975

I acknowledge my fellow distinguished speakers Dr Anne Summers AO, Hon Anne Levy, Hon Kate Ellis MP, Hon Gail Gago MLC and Hon Jennifer Cashmore and the families of former Premiers Dr David Tonkin and Don Dunstan. I also acknowledge the large number of distinguished guests who have campaigned over many years for this issue in our community. That there are hundreds of people here to celebrate this occasion from a wide range of backgrounds and ages is a signal of how great a celebration we are sharing this evening.

Context of the time

Dr David Tonkin's promotion of sexual equality was profoundly influenced by his family's experience, whereby he lost his father; and his mother became a widow when he was aged just 5. It is well known that David's mother felt unable to participate in the workforce due to the strictures of the time and this ultimately drove him to introduce the first sex discrimination bill in Australia on 29th August 1973.

In a speech which would be appropriate in today's times, he spoke of the progress of women, particularly in the 20th century and that the time for treating women as second class citizens based on assumptions which go back to prehistoric times should end. He spoke of how our historical exclusion from education effectively hindered our personal development; and that our central role in reproduction and family responsibilities had for a long time defined our identity and therefore our status in society.

In Tonkin's mind however, this had changed forever through education and notably women's workforce roles during two world wars as "really showing what women in the workforce were capable of". He also said, which made me chuckle in light of Archbishop George Pell's recent comments that:

The biological restrictions on women's activities have been largely overcome with the development of family-planning techniques. One might say the pill has proved to be the final leveller.

David Tonkin's Bill would have prohibited discrimination on the grounds of sex, in employment, membership of professional associations and unions, education and training for employment and the supply of goods and services, with specific clauses relating to banks, insurance and financial products.

The Bill was referred to a select committee, which David feared was a mechanism to knock the Bill off, but the committee did find in favour of the need to introduce a Bill, and as we have heard, was introduced under the auspices of the Dunstan government and passed in an amended form in 1975.

Many of the committee's findings are unsurprising. They included:

Discrimination in training and education

The Committee found that traditional gender distinctions in education were disappearing, and this is reflective of the fact that women are now 55% of university graduates.

Discrimination in employment

Women were often not successful in gaining positions because "*only a small proportion of females possess the necessary qualifications or experience*"; the committee was rightly concerned that this would be a long term problem and observed that "*equality of opportunity is unreal at the present time in many occupations because so many women have not had the opportunity to be trained or to obtain (the) experience that men have had for generations*"

There had been progress in some areas, and in particular the Public Service Board gave evidence that there were no longer grounds in the public service for discrimination in recruitment or advancement and that pay levels have been equalised.

Discrimination in financial matters

While the banking and financial associations stated that the criteria upon which the decision to lend should be ability to repay a loan, female witnesses gave evidence that in spite of their ability to service a loan they had been denied credit by financial institutions without a male guarantor.

The Committee noted that the prevailing family structure continued to reflect tradition, in that *“women still see their major roles as wives, mothers and key members of a family. But those women who choose, or who are obliged through force of circumstances, to enter the work-force, or who seek credit or other services on their own behalf should have equal access to opportunities...”*.

Further achievements since 1975

The *Sex Discrimination Act 1975* became the *Equal Opportunity Act 1984* and extended the grounds of unlawful discrimination to race and physical impairment, to which age and intellectual impairment were later added. The Commonwealth implemented its own regime through its *Sexual Discrimination Act 1984 (Cwth)*, then the *Human Rights and Equal Opportunity Act 1986* and the *Disability Discrimination Act 1992*.

More recent changes to the EO Act took place in 2009, making it unlawful to discriminate on the grounds of breastfeeding, religious dress, caring responsibilities, disability (including mental illness, learning difficulties or illnesses such as HIV and hepatitis C). There have also been reforms of same sex laws, no-fault divorce, childcare, single mother's pension. As of 1 January 2011, Australia joins the rest of the OECD in implementing its first statutory paid parental leave scheme.

We've had our first female Prime Minister and our first female Governor-General. Locally, South Australia has its first female Opposition Leader in Isobel Redmond MP and our first Speaker in Lyn Breuer MP. Our three newest Members of the Legislative Council are all women (Hon Jing Lee, Hon Tammy Franks and Hon Kelly Vincent).

South Australian Liberal women have achieved many political firsts and accolades:

- 1924 First woman endorsed by a political Party - Agnes Goode
- 1955 First woman elected to Parliament - Nancy Buttfield (later Dame Nancy)
- 1959 First women elected to the South Australian Parliament - Joyce Steele (House of Assembly), Jessie Cooper (Legislative Council)
- 1966 First woman Opposition Whip - Joyce Steele
- 1966 First woman elected to the House of Representatives - Kay Brownbill
- 1968 First woman Cabinet Minister - Joyce Steele
- 2001 First female Agricultural Minister in Australia - Caroline Schaefer
- 2006 Amanda Vanstone became Australia's longest serving female Cabinet Minister
- 2009 Isobel Redmond elected Leader - first for a major political party in SA

Audit of where we're at in 2010

Much is made of data about Women in leadership positions, which is more closely measured than ever. In Australia's parliaments, women comprise about 30% of the Members.

In business, there is a focus on boards and executive positions, which, any way you cut it, is appalling and way behind other OECD nations. Since 2002, the Equal Opportunity for Women in the Workplace Agency (EOWA) has conducted a biannual survey of ASX200 companies. The latest survey published on 6 October 2010 is grim reading, showing that there has been very little change in the last eight years. Women comprise just 8.4% of board appointments, the number of boards without any women has actually increased from the previous survey – from 51% in 2008 to 54%, six of 200 CEOs are women and five of 200 chairs are women. Importantly, of the positions which feed into management and leadership positions, line roles, only 4.1% are held by women.

What has changed more recently however, is the number of organisations that are addressing these issues in a variety of ways. The ASX has changed its reporting requirements so that companies must disclose a diversity policy and explain what they are doing to advance the cause. Stephen Mayne, the founder of the electronic media service “crikey” who has taken it upon himself to be the “serial pest” of the AGMS of Australia’s listed companies, is asking boards why they don’t have any women directors. Ruth Medd’s Women on Boards and our local Women’s Directory (an initiative of Dr the Hon Diana Laidlaw) provide links between women who might be interested in serving with boards which might be interested in having them serve on them.

The great barrier to a fair go for women in my view continues to be the workforce, just as it was identified in the mid-1970s by the select committee. Persisting issues remain through lack of pay equity, workforce participation, career advancement and sexual harassment in some sectors. The pay gap has gone backwards and has gone up to 18%. As our Federal Sex Discrimination Commissioner, Elizabeth Broderick regularly reminds us, Australia leads the world in educating women, but we come 41st in female workforce participation. It has improved from 48% to 58% in the last 20 years, but still lags males at 73%. There are also entrenched attitudes about “bossy women bosses” and it’s still seen as pushy for a woman to lobby for a higher salary. Broderick postulates that many Australian workplaces have a concept about “the ideal worker model” and have failed to grasp the benefits of workplace flexibility.

All of these factors lead to an over-representation of older women without enough superannuation to support themselves in their retirement years. And while the topic of domestic violence is for another day, lack of economic independence is a factor in why some women feel they can’t leave violent and dangerous relationships.

One of Australia’s captains of industry, John MacFarlane, the former CEO of the ANZ Bank, wrote the following in the EOWA publication “Chief Executives Unplugged”, which in my view describes Australia’s current situation very well.

I’m not a champion of women, I’m a champion of people. But having said that, I do believe you have to intervene on behalf of women. Why? Because if you do nothing, nothing changes. The work environment is not pitched in favour of women; one has to proactively speak out, take action and initiate programs to ensure women are operating on a level playing field.

I also believe women get in the way of their own advancement. Many don’t wish to be singled out, believing targets make their appointments seem tokenistic. When I insisted shortly after my arrival that every shortlist for senior jobs include at least one potential female candidate, I was not popular with anyone – least of all women. It’s my experience that women want to rise to the top on their own

merits. What they don't realise is that this won't happen without proactive action because the processes and the environment don't support them.

We still have a long way to go but we have come a long way if we consider what's changed in one generation. Or even a couple of generations.

Being born into a traditional Catholic family before the second World War, the only girl of nine children, against her will my mother was torn from education in her teens because her parents thought it would be a waste. She's still angry about it, for good reason.

My two sisters and I have all had the benefit of a university education. In fact, women are graduating from university in unprecedented numbers, whereas they were a rarity in previous generations.

In my mother's day, she would have been forced to give up work when she married, whereas that's not common in this day and age. In my generation, my eldest sister is a working mother running her own practice, my middle sister has become a "stay at home" mum and I'm the "career woman" who hasn't yet had children. We are glad to have had the choice to be active contributors in our various ways, but we have each felt the judgement of others about our situations. Unfortunately, some community attitudes are still stuck on stereotypes – instead of trusting that women's decisions will take into account their family situation – or that sometimes women don't have certain choices available to them.

Future vision

Time doesn't permit us all to tell our individual stories of ways in which we've been confronted by comments, situations and attitudes which have left us speechless.

I really look forward to celebrating a new set of milestones with a new generation of women and moving beyond firsts.

I look forward to a time when we've worked out how to balance workplace flexibility and productivity so that mothers and fathers don't have to be on continuous guilt trips. Workplace reform will not just help women, but will help families, especially for men who wish to share in parenting duties.

So the data collection must continue – to remind us that the battle isn't won in spite of the urban myth that it has – and we must continue to confront outdated attitudes.

All that women have ever asked for is this: that our talents, hard work, capacity and creativity as individual human beings be recognised, not dismissed, and that we may participate in all aspects of life so that we can make a full contribution to our community.

Hon Michelle Lensink MLC, Shadow Minister for the Status of Women, 3 November 2010