

'And in order to honour Fay
Marles' amazing early work,
generation after generation
of women need to continue to
assess where we've got to, what
needs improving, what needs new
action, what needs funds and
campaigning and what laws might
need to change.'

NICOLA ROXON 7 AUGUST 2013

Fay Marles Oration



The Fay Marles oration was delivered by The Honourable Nicola Roxon MP, on 7 August 2013 at the Queen Victoria Women's Centre, Melbourne.

It was a special occasion to honour her life and work and to launch the Victorian Women's Benevolent Trust's Fay Marles Equal Opportunity Sub-Fund

7 AUGUST 2013

Dur-e Dara OAM immediate past Convenor on leave of absence Victorian Women's

Trust

Welcome to this wonderful launch of the Fay Marles Equal Opportunity Sub-Fund of the Victorian Women's Benevolent Trust - a special occasion where we can express all the things we feel about you Fay, and to recognise the work that you've done and to celebrate your being here tonight as well, because remembering women when they're gone is not good enough.

I would like to start by remembering that we are very privileged to have inherited the opportunity to live in a land where we have a living culture, a culture that we can learn a lot from if we keep working to help the first nation people of this land to achieve full rights and equity. And I would like to pay our respects to their Elders, both living and in the past and say to them that it's for you to forgive and for us to never forget.

I would like to again welcome you all and say that the reason for having the Fay Marles Equal Opportunity Sub-Fund is because there's still work to be done. We have an Equal Opportunity Commission, but many young people do not know its history and significance. We have equal opportunity legislation but it needs to be expanded and strengthened, as well as studied rigorously.

I remember when I worked in the public service. I wasn't allowed to wear my national costume in case I upset my clients. And that wasn't very long ago.

So I want to say to you that this is very important work. I am finding that philanthropy can tend to get corporatised and focus on what some people would call sexy, fuzzy and warm. But it's not fuzzy and warm when homelessness and sexism is rising among women and children.

We can celebrate the leadership of Fay Marles, because having an Equal Opportunity Commissioner is very important. Fay led the way to implement important reform and yet today there are many young women who are not learning about it or understanding its significance. I believe it is very important for the Trust to grade the road in such situations, and that is what we hope to do through the Fay Marles Equal Opportunity Sub-Fund.

So we invited a lot of women working in the legal profession to contribute, we invited QCs, SCs, Members of Parliament, colleagues, friends and our many supporters and all of you have come tonight. I want to say thank you. Some of you are already inaugural donors and again I say thank you.

I want to welcome all the people from the social work sector, people from the equal opportunity and human rights sector, people from Melbourne University and friends of Fay's, that's special you being here too.

I also welcome Fay's husband Don; children Richard and Victoria; grandson Alex and Victoria's partner Jeff. Vic was on the Board of the Women's Trust at the time when we made some very important changes to the organisation.

Vic, thank you for being here. Your two sisters wished they could be here too, but can't be as they live in Sydney. When we work with a family to establish a Sub-Fund, we also develop a relationship with family members and get to know them, so it's a bit like preparing for a special family event. And everyone at the Trust has had a big day today preparing for this celebration.

I want to welcome donors and supporters of the Trust, people who've travelled along the road with us. I also welcome and acknowledge Diana Batzias, our acting Convenor and members of the Board and pay my respect to you all and our staff, many of whom are here helping tonight.

We are so lucky to have Nicola here tonight. She was our first female Attorney General, but I want you to know that when Nicola was a law student she earned extra money by working in my team at Stephanie's Restaurant. Her sister Sally was already one of our star apprentices. She comes from a family of feisty gorgeous women, led by her mother and beloved by her father who they lost early. So I knew Nicola there, I knew she was going places because one day she said to me "Dur-e, my name is Nicola and I want to be called Nicola, not Nicky or Nic", because I'd been doing just that!

So here she is and I want you to know that we admire you. We thought it fitting and you were so gracious to accept and present some words to celebrate Fay's work and her life.

For those of you who don't know about Nicola.

Nicola Roxon was elected the Federal Member for Gellibrand in Melbourne West in 1998 when she was 32. Nicola had a first class honours law degree and an arts degree from the University of Melbourne and graduated top of her law class in 1990. Prior to her election Nicola was an Associate to the nation's first female High Court Justice, Mary Gaudron. I remember that time and how proud you were. Nicola served as Minister for Health and Aging in the Labor Government from 2007 to 2011 and then as the first female Attorney General from December 2011 until February 2013. During her ministerial term she oversaw major health reforms including the introduction of plain packaging for all tobacco products sold in Australia and successfully defended the challenge to those laws in the Australian High Court. She has received national and international awards in recognition of her public health work. Nicola, come and tell us about Fay.

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I want to start with particular thanks to VWT, for their constant and strategic work on behalf of Victorian women. I first was involved with the Trust as a young waitress when Dur-e engaged all the young women waitressing at Stephanie's restaurant to get behind this worthy cause.

Your work in campaigning to restore respect in Australian politics, your website designed to encourage young men to have respectful relationships with women and your media and research presence as a voice for women is all to be commended.

Over the years the Victorian Women's Benevolent Trust has provided for more than 400 grants that invest in social change. These small grants make such a positive difference in the lives of so many women and groups that work to improve the status of women in our community.

Tonight is entering another phase for the Trust.

In the same way that women over the ages have fought to establish their economic independence, a room of their own, the Women's Trust is seeking to firm up its financial independence for the future too.

It has over recent years launched a number of Sub-Funds for specific purposes, which attract donations, bequests and generous philanthropic support to keep doing its marvelous work. So far it has raised over \$3.5 million to invest in identified, strategic areas of work.

Tonight is a chance to take another step – and to do so in honor of a woman who cut a swathe through the jungle helping line a path forward for those of us to follow

Tonight is the Launch of the Fay Marles Equal Opportunity Sub-Fund.

The Sub-Fund is being set up by the Victorian Women's Benevolent Trust to provide support to community groups and individuals in three key areas:

- Leadership training to increase young women's working knowledge of equal opportunity legislation, structures and processes;
- Research regarding loopholes and gaps in equal opportunity legislation; and
- Education and engagement on equal opportunity issues in workplaces, organisations and the broader community.

These three purposes of the Sub-Fund are extremely important and will provide a valuable resource for Victorian women into the future — your generous donations can be targeted to this particular part of the Trust's broad work.

So it is an exciting time for the Trust and INDEED it is indeed an historic time to be a woman.

It's a time where we can tell our daughters, with all honesty, that women in Australia can do anything.

We have come to a happy point in our public life where now we can look around and see that there are women in every field of endeavor and that there really isn't the need to limit the dreams or our hopes of our daughters.

As a carer, a lawyer, a production worker, a scientist, engineer, politician, designer, writer or whatever – there are no limits that we need to put on our daughters' dreams in any way.

The symbol of women filling high and powerful offices has been achieved. Remember it wasn't long ago that many of these offices had never once in our history been filled by women. We now have, or have had a female Governor General, a female Prime Minister and a female Attorney-General.

In fact, I recall a funny anecdote of Julia as PM going to a primary school with a local MP, also a woman, and being asked to talk to the class about work, their hopes and aspirations. Along with the usual mix of teachers and rock stars, quite a few girls told Julia they wanted to

be Prime Minister like her. When the teacher encouraged one usually boisterous little boy to tell the PM what he wanted to do, he quipped, "Oh but boys can't be Prime Minister in Australia" !!! What a turnaround!

So role models do matter – but they are only ever a small part of the story.

Yet at the same time no-one joins a social movement just because they want to be "the first" to have done something, and then have it end there. I for one, am proud to have been the first female Attorney General in Australia but I'm interested in what we do to support and encourage the second, the third and the fourth, whether it is an AG, PM, GG, pilot, scientist or anything else ...

We should take inspiration from Julia's words delivered with characteristic poise on the night of the change of Prime Ministers — and I share her belief that "It will be easier for the next woman and the woman after that and the woman after that, and I'm proud of that

In this regard also I personally want to thank the Trust for its work examining the media, debate, commentary, language and treatment of Australia's first female PM. The "A Switch in Time" campaign was vital in helping to call out some of the commentary for what it truly was — and your advertisments in the paper on Friday 5 July 2013 were so enthusiastically received that you then also published these in Italian, Greek and Chinese newspapers with donations that had spontaneously flowed in.

For those who haven't read it, you should. Similarly Anne Summers article in her new online magazine and Kerry Ann Walsh's book make excellent reading too.

I suspect historians, researchers and social analysts will pore over this era into the future and find all sorts of interesting anecdotes and statistics for the period of our first female Prime Minister. Of course, they will do this with more distance and perspective than I can possibly bring to bear tonight.

I hope when they do this they consider policy and politics, real delivery as well as the political shenanigans. In this way – a truer picture will be told than what we see now. I also hope political commentators will note

the confluence of events – having a first woman PM, at the same time as having a minority government and also at the same time as we've had one of the most aggressive and irresponsible opposition leaders.

When we look at this altogether, we'll see a strong and poised, clever political operator who got some incredible things done – in the most challenging of circumstances.

I think time will tell the story of the cause of women being well advanced in these recent years – but the journey is far from done.

But, given the election has just been called this very week, and I am not a candidate in this election, I think it might be best if that is the extent of the political commentary I provide tonight!

The purpose tonight is a broader and higher one than this moment in current political history.

We are here to honor a remarkable woman, a strong woman and determined trailblazer, Fay Marles.

And to launch a Sub-Fund that will support those women and organisations working to take Fay's legacy to the next stage, for the coming decades.

So this particular focus of the fund, and the purpose of tonight, makes it a great opportunity to ask the fundamental questions — what do anti-discrimination laws protect against and why?

How has society accepted these laws, and have they worked?

Have they changed or improved our environment?

I must confess that my starting point is that for laws that have been around in Australia now for over 40 years, it is surprising that discrimination and equal opportunity remain concepts that are so commonly misunderstood.

In fact, it is almost breathtaking.

At the most basic level – everyone gets it is:

- Treat people fairly on the basis of their ability.
- Don't exclude or judge people on attributes they can't control, like race, gender or age.
- No one any longer thinks it is OK to exclude qualified women from professional jobs.
- No-one thinks you can decide you won't employ people of a particular race in your restaurant.
- Or that it is OK to "retire" women from the public service once they marry.
- You can't pay superannuation to your male staff but not your female staff.

There is a long list of extensive changes that are so well accepted that if you told most people under thirty that these practices used to apply you'd get that "You're kidding, aren't you?" perplexed answer back.

But all of this was not a given when Fay Marles began her work as the State's first Equal Opportunity Commissioner in 1977.

The idea was born from an international movement.

When 1975 was declared International Women's Year, of course social change was already well underway, but I don't think many foresaw the breadth of what would come from this.

While many ideas were floated and discussed, one concrete outcome was the idea that legislation could be introduced in parliaments across the globe that aimed to eliminate discrimination on the basis of sex and marital status. Although a legal device – it would have extensive reach for women across so many areas of work, public service provision, education and life generally.

So, this exciting area of law reform and social change was born - Victoria was the third state in Australia to introduce such legislation, following New South Wales and South Australia.

The Victorian Equal Opportunity Act 1977 was passed with a stated purpose: "to render unlawful certain kinds of discrimination on the ground of sex or marital status, to promote equality of opportunity between men and women."

Discrimination was defined as "less favourable treatment."

Part of this complaint-based legislation involved the creation of the Equal Opportunity Board who would hear complaints of discrimination and an Equal Opportunity Commissioner who would receive such complaints.

Fay, like so many women before and after her, thought her application for this position as a long shot!

But after a number of interviews she was the successful candidate and started in her new role in November 1977.

We'll explore more of this later – how her work changed the world we live in. How what was once normal is now decidedly not.

And how she used her brains and cunning and social skills and pure guts to get the law recognized, and got people to change the way they worked and thought.

Fay, and her small team from those days, must delight in the things we take for granted now.

We take so much for granted that there can be funny moments too. I remember giving a speech in Canberra at a conference as health minister and when we opened for Q & A the first question (as it almost always was) asked how I managed the heavy portfolio load and being the mother of a young child. I started to answer with a shrug and said "Luckily I have broad shoulders ..." when a woman at the back interrupted and called out "And great breasts"! There was a shocked intake of breath till we all remembered we were at a breast feeding conference and this was just a bit of friendly banter!

More seriously, at the more structural or indirect discrimination level, I don't believe we've moved quite as far as Fay might have hoped. We certainly haven't moved nearly as far as I expected, in my comparatively short time working in this broad area.

In 1984 the Equal Opportunity Act 1984 widened the grounds for discrimination, broadening protection beyond women. Interestingly, though, it was not these broader grounds that were hard for people to fathom – it was indirect discrimination, or barriers that were not so plain to see, that became the tricky area of law – and still is.

More subtle form of discrimination are very challenging, it seems.

Even the brightest of people often do not grasp how discrimination, sexism and racism affects people:

- How disempowering and corrosive it can be.
- How it sets out deliberately to diminish authority and sideline the real issues.

And sadly when this is played out on a public stage, like racism, it can be popular. We've seen that with Pauline Hanson. Being popular doesn't make it right, and all community leaders, commentators, business people and others need to consider whether they have stood up enough against this.

This perplexing problem, in my view this stubborn lack of understanding, is going to be central to my speech tonight.

I want to ask the question why it is that the concept of discrimination and equal opportunity are so hard for so many to grapple with?

I want to look at the life and work of Fay Marles – starting at the fascinating beginning of this area of law reform, acknowledge her bold sense of purpose and good choices which helped change so much and track some of the changes since then.

Of course, my thesis will make the ultimate point that there are still vast amounts of work to be done – work which you can help support but donating to this new Sub-Fund!

It will emphasize how the Sub-Fund being set up by the VWBT in Fay's name and honour is needed to support the many projects, groups and ideas that need more nurturing, or that are still in gestation.

I was especially delighted to be asked to give this speech because for well over twenty years, this is an area I've been passionate about – studying national industrial laws to see if their application was discriminatory or not, acting as an industrial lawyer for individuals primarily in employment contexts, helping unions write their sexual harassment policies - and of course most recently as a legislator and the Attorney General.

So I was absolutely thrilled to be asked to speak in honor of a woman whose groundbreaking work came BEFORE all this.

Fay commenced her work in the anti-discrimination field before people really even knew what the concepts were or how the law would apply.

Even the concept of "less favorable treatment" people found hard to grapple with. Could you really compare a man's position, going into an area that had never had women?

Fay's autobiography, 'Aiming for the Skies' talks of the awkward and often hostile social animosity to her during this period — of men complaining to their wives about her - often to then find them sympathising with and supporting Fay!

Or of people turning away from her at dinner parties. (Mind you, with today's level of animosity in today's politics, that sounds to me rather quaint in the scheme of things, but it clearly was not at all at that time!)

Fay's good sense and persistence, her strategic choices and ability to find champions to the cause paid off.

I don't imagine Fay instantly knew what she was getting herself into when Deborah Lawrie first walked into her boardroom, but it can't have taken her long to see its potential. Those were the days when it was very easy to get appointments with people directly and Deborah was Fay's last appointment for the day.

While those of you here who are students of equal opportunity law will be familiar with the case of aspiring pilot, Deborah Lawrie, and Ansett Airlines, let me give others the brief basics.

In 1978, Deborah had applied to be a trainee pilot with Ansett, but was refused admission to the training program on the grounds that she was a woman. She had, however, already excelled in her practical tests - with her performance rated as excellent and there was no technical reason for denying her entry into the program.

I would have loved to be a fly on the wall at Fay's meeting with Sir Reginald Ansett a few days later. After Fay had explained Deborah's case as it had been presented to her, Sir Reginald with great passion and detail outlined how women were unsuitable to be pilots, referring to the 'emotional and physical characteristics of women'.

In her book Fay recalls that Sir Reginald was very uncomfortable with her matter of fact discussion of menstruation and thought it distasteful. You can only imagine what Sir Reg said at the club that night!

Fay knew this case was clearly discrimination on the basis of gender. Deborah was determined to take this further, and Fay could easily see how this case would put her new role as Equal Opportunity Commissioner on the map. And it certainly did.

The case was heard before many various courts over the coming 18 months including the Equal Opportunity Board, the Supreme Court, the Court of Appeal and the High Court.

Each time Deborah restated her case that she wanted to be a pilot, produced her excellent results and repeated that her gender was not a factor.

After various hearings, appeals and re-hearings, the courts determined in favour of Deborah Lawrie and she was permitted to join Ansett's ranks as a pilot.

Fay and the Equal Opportunity Commission had been at her side all the way.

The pilots case had an explosive impact.

It was such a perfect and clear example of unfairness, and ultimately easy to understand, given the good evidence about how well Ms Lawrie had scored in tests and practical examinations.

But even with this, and even with willing employers, people found the laws hard to apply in lots of contexts — to always know what was fair and what wasn't.

Not everything had tests and exams that differentiated as clearly as the pilot's tests.

In my practice as a lawyer there were clear cases, often so clear that some were likely also to have been breaches of the criminal law . I remember the TAFE tutor who had her boss propositioning her constantly, even sending her semen stained letters, or the owner of the pizza parlour who demanded a young woman take off the company t-shirt before going home, even though this left her just in her bra to walk home at night through the streets of Bacchus Marsh.

I do remember the amazing strength of some women. One exploited migrant woman production worker, was even able to be amused by the astounding denials from her supervisor that he was not forcing her to have sex with him in his office. He was emphatic that they were not having sex at all, and I wondered how this case would progress. I couldn't quite understand my client's relative calm in face of this horrid situation until she mentioned in discussions some rather unique markings on his rather private parts! Once I was armed with this information, the case settled generously and quickly, much to my relief as the thought of requiring a "show and tell" in hearings did not really appeal to me!

But there were thousands of trickier, more subtle cases too:

- Where the actual cause of poor treatment was harder to identify;
- The exclusion from decision making;
- Policies that locked out women but were made to look like a legitimate job requirement;
- · Being given the worst shifts; or
- Small slights repeated day after day after day.

These were not overt policies to block women, or indigenous people or those of other races — but policies and practices that indirectly had that impact. Or structurally had it.

I couldn't, for example, win a case against the casino for a brain damaged client whose slurred speech and uneven gait, led bouncers to refuse him entry as they thought he was drunk.

Nor could people always see how many small slights, insignificant on their own, could mount up to substantial and persistent discrimination.

I guess a very contemporary example of this is looking at Julia's misogyny speech and the fact that it resonated so strongly with so many women around the world.

It IS true that awareness about treating people fairly or not stereotyping those of different races, gender, age or religion has grown exponentially. Fay's groundbreaking work has moved the community in a multitude of ways.

That the world of work, in particular, is far more embracing of change and of difference. Many thousands of workplaces are now free of the overt discrimination that Fay first battled like that in the pilot's cases.

But there are still significant, direct problems in lots of fields. Just talk to women engineers or scientists or tradespeople or soldiers—breaking into non-traditional areas is still a big challenge for a lot of women. And it is the same issues again, just in a different setting.

On top of this, add the commonly held view that "feminism has done its work", so there is no need to "bang on about it any more". And these age old problems in new settings are just as hard to tackle as they were when Fay began her work.

And the ready line telling women not to "play the gender card" has also created a climate of backlash, making complaints difficult, even when women have legitimate issues to raise. Similarly cries of "political correctness" can silence people quite unfairly.

You don't have to scratch the surface too far to find persistent problems. In the housing market, in car sales, in defence, in the media, in family law – we see all sorts of unfair treatment persisting.

Another example of subtle different treatment men and women received was the commentary along the lines of Julia having "let down women", that she was a failed experiment as a woman leader. Similarly this was said at my resignation, that I was letting down working women by even mentioning my desire to have more time with my family.

Lets examine this further, but when have we ever heard even the most hopeless man be accused of letting down his gender?

In my situation, despite a very clear and detailed statement about the pride in my record and the expansive achievements in health, or my work as the first female AG, most of the media coverage that followed my resignation was about work and family balance.

I don't object to this — my family is vitally important to me, part of who I am and a key reason for my retirement. But it was only part of the story — and like my whole political career, there has been more interest in this than in actually policy work or political achievements.

Funnily, it reminded me of Mal Maninga, as a study in contrasts. He is a well known former rugby player, hero amongst men – a real bloke's bloke. Put his hand up to run in the ACT elections in 2001 and fronted for his first interview on ABC radio with Chris Uhlman. Mal was asked why he was running to which after a long 15 seconds or so of silence, he replied, "I was....., I'm buggered. I'm sorry. I have to resign."

This was a spectacular political moment that many of you may have missed as it was in ACT politics. His candidacy lasted not even one interview BUT was he accused of letting men down? Rugby fans? His family? — not a word of this.

It was a stunning rethink, a stunning backflip and totally embarrassing – but nothing about this its impact on men was seen or heard.

When this sort of different treatment is built into every day life it is no wonder that some people can't cope well with what "differential treatment" means in a legal sense.

In my view our deeper understanding of what the actual laws require are hampered by misconceptions about the breadth of the law, so public engagement if vital and the Trust does this magnificently.

These misconceptions are often fed by common chat — passing jokes about discrimination against the broccoli eater, or those who dress in black or some silly irrelevance that inevitably seeps into our social norms, but ends up devaluing the whole seriousness of the real issues, bringing the concept of discrimination into disrepute.

I was interested and delighted to see the Commonwealth Race Discrimination Commissioner's work culminate last year in the launch of a "Racism, it stops with me campaign". Interestingly, it wasn't targeted at the employer or the service provider — but at you and I, at friends, at colleagues and team mates.

Its central call to action was not about the direct denial of an employment opportunity or refusal to enter a bar — it was about not standing by quietly when you hear a racist joke, not letting others rant and rave, even if their rant was not aimed at you, it could have untold harm on someone else.

Recent stories of a French woman in Melbourne subjected to racial abuse while riding a bus, or two Indian women who were followed by a woman screaming racial epithets, have brought this home. This type of conduct is unacceptable and to our credit as a nation, reactions to these events show that the vast majority of people in our community do not accept it.

A similar approach has been adopted in the domestic violence campaign. These campaigns aim to change social norms, to not just put legal protections in place but also to help move what we as a community think is acceptable.

And I really think they are vitally important part of change for the good.

We've just taken another step with our investment and innovative leadership in a National Domestic Violence strategy. A new foundation was launched just last fortnight – the Foundation to Prevent Violence against Women and their Children, an initiative of the Australian and Victorian governments. The role of the Foundation is to drive cultural and attitudinal change to prevent violence against women and their children from the ground up through community engagement and advocacy – it is being chaired by former Democrat Senator Natasha Stott-Despoja.

The Foundation will, at a national level, bring together the vital work being done to prevent violence against women and their children. It aims to strengthen engagement on these issues across the broader Australian community, provide opportunities for community leadership as well as support future work in primary prevention.

So although there is so much to be done, we mustn't forget to reflect how much has changed for the good, as well.

When you read Fay's book and hear about those tough early fights, even struggling to have her position and the Commission take seriously was a challenge. So much been delivered for women since those early days. But of course there is a lot more to tackle.

You may think it is shameless promotion, but I couldn't speak tonight without being able to tell you a little bit about my pride being part of a Labor Government that delivered so much for women.

There will be those of you here tonight that vote Labor or Liberal or Green or maybe even for Clive Palmer or Bob Katter (but I'm taking a wild guess that these last two might be less likely!!) and that is fine.

Nevertheless, facts are facts, and I think it is important to spend some time, if not a lot, looking at the range of social issues the Government has acted on over the last six years, especially as people ask me all the time, as they have again tonight, if I think that being a woman in parliament, or having more women in parliament, actually changes things.

I guess the answer is, it depends on what you expect. It is one of those times where the classic politician's answer of "yes and no" actually does apply. I personally believe, and strongly, that having an historic number of women in the cabinet has helped to ensure in Australia that many issues that have been neglected over the years have been addressed or tackled.

We're proud of the active decisions, like appointing a female Governor-General, they have enormous symbolic impact. But I'm also very proud of the many practical changes, too.

The changes we have delivered are starting to make a big difference: 270,000 women across Australia who've taken parental leave already, the pay equity decision means that now 150,000 of Australia's lowest paid women workers are seeing pay rises of between 23 and 45 per cent.

And even changing the tax-free threshold so that now you can earn up to \$18,000 a year before you pay tax, is something with an impact that is particularly on women - those working part time, perhaps those studying, perhaps those sharing child care responsibilities as well.

But I think one of the most exciting things that is on the agenda now that will have a very big impact on women is our National Disability Insurance Scheme. We know that the very vast majority of carers in our country are women, and the fact that we are looking for fair treatment and support

for people that they care for I think is something that in decades to come we'll look back on and say was a key Labor decision to be made - one which I believe we will compare to when we first introduced Medicare.

The disability scheme is part of our broad justice campaign to ensure that those 220,000 - it's quite a big number - people who are co-resident as primary carers for a person with a disability actually get the support that they deserve.

Seventy per cent of those are women. Over 150,000 women.

Having women in leadership roles has turned into action for us – on this but also so much more – from industrial relations, to child care support, family law or stamping out sexism in the defence force and much more.

Another growing area of interest is age discrimination, against young and old. These are relatively new areas of discrimination law, or least have started to be raised more often more recently.

And whilst child abuse has been well known (yet not always well responded to) elder abuse is now a growing problem in our society too.

And it is a different frontier with different sensitivities than laws that apply in public or semi public places like workplaces, shops, schools and public services.

10 years after I first proposed it in Opposition, I'm delighted we now have a national Children's Commissioner, decades after the States.

While the new Royal Commission into child abuse in institutions is expressly not focused on violence or abuse in families, and I think there were very sound reasons for making this limitation, I'm actually quite hopeful and optimistic that the work will ultimately entail recommendations that help more broadly in the protection of children.

In traversing the complex area it does cover, the Commission might nevertheless assist to identify some issues about ourselves, the legal practice, police and court systems, and much more that may be applicable more broadly.

For example, how we take evidence from children, how we react and trust, or don't, information that would not meet our existing rules of evidence. If we want to better protect children we need ways to challenge assumptions that we always believe an adult before a child – whether in day to day life or in courts.

Whilst its focus and centre of being is around children, the harsh truth is the importance of this for women is undeniable.

We chose a group of very eminent, well qualified, compassionate and experienced Australians to do this work. The fact that such senior judges, a former police commissioner, leading businessmen, a psychiatrist — all people who have seen how our system and institutions work — want to use that knowledge to bring about positive change is quite stunning.

I believe it is the start of something really big.

People will have different views about the cost and time of the Royal Commission, but I am now convinced and am firmly in the camp that believes the whole process of the Royal Commission will be part of discovery and healing that would not be achieved by just legislating.

I don't believe the shift in thinking and social change that clearly is needed to go with any change to our laws would be accepted or adopted by the community, churches and other organisations or governments, without this process being undertaken.

Which is an interesting comparison since we are focused tonight on the realm of law and social change, and questions about what really drives change.

How we use laws, or don't, in our society is often a fault line between Labor and conservative parties.

There is no denying that as a Government we have often used laws to help deliver change – and we are criticised as a Labor party for over regulating, or even nanny state interventions.

But ask yourself this question - how would many important changes ever be achieved if we didn't?

The law is often key to delivering change — whether it is allowing pay equity cases to be brought, or family law emphasizing children's safety or criminalising forced marriage, or protecting witnesses in sex slavery cases, as two examples.

Those who think this is overly interfering seem to have forgotten the purpose of making laws and of governments.

Then again, I'm the one who gets called "nanny Nicola" so who am I to say?

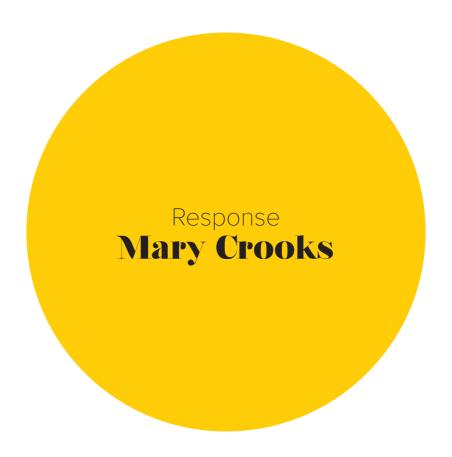
The point I'm bringing this all too is that laws matter. Equal opportunity laws matter. The way they are administered matters. The way they are debated matters.

And in order to honour Fay Marles' amazing early work, generation after generation of women need to continue to assess where we've got to, what needs improving, what needs new action, what needs funds and campaigning and what laws might need to change.

There is much more work to be done whether it is in with aboriginal communities, women's groups reaching across trade, professional and unpaid work, service delivery, better protecting children or learning more about the needs of the ageing, tackling racism and violence.

All of these have a particular edge and importance for women.

And all these issues can be worked on, explored further, debated within groups and supported by this Fay Marles Equal Opportunity Sub-Fund.



Thank you very much, Nicola. It will be captured, and published by us, and we will undertake to have that out as soon as possible.

Nicola did tell me I needed to say something about the response to the paid advertisements that most of you I think would have read just a month ago, 'Credit Where Credit is Due', which we published in The Age, Sudney Morning Herald, The Australian and The Herald Sun on 5 July. I won't go into detail except to make a very important point, I think, that the mainstream media and possibly many other commentators have not understood. The Women's Trust was absolutely inundated for weeks afterwards with thousands of emails and letters from men and women around the country, but the important thing, having done a gender audit of this response, of which there were only about 20 nasties – half of whom were anonymous, saying things like "Are you on drugs?", that was one of the nicest ones! – but the gender audit showed that over 40% of the responses, the outpouring to us in reflection of those ads came from men all around the country. So when Janet Albrechtson or Greg Sheridan, or Andrew Bolt talk about the sadness that Nicola referred to as being something that might be shared by a few feminists around the country, they've got it wrong yet again. And the deep sadness has in fact been felt by many, many men around the country. I actually think that's something really important to hang onto and to build on.

There's a wonderful synergy in launching this Fay Marles Sub-Fund because the other fund that we've had going for a long time — nearly 20 years in fact, at the Women's Trust — is the Moira Rayner Fund for Equal Opportunity. The difference is that that one's non-tax deductible, but the fact is though that it was launched in the time of the Kennett era when some not very acceptable changes were made to equal opportunity structures in Victoria including Moira's effective sacking. A dinner was held in Melbourne at which 600 people attended and put in enough money to start this fund in Moira's name. This money has been spent wisely since on several important cases. But Fay was one of the speakers at that dinner back in I think 1993/4 and Fay was also part of the pro-bono committee attached to the Women's Trust in making assessments as to the use of those scarce funds in the Moira Rayner Fund. So it's a wonderful synergy.

That Moira Rayner Fund for Equal Opportunity funded Maureen McCunnie in her successful taking on of Air Services Australia over employment discrimination in the air industry. That fund enabled Carol Stingel to successfully go to the High Court in Australia and to be awarded the right to take civil action with respect to Geoff Clark regarding injuries sustained from sexual assault decades earlier. That fund enabled Heather Osland some of her appeals to the High Court to go forward, including her successful case to access under Freedom of Information in Victoria the paperwork as to why the government of the day refused her petition for mercy. So there's already a wonderful case history of stories where we've been able, with meagre resources, to get great outcomes.

So it's a lovely synergy with Fay's earlier involvement in the Moira Rayner fund for us now to actually take another step in terms of trying to get resources to do the strategic intervention work. This time, tax deductible, however.

Let me close by saying that there are, sadly, too many examples of racism and sexism before us, - Aboriginal men such as Geoffrey Gurrumul Yunupingu who can't get cabs in this town. And I think one of the unpalatable facts surrounding the last 3 years and the leadership of Julia Gillard is that seams of sexist abuse and contempt for women's gender that lay beneath our everyday life in this country were exposed by her elevation to the job. They have not gone away. They are our challenge.

So on that note let me tell you that we will strive to use grant monies to the Fay Marles Equal Opportunity Sub-Fund where ever we can to tackle issues of equal opportunity. There's work to be done and this Sub-Fund will provide a strategic role in that regard.

I would now like to call upon Vic Marles to say a few words and I think that she might then usher in her brother, Richard.

Please welcome Vic Marles.



Thank you. Well, I feel very proud tonight because I feel proud that I was a Director of the Victorian Women's Trust and having listened to everything tonight you can really see why you feel very proud to have been part of this organisation, back then and what it's doing now. And of course I feel really proud because I'm Fay's daughter, I'm her oldest child and it's amazing to me that my mother was the first Commissioner for Equal Opportunity. I've never really kind of understood how that happened, one day she was one thing and the next day she started on this journey and I'm not quite sure the words I'm supposed to be giving her, Dur-e and Mary, so I'm just going to be saying...Okay.

So first of all I'm proud. Secondly I'd like to thank Nicola very much. It was a great canvassing of all of the issues. Mum's work started 35 years ago. That's a long time and the sort of things that I imagine you would have been talking about 35 years ago just wouldn't have encompassed all the things that you were able to talk about tonight. So I agree with you that being able to celebrate what we've done and the passing of 35 years has taken us a very long way. Of course, there's so much more to do, there's always so much more to do but tonight I think we've heard in great detail how this has been put together and so thank you very much on behalf of the family for all the work that you obviously put into that speech for Fay. So thank you very much.

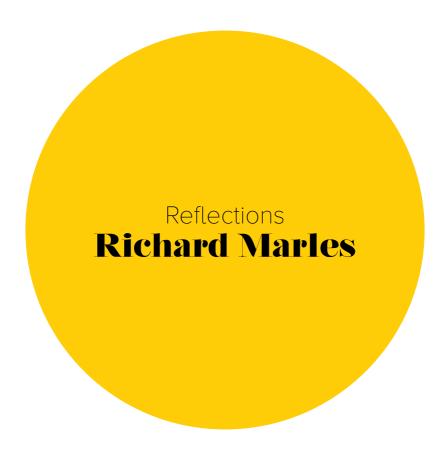
Thank you, Dur-e. Dur-e really organised all of this. She rang me up; I didn't know what she was ringing me up about. Often on the phone, talking a hundred miles an hour, I have to follow all of this, have I got this right and then we went out for coffee, and then it was my job to kind of speak to the rest of the family to see what Mum felt, what Dad felt and what my siblings felt, so I suppose that's another thing. That we are honoured that Mum, in particular, but of course all of us are honoured that you made that approach to us, and we think it's a terrific thing, and it's been great for Mum.

Now I'd just like to make a point about laws mattering, because you said laws matter, and I think laws really matter. I've had a go at that myself

and laws definitely do matter, but the other thing that really matters is who is animating those laws, because you can have a law and the law can just sit there and it can flu or it cannot flu. And I know she's mu mother but I do think that one of the things that Fay was probably able to do was really grasp that piece of legislation and turn it into something and raise the whole profile of that issue. And I don't think you can take it for granted that we all have that in us. I was 25 and I was astounded by what was happened; it seemed like all of a sudden in my circles she was some kind of rock star, so that was fantastic. And I think, what kind of person is it who can do that? Is it something in her, is it something in her background? One of the things that I think did make it possible is my father, because from really early on Mum did something which many people have done but it's not typical, and that is she married a younger man who was a student and she was in the workforce. So it was Fay who was on the payroll and Don who was the student being supported by Fay and so I think that really set the way forward for them as a couple and when Mum got the various things that she got, Don was just incredibly thrilled for her and it had always been that way. It had always been that Fay was a light for him, I think. She was always a bit more experienced, and as I said, she started off in the workforce when he wasn't. So inside our family that was completely acceptable.

Anyway, I was the oldest and when it happened I'd actually already left home but Richard who is quite a bit younger than me was the sibling who was at home when Mum, as I said, turned into this equal opportunity rock star. So maybe Rich, you can say a few words about Fay now.

Thank you.		



Well thank you, Vic. Both my sister, Vic, and I have been at times in our lives students of the law. In fact as a student of the law it was when I first met Nicola. The very first law tutorial, though, I ever had was in equal opportunity legislation and it was given to me by my mother. I was 11 years old. I remember we were in the car to Melbourne and I was trying to understand this magical mystery tour that mum had just put herself on and she gave me a very lucid explanation, as you would expect, of the legislation as Vic so aptly described, she was about to animate.

As Victoria's first Equal Opportunity Commissioner she was the first custodian of equal opportunity legislation in this state. And to have a Sub-Fund, the aim of which is to make sure that that legislative regime maintains its relevance and to a contemporary society that the legislative regime continues to grow and to live aside with our society, I can't think of a better way to honour the work of my mother.

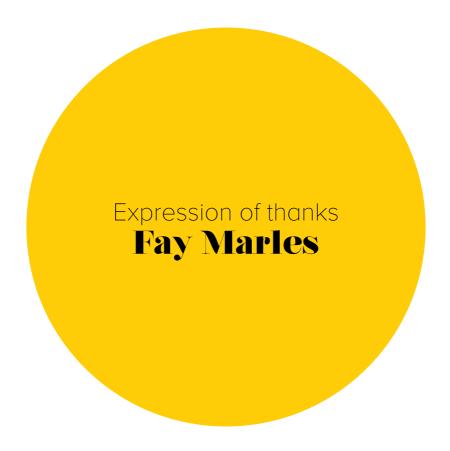
Equal opportunity legislation was a huge part of Mum's life, but in the little anecdote I've just told it has been something of a part of the family's life as well. And why the Sub-Fund is absolutely about honouring my mother, I think we all in the family appreciate the reflective glory of having our name associated with it as well.

So I'd like to thank the Victorian Women's Trust, Dur-e and Mary for tonight and for honouring our mother in this way in putting in place this Sub-Fund. I very much hope that it goes from success to success. I'd really like to thank Nicola for the wonderful speech that she's given by honouring us here tonight with her presence. But more than that, as Vic said, by honouring us with the enormous amount of work that you've put into that speech. It was a really great speech and we look forward to it being published. It does much to honour this occasion by virtue of the quality that is in it.

If one's life is defined by the people that touch, by those who are closest to you, then a fair part of Mum's life is in this room tonight, and I really want to thank all of you for coming and honouring Mum and this Sub-Fund tonight. It really is a wonderful occasion and it's an enormous

treat for the whole family to be able to see all of you here tonight at an important announcement, but in part of it celebrating the life of Fay Marles. Can I very much echo what Vic said in terms of thanking my father. There is absolutely no doubt that the role that Dad has played in the family but also in Mum's life has had a lot to do with Mum's success and the achievements that Mum has been able to make, and we very much see that and we're very grateful to Dad for all the roles that he's played, both for Mum and our sides.

Of course most of all, I want to thank Mum. It is to state the obvious on behalf of the family to say that we are enormously proud of Fay Marles. We are enormously proud of her professional achievements. They of course pale into insignificance compared to what she means to us as a mother. But we are incredibly proud of what she has done. And to see this Sub-Fund established to see her life celebrated in this way, to see her name continue through this Sub-Fund is an enormous honour, of course for Mum, but it's an enormous honour for the family as well and on behalf of the family I would very much like to thank you all. Thanks.



Well I'm absolutely overwhelmed and overcome. I wasn't expecting this. I was expecting a good session but I wasn't expecting that it was going to be like it has been. It's actually wonderful, at the end of your life of what I've been doing, to have this sort of positive affirmation. I don't know how to say it.

I just want to thank you all very much indeed, and as it was going on I was seeing all the things that I've done and thinking, how did they know I did that? And I just think I'm a very lucky woman.



Professor Peter Bailey Melanie Baker Jennifer Bourke Carol Butters Gabrielle Fisen Peter Gourlay Barbara Hamer Judge Felicity Hampel Ann Knight I Alison Leslie Pamela Lloyd Victoria Marles Jane McKay Susan Miller Professor Jenny Morgan Dr Asha Pahuja Ian & Margaret Pasquill Leanne Pleash Ian Renard Susan Shore Helen Symon Josef Szwarc Irene Wescott Ursula Whiteside Margaret Elizabeth Young The Grosvenor Foundation



Investing in Women and Girls.

Victorian Women's Benevolent Trust Level 9, 313 La Trobe St Melbourne 3000 p. (03) 9642 0422 f. (03) 9642 0016 e. women@vwt.org.au w: www.vwt.org.au