

July 2004 Issue

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Paid Maternity Leave & the Universal Maternity Payment

The Government announced in its 2004 Federal Budget that it will spend \$3.5 billion over four years to introduce a new universal maternity payment. After July 1 this year, every family, regardless of income, will receive \$3,000 for each new child. That will rise to \$4,000 in 2006 and \$5,000 in 2008. To pay for it, the maternity allowance and the baby bonus will be phased out. There's also money for 30,000 new out of school hours child care places in a Budget where family spending out paced tax cuts by \$1.5 billion. This is an overhaul to family welfare payments as we know it.

Is this just a ploy to win votes in an election year?

Should Australian women expect better?

Australia is one of just two OECD countries which does not provide this entitlement to employees, and two thirds of Australian women mostly in lower paid positions currently do not have access to paid maternity leave.

CLW interviewed Senator Natasha Stott Despoja about her views on the Howard Government's policy and Labor's proposal.

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CLW Interview with Senator Natasha Stott Despoja on Paid Maternity Leave

What motivated you to raise the issue about Paid Maternity Leave in 2001? Has your proposal or parts of it been used by the major parties or those campaigning for Paid Maternity Leave?

I have always been a staunch advocate for a national scheme of paid maternity leave. The issue is of critical importance for women who can find they are disadvantaged or discriminated against in the workplace when they need to take a break from their job to have a baby.

It is a disgrace that Australia has no scheme of paid maternity leave, making us one of only two countries in the OECD without it - the other is the US . In May 2002, I introduced Australia 's first legislation for paid maternity leave. It provides for a 14-week, national Government-funded scheme, paid at the minimum wage, with employer top-ups locally negotiated.

My proposal was largely adopted by Federal Sex Discrimination Commissioner Pru Goward in her report *A Time to Value*.

The Howard Government has scrupulously avoided any scheme of paid maternity leave, instead settling for a universal non-means tested maternity payment of \$3000 for every family for each new child.

Two-thirds of Australian female workers can not access any form of paid maternity leave. This means some women are returning to work soon after childbirth and many others delay starting a family.

What is your reaction to the Liberal Government's new Universal maternity payment which proposes that after July 1 this year, every family, regardless of income, will receive \$3,000 for each new child. That will rise to \$4,000 in 2006 and \$5,000 in 2008?

The Government's universal maternity payment is not paid maternity leave.

The Government's model is not linked to the workplace and, therefore, does not replace the earnings women may lose when taking leave to have a baby.

It is also less than half the amount of my proposed 14 weeks paid maternity leave at the minimum wage.

However, it is not only the financial front that the Government scheme falls down. It also fails to address the disadvantage and inequality women face in the workforce.

The payment is administered through the welfare system and, thus, ignores international consensus that maternity leave should be a workplace entitlement, like annual and sick leave.

Administration through the welfare system will not provide financial support to women prior to the birth when they start their leave. Furthermore, it will not enable women to receive superannuation benefits throughout their absence from the workforce.

My model encourages workplace attachment in so far as it is paid in installments like a salary and assumes the woman will return to work after 14 weeks or when she is ready or by negotiation with her employer.

Labor had announced that if elected, following the birth of a baby, working and non-working mothers will receive a tax-free baby care payment for every baby through Centrelink. There will be a payment of three thousand dollars from the first of July 2005 and that will be phased up to the full amount of five thousand three hundred and eighty dollars in 2010. The payment will be made fortnightly over a minimum fourteen week period. How do you view Labor's proposal?

It is unacceptable that Labor's model takes six years (even longer than the Government's model) to build to an adequate level. What Labor's means-tested Baby Care Payment also fails to recognise the right of *all* women to financial support, but their fortnightly payments better than the Government's lump sum model.

In your estimation, would the payments being proposed by the Labor and Liberal Party equate to what the Paid Maternity Leave campaign is seeking? Why do you think the Labor and Liberal party are not forthcoming when it comes to offering Paid Maternity Leave for women in Australia ?

First part of the question, please see above.

I think the ALP and Howard Government are not forthcoming about offering PML for Australian women for slightly different reasons. The Howard Government and specific members of the Cabinet have made clear they are ideologically opposed to paid maternity leave as it does not fit with its social conservatism.

With respect to paid maternity leave, what would you like women to recognise and campaign for in the context of the upcoming election?

Naturally, I would like women to recognise and campaign for my model of paid maternity leave for the upcoming election, but I urge women to campaign for any model in which PML is enshrined as a right for all women.

Featured below are links to the various positions held by the political parties in relation to the new universal maternity payment as well as a timeline investigation of the debates that have occurred to propel this significant issue into our consciousness.

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Positions on Paid Maternity Leave & Reactions to the Government's Maternity Payment announced in the 2004 Federal Budget

- Greens
 - Democrats
 - Australian Labor Party
 - Pru Goward, Federal Sex Discrimination Commissioner
 - Women's Electoral Lobby (WEL)
 - Fiona Stewart, Member of the Generation Next think tank OzProspect.org
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Greens:

Government promise falls short of maternity leave entitlement

Greens Senator Kerry Nettle today labelled the government's leaked plan for a maternity payment to replace the Baby Bonus as a 'Clayton's maternity leave scheme'.

"The Prime Minister has failed yet again to bring Australia in line with the rest of the OECD by introducing a national maternity leave scheme," Senator Nettle said.

"The leaked maternity payment will not ensure mothers' rights to return to work nor will it cover the minimum 16 weeks off work that the World Health Organisation recommends.

"Unless a scheme ensures the continuing attachment to the workforce then Australian women's rights to pursue a career will continue to be restricted.

"The Prime Minister appears to be simply playing copy cat with the ALP policy rather than taking the overdue step to introduce a genuine maternity leave scheme.

"The Greens proposed a scheme that would deliver replacement income to 75% of women for 18 weeks, with a further 34 weeks of unpaid leave and a right to return to work part-time.

"The Greens scheme is designed to provide the minimum period required for a woman to recover from childbirth, to breastfeed and to bond with her new child. It also provides flexibility for couples wishing to share the period of leave.

"We propose a review of the scheme within three years with a view to expanding the leave period to 26 weeks and unpaid leave to 18 months as has recently occurred in the UK."

Democrats:

Maternity payment a rushed delivery

The debate on the introduction of the Government's \$3000 Maternity Payment did not allow sufficient time to scrutinise the legislation, according to the Australian Democrats.

Australian Democrats Work and Family Spokesperson Senator Natasha Stott Despoja said the rushed delivery of this legislation was an abuse of Parliamentary process and the role of the Senate.

"The Senate should have been given the opportunity to analyse the legislation and ask outstanding questions relating to the Maternity Payment," Senator Stott Despoja said.

"The payment will go to the primary caregiver, can be split between parents and does not contain an entitlement to leave. These provisions may result in women being forced back to work too soon after the birth of a child.

"There are more than 1 million women who work casually and do not have access to unpaid maternity leave entitlements. While these women would receive the Maternity Payment, they would not be entitled to leave from the workplace.

"This payment is a 'maternity' payment in name only. It is not paid maternity leave, and does little to address the needs of women who take time out of the workforce to recover from the effects of giving birth and bond with their child.

"Despite the maternity leave debate having one of the longest gestation periods in policy history the Government has ignored evidence that a paid maternity leave scheme is the best way to address the needs of working women. Instead, it has opted for a token one-off payment to parents.

"The payment could have been administered through a combination of the workplace for women in paid work and the welfare system for women engaged in full-time care in the home. This would have guaranteed working women an entitlement to leave, allowed them to access the payment prior to the birth at the start of their leave, and seen them continue to receive superannuation payments.

"Paid maternity leave as a workplace entitlement would address disadvantage and inequality in the workforce and encourage workforce attachment as much by the legitimacy it gives working mothers, as by the financial incentive it offers.

"The Governments continued refusal to introduce a national paid maternity leave scheme will hurt Australian working women," Senator Stott Despoja said.

Wayne Swan Australian Labor Party Shadow Minister for Family and Community Services

Doorstop Interview at Brisbane Convention And Exhibition Centre - 2 April 2004

SWAN: Yesterday in the Parliament, the treasurer Peter Costello admitted that the government's Baby Bonus has been cut in half. He tabled new estimates which showed that the government was only going to spend half of what it predicted on its Baby Bonus. So Australians now have a very clear choice – a choice between Labor's Baby Care payment which will give up to \$3000 to 9 out of 10 women and the government's Baby Bonus which delivers less than \$500 to 90 percent of women and less than that if you now take into account the fact that Peter Costello has said it will be cut in half.

What we're seeing here today at this Conference, is the fact that families and the care of children are going to be at the centre of the political debate in this country going into the next election campaign. Labor is absolutely determined to put forward a modern family policy which provides financial benefits and services to Australian families who are doing the toughest job in the country, bringing up the next generation of young Australians.

JOURNALIST: Do those figures show that mothers have shunned Baby Bonus type payments?

SWAN: They've shunned the Baby Bonus because they've not been eligible for the scheme. Their scheme has knocked a lot of low and middle income earning women out of the ring. They've not been eligible for it or it's been so complex they've not even bothered to apply. We have a simple payment which will deliver up to \$3000 in 2005 to 9 out of 10 Australian women. A simple, effective payment which will assist them following the birth of a child.

JOURNALIST: What do you say to the Public Sector unions who are concerned about the effect of the policy on public sector jobs?

SWAN: Well what we say is we'll sit down and talk to them about that, but we have put forward a fully costed and fully funded policy and we realise that waste in the public service has to be attacked and cut out and we won't walk away from that. We've got to fund this policy in a fully costed, fully funded way and we're doing that.

JOURNALIST: Wayne, you didn't get the best reception from the audience there when they realised the details of who was going to be eligible for Labor's payment?

SWAN: Well, you must have been in a different room to me. Nine out of ten Australian women will qualify for our Baby Care payment. It is means-tested and people on six figure incomes will not be eligible for it.

JOURNALIST: ...inaudible

SWAN: There will be people who receive in excess of \$90,000 who will be eligible for our Baby Care payment. It is means-tested at Family Tax Benefit A which cuts out at \$85,000 for one child but much higher for two or three children. We took the decision to deliver a generous payment to low and middle income earning Australian families and we're not going to pay it to people on six figures. We make absolutely no apology for not making this payment at that high income end.

We've targeted this fairly and squarely at low and middle income Australian women and they are going to be tremendous beneficiaries of this scheme. It will deliver great benefits to nine out of ten Australian women, in contrast to this government's Baby Bonus where 90 percent of women get less than \$500 and a third less than \$300. This will be a tremendous benefit to most Australian women. Nine out of ten will receive up to \$3,000 in the first year and up to \$5300 in 2010 – a tremendous benefit for Australian women, for Australian families and will be received very, very enthusiastically by all Australian women.

JOURNALIST: The Sex Discrimination Commissioner says that under her plan, mothers would have received more compared to Labor's plan and that there would be less need for money to be taken from other areas. Why did Labor decide to not go with Pru Goward's plan?

SWAN: Because Pru Goward's plan discriminated against low and middle income earning Australian women. We're phasing our policy in so it hits the full fourteen weeks at the minimum wage in 2010. Pru Goward's scheme was not directed at women who are not in the paid workforce. We have a scheme that is delivering benefits to women in the paid workforce and to women out of the paid workforce -the first time in Australian history that such a payment has been put forward by any political party.

This is very historic social policy. There's probably only ever been two other decisions in Australian social security law which would equal this one. This is a tremendous decision, an enormous breakthrough for Australian women. It's going to be paid to women in the workforce and women at home caring for children – its a tremendous break through.

Pru Goward, Federal Sex Discrimination Commissioner:

“More help for Families” package, with its initial Maternity Payment of \$3000, provides valuable support to families and mothers.

The Government has listened to Australia’s working mothers and is prepared to deliver on their needs. It recognises many families need two incomes to provide the type of stability and support that they want for their family.

I welcome the new Maternity Payment announced in the Budget, as a very good start on paid maternity leave. It equates to just over \$200 per week for fourteen weeks, which will provide income replacement for many women who are engaged in part-time and casual work. For women in full-time work, it does not replace their wages, but is nevertheless a valuable contribution to household income at this important time.

This payment does not guarantee time off work at the birth of a child. However, I hope the payment will enable many women to afford to stay at home. The existing legal right to twelve months’ unpaid parental leave combined with this payment means many women will be able to choose to take at least 14 weeks off work without total loss of income. They no longer have to “save for a baby”, or at least they don’t have to save for as long.

However a lump sum payment with no requirement to stay out of work means that, for some women, pressure from their employers or financial necessity will force them to return to work when their children are under 14 weeks. In my consultations about paid maternity leave it became apparent that many women had to return to work with a 6 week old baby. Making the payment a fortnightly payment to women who are at home with their baby would be one way of overcoming this problem.

The combination of the Maternity Payment, changes to Family Tax Benefits and increases to Outside School Hours Child Care places and Family Day Care places all recognise that women have to combine work and family responsibilities and need government support in doing this.

In total, the package recognises that women have a right and a need to both work and have children. This is long overdue. The next challenges are to address the availability and affordability of childcare for children under 5, particularly for the 0 to 2 year olds, and for employers to introduce flexibility for parents at a workplace level.

Women's Electoral Lobby (WEL):

ALP Baby Care announcement dodges issue of paid maternity leave

The Women's Electoral Lobby is pleased to see some flesh on the bones of the ALP's promise of easing the financial burden on women at the time of child-birth.

"The Baby Care Package announcement is a significant updating of the maternity allowance scheme introduced by the ALP in the 1980s. It means that under a Latham government, 90% of women will receive an increased payment from \$842 to \$3000 when they give birth. This certainly offers women in low income households a significant financial buffer", said Dr Sarah Maddison, WEL spokesperson.

Clearly this is an improvement on the existing system but it does not amount to paid maternity leave. It is not an earnings replacement scheme for women in the paid workforce, as exists in all other OECD countries except the USA. The Opposition statement is at pains to describe the Baby Care Payment as "equivalent" to 14 weeks of paid maternity leave, even though it is clearly no such thing.

Paid maternity leave implies that women need to take leave from a job - much as people take paid holiday leave, paid sick leave, even paid military leave. Paid leave is an industrial entitlement that has been fought for over many generations and is now understood to be one of a range of workplace entitlements. It also means women will have the right to return to their job at the end of the leave.

"The Baby Care Package is means tested which leave entitlements are not. I can't imagine male workers accepting that their sick leave should be means-tested on their wife's earnings as well as their own. A woman on \$35 000 a year with a relatively high-earning husband will not be eligible for this payment", Dr Maddison explained.

The Baby Care Package is a welfare payment to women whether they are in paid work or not when their child is born. And it is this failure to distinguish between women with different needs that means this policy falls short of the call for paid maternity leave by women nationally.

"Regardless of one's values about whether women should or should not be at home caring for their children, for many, many Australian women staying at home is simply not a financial option. Their families rely on these women's income and sadly there are many women who are forced to return to work when their babies are only a few weeks old. This policy does not reflect the reality of their situation," Dr Maddison said.

With a Federal election on the horizon, women in Australia can afford to be a little more optimistic that work and family might finally be addressed. So while applauding the initiative, let's not go over the top with gratitude. Australian women can expect better.

The Dangerous Lure of Motherhood by Fiona Stewart

The Age, May 29, 2004

For some working-class girls, Howard's \$3000 baby bonus will be too tempting, writes Fiona Stewart.

Every first-year economics student learns by rote that a dollar means different things to different people. If you're a millionaire, a dollar is negligible. If you're homeless, though, and desperate to sell your day's quota of The Big Issue - a street magazine that retails for \$3 - then a dollar is two-thirds of your profit per sale. Without those few precious dollars, your life is unlikely to improve.

For these homeless and dirt-poor men and women, \$3000 is big bucks indeed - just like it is for many young women.

For girls for whom life options are few, Mark Latham is spot on in suggesting that John Howard's \$3000 baby bonus will be downright tempting. What Latham didn't say, however, is how damaging in the long term this one-off "benefit" will be to those most at risk.

Several years ago, when I was completing my doctorate on working-class girls' decisions about marriage, motherhood and career, policymakers, social workers and youth workers were all striving to open the eyes of disadvantaged girls to the possibilities of education, work and a career.

Everyone in the youth sector was - and still is - committed to encouraging girls to see motherhood as one of many choices. To move away from the historical model of "the baby maketh the woman" (at least until dependence and poverty stop coming with it).

This strategy of encouraging choice over biological destiny was aimed particularly at girls from non-English-speaking backgrounds, and indigenous young women. As well as girls from rural Victoria.

This is not to say that those in these target groups were having motherhood denied to them. On the contrary, the young women were being brought up to speed - in the sense of social awareness - with their more privileged sisters.

Once a mother, a young woman can stop being known as "unemployed", or "a loser" or "a slag"

The main reason the "there's more to life than motherhood" approach was even needed was because, as the research and history tell us, the fewer the life options, the more likely a young woman is to seek to get pregnant early.

She will do this, not to get social security benefits as some seem to believe, but because motherhood is a definer of self. Once a mother, a young woman can stop being known as "unemployed", or "a loser" or "a slag". Or any other derogatory label that society chooses to throw her way.

Early motherhood can also become a hook on which to hang one's life.

While Melbourne's private schoolgirl set might find this difficult to understand, there is many a less fortunate girl who would only be too pleased to be relieved of decisions about tertiary courses and work options. A relief motherhood would provide.

What struck me in the course of my research was less the survey results showing a few too many girls wanting to play happy families with transient boyfriends. Rather, it was the reasons behind the statistics.

In endless interviews, I sat in girly bedrooms talking over life's dreams and promises.

What sticks in my mind is how "salvational" the prospect of a baby can be. "A baby would always be there to love me." "A cute little baby would be so nice to cuddle." "A baby, a baby" . . . you know the rest.

While these girls bought the romantic dream of a baby, what they didn't want to know about was the harsh economic truths of raising children - when you yourself are young, under-educated and devoid of the skills needed to earn even a basic wage.

But who can blame them. Since when are teenagers supposed to be able to think through the ramifications of their every action? After all, they are not allowed to vote until they are 18.

Why should they have to think beyond their \$3000 baby, to how they will be more likely than their child-free sisters to take the fast track to poverty.

And how can they know, as the ANU's Professor Bob Gregory knows, that they will likely be signing on to a 12-year stint on welfare if they take the money and procreate?

Or that they will be forsaking about \$200,000 in life-time earnings over women who leave the money and the baby with John Howard.

Once these and other issues are considered, the \$3000 seems distinctly less attractive.

According to The Smith Family, last year 23 per cent of 20 to 24-year-olds were in neither full-time education nor employment. Among indigenous young people, the figure was 45 per cent.

These are the people who are most at risk of poverty. These are also the people who will think \$3000 is equivalent to the jackpot.

If we have to pay women to have children - rather than providing the infrastructure to support the integration of parenting and work - it should be done in a way that ensures that education and career still come first.

The kids can wait.

Fiona Stewart is a member of the Generation Next think tank OzProspect.org.

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Developments in the Campaign for Paid Maternity Leave

- 2001 Campaign for Paid Maternity Leave by Democrats Senator Natasha Stott Despoja
 - A Discussion Paper, *Valuing Parenthood: Options for paid maternity leave: Interim paper 2002* by Federal Sex Discrimination Commissioner, Pru Goward
 - Bargaining For Paid Maternity Leave - An ACTU Resource kit
 - Rationale for introducing a Federal Government funded national paid maternity leave scheme by the Women's Electoral Lobby (WEL)
 - Rationale for introducing a Federal Government funded national paid maternity leave scheme by The Australian Education Union
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2001 Campaign for Paid Maternity Leave by Democrats Senator Natasha Stott Despoja:

Senator Natasha Stott Despoja had been campaigning for paid maternity leave since before the 2001 election and introduced Australia's first paid maternity leave legislation for 14 weeks Government-funded leave at the Federal minimum wage in May 2002.

Senator Stott Despoja (Online Opinion 15 September 02) :

"The Coalition's First Child Tax Refund, or Baby Bonus, offers only a low level of real support on the birth of a first baby and is biased towards higher income earners. It seems an unusual approach to take, given that clothing, food and goods for babies cost the same whether you are on a high income or a low one. Families also have to wait

until the end of the financial year before they receive it through a tax refund. The Australian Democrats believe the Baby Bonus is an ill targeted and inequitable scheme.

Democrats see a national system of paid maternity leave as integral to work and family policy. It should be pointed out also, that we see paid maternity leave as a workplace entitlement, rather than a solution to the country's declining fertility rate.

Only about a third of Australian women have access to any form of paid maternity leave. Most are in the public sector or work for large employers. The chance to stay at home with a new baby should not be confined to the well-paid in big workplaces. Paid maternity leave should be a right for Australian working women - not a privilege.

Through a Private Members' Bill, I have introduced Australia's first legislation to establish a system of paid maternity leave. With Australia only one of two countries to not have such a system in place, it was time to act.

The Democrats' legislation proposes 14 weeks, Government-funded leave at the rate of the minimum wage, or if the female employee usually earns less than this, at their normal wage. There is also flexibility for this to be topped up through additional payments or periods of leave, locally negotiated between employer and employee. We estimate the cost of this program at around \$352 million a year.

In developing this legislation, I consulted extensively with employers, unions, community and women's organisations. It was widely agreed that small business could not afford the added cost of providing paid leave to their female employees, hence the role for Government."

A Discussion Paper, Valuing Parenthood: Options for paid maternity leave: Interim paper 2002 by Federal Sex Discrimination Commissioner, Pru Goward

In April 2002 Pru Goward, Sex Discrimination Commissioner, released her interim discussion paper *Valuing Parenthood: Options for paid maternity leave: Interim paper 2002*. It outlined the possible objectives that the provision of paid maternity leave scheme may meet, drew international comparisons and suggested options for a national model of paid maternity leave.

"We need to re-focus on families," Ms Goward said during the Paper's launch. "We need to stop the fertility strike, to give women the opportunity to properly balance work and family and to convince employers that paid maternity leave is good for business."

"Australia pays more than \$10 billion a year in direct family assistance through benefits such as Family Tax benefits A and B, the maternity allowance and the maternity immunisation allowance. The proposed baby bonus has promised half a billion more.

We already recognise that the nation must support families, but we need to make sure that payments are fairly and effectively targeted."

Ms Goward said that some employer groups and others have raised concerns about the role of employers in funding paid maternity leave. "Clearly strong arguments can be made for employers making a contribution towards paid maternity leave," she said. "However, this does not mean that an individual employer should be responsible for directly funding any paid maternity leave taken by his or her staff. In fact, this form of direct funding is not even supported by the International Labour Organization because of fears it could lead to discrimination in employment of women."

Ms Goward said one approach was for government and employers to both contribute to a fund for paid maternity leave.

"A serious debate on the best approach for funding a scheme in Australia is still to happen, and generating that debate is one of the key purposes of this report," she said.

Bargaining For Paid Maternity Leave An ACTU Resource kit

Introduction

This booklet is designed to assist unions bargain for paid maternity leave.

It includes arguments and material in support of paid maternity leave, international comparisons and examples of provisions already agreed by Australian employers.

The ACTU encourages unions to discuss these issues with members with a view to placing paid maternity leave on their bargaining agendas.

Australia behind the rest of the world

Australia is one of very few countries in the world to have no general provision of paid maternity leave.

In most countries leave is funded either by employers directly, or through social insurance wholly or partly funded by employers and employees.

It's about mutual benefit and fairness

Australia's birth rate is falling. The average number of births per Australian woman is now 1.76, down from the 2.1 replacement requirement.

In the early 1960's the birth rate was one in 4 women aged 20 to 29. In 1998 the rate had fallen to one in 20 for the age group 20 to 24 and one in 10 for the 25 to 29 group. The Australian Bureau of Statistics now predicts that 28 per cent of women entering their reproductive years will remain childless.^[1]

The importance of policies facilitating women remaining in the workforce once they have children, including paid leave, can be seen in the higher fertility rates in Scandinavian countries, which provide extended paid leave for both parents, compared to the Catholic countries of Southern Europe which have more conservative social and family policies and practices.^[2]

Childbearing and child rearing are in the national interest, yet we expect women to carry the financial burden, even during the first few weeks after birth when a return to work is impossible and undesirable for most mothers and their babies.

Why Paid Maternity Leave Is Good For Mothers

Women do not have an equal position in the workforce, where they now make up 40 per cent of all employees. Women are concentrated in a narrow range of industries and occupations and are under-represented in the ranks of senior management.

Women make up 72 per cent of all part-time workers and 62 per cent of casuals. On average, women receive around 83 per cent of male full-time ordinary time earnings.

Women's role in giving birth to and rearing children is a key factor in ongoing workplace discrimination. It has been estimated that a woman's earnings are reduced by an average 28 per cent as a result of having one or more children.^[3]

One way in which childbearing affects future earnings is in the impact that family needs have on the working hours of mothers. Working fewer hours, of necessity, involves a lower income, and, in any event, part-timers were found to have earned 85 per cent of the hourly rate of full-time workers in 1998.^[4]

Part-time workers are also likely to have fewer opportunities for training and promotion, which will also impact on their future earnings.

Having children requires women to have periods out of the workforce, interrupting their careers and contributing to their under-representation in senior positions.

A period of paid maternity leave reduces the economic disadvantage suffered by women who have children. It assists women at a time of significant need and, even if it is followed by a period of unpaid leave, assists families to adjust financially to difficult circumstances.

Paid maternity leave is a major contributor to achieving greater workforce equality.

Why Paid Maternity Leave Is Good For Babies

Paid maternity leave gives the mother the economic freedom to spend the early months of her baby's life with the baby, which is a factor in successful breastfeeding.

The World Health Organisation recommends babies be exclusively breastfed from birth to 4-6 months, then partially breastfed up to 2 years and beyond. Studies have cited return to work as a major reason for early weaning.^[5]

Why Paid Maternity Leave Is Good For Employers

The Equal Opportunity for Women in the Workplace Agency (EOWA), formerly the Affirmative Action Agency, has reported considerable evidence that family friendly policies, including paid maternity leave, are good for business, increasing productivity and employee loyalty.

Cost

The cost of such a provision is likely to be minimal for an individual employer.

Only five per cent of women aged 15 to 45 can be expected to give birth in any one year, with the rate lower for employed women. Given that a proportion of these women may not be eligible for maternity leave, the cost to the employer would be unlikely to be significant.

Retention

The greatest benefit of paid maternity leave for employers is the increased retention of female employees following maternity leave and consequent reduced turnover costs. EOWA found:

“The costs associated with recruiting, training, relocating and replacing employees, along with remuneration, are a major expense for most organisations, and usually represent at least 50 per cent to 70 per cent of their budgets. Costs may be even larger for service organisations.....Research undertaken by the Council for Equal Opportunity in Employment amongst their members revealed that labour turnover costs can range from between 50 per cent to 130 per cent of the past incumbent's salary.”

A significant number of companies have reported to EOWA that the introduction of paid maternity leave has directly increased the proportion of women who return to work after maternity leave.

The AMP, for example, reports that the rate increased from 52 per cent in 1992 to 90 per cent in 1997, with half of these returning on a part-time basis or working from home.

Westpac has reported that its retention rate has increased from 54 per cent in 1995 to 93 per cent in 2000 as a result of introducing paid maternity leave.

BT Australasia reported 100 per cent rate of return, stating that paid maternity leave was seen as intrinsic to returning mothers feeling valued and recognised.

John Fairfax Publications reported that 88 per cent of women returned from maternity leave, compared to only 37 per cent in 1993, directly attributable to improved practices.

Other companies, including Rothmans, Nestle, Polygram, Schindler Lifts and Young & Rubican Advertising reported that there had been increased retention of female employees as a result of introducing paid maternity leave and other family friendly policies.

Corporate citizenship

Companies which promote family-friendly policies are likely to enhance their reputation and image with customers and staff, according to EOWA.

Corporate shareholders and the community generally are increasingly demanding high standards of conduct from companies including in relation to employee issues such as equal opportunity.

Publicity about family friendly initiatives can benefit companies by bringing their activities in the attention of potential customers and clients, contributing to their competitive position.

Paid Maternity Leave Around The World

International standards

The principle of paying women during a period of maternity leave is an internationally recognised right.

Australia is a signatory to the United Nations *Convention on the Elimination of all Forms of Discrimination Against Women* (CEDAW) but has a "reservation" in place (that is, has said it does not accept and so is not bound to implement) article 11(2)(b) which states that:

“States Parties shall take all appropriate measures.....to introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances.”

The Human Rights and Equal Opportunities Commission, in its *Pregnant and Productive* report, recommended that Australia withdraw its reservation and implement CEDAW in full.^[6]

The International Labour Organisation included the issue of paid maternity leave in its third Convention which came into force in 1921.

Article 3 of the *Convention concerning the Employment of Women before and after Childbirth* provides for a minimum of six weeks leave, during which she shall:

“.....be paid benefits sufficient for the full and healthy maintenance of herself and her child, provided either out of public funds or by means of a system of insurance, the exact amount of which shall be determined by the competent authority in each country;”

The 1921 Convention was revised in 1952, coming into effect in 1955 as the *Convention concerning Maternity Protection (Revised)*.

The new Convention provided for 12 weeks leave, including a compulsory period after the birth of at least six weeks, with Article 4 of the Convention stating that:

“While absent from work on maternity leave.....the woman shall be entitled to receive cash and medical benefits.

“The rates of cash benefit shall be fixed by national laws or regulations so as to ensure benefits sufficient for the full and healthy maintenance of herself and her child in accordance with a suitable standard of living.”

Australia has not ratified the Maternity Protection Convention.

In 2000, a revised Convention was adopted by the ILO, with Australia voting for the adoption.

Article 4 of the Convention provides for a period of maternity leave of not less than 14 weeks.

Article 6 of the Convention deals with the benefits to be payable to women absent on maternity leave:

“1.Cash benefits shall be provided in accordance with national laws and regulations, or in any other manner consistent with national practice, to women who are absent from work on leave referred to in Articles 4 or 5.

“2.Cash benefits shall be at a level which ensures that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living.”

Paid maternity leave standards in different countries

Most developed countries provide for between two and six months maternity leave, paid at 80-100 per cent of the women’s previous earnings.

Funding is generally through a contributory social security or social insurance scheme, paid by employees and employers with government contributions.

Although the United States does not have national provision for paid maternity leave, a number of states are introducing legislation to provide for access to unemployment benefits during the 12 weeks period of unpaid leave available under the federal Family and Medical Leave Act for purposes including caring for a newborn or newly adopted child. It is also common for paid maternity leave to be provided by employers by agreement.

In developing countries leave is most commonly two to four months paid at 60-100 per cent of previous earnings.

<i>Paid Maternity Leave Provisions in Developed Countries</i>			
<i>COUNTRY</i>	LENGTH OF LEAVE	CASH BENEFITS	WHO PAYS
<i>Austria</i>	16 wks	100%	Social Security
Belgium	15 wks	82% for 30 days, then 75% ^[#]	Social Security
France	16-26 wks	100%	Social Security
Germany	14 wks	100%	Social Security
Italy	5 mths	80%	Social Security
Switzerland	8 wks	100%	Employer
UK	14-18 wks	(0% for 6 wks, then flat rate	Social Security
Japan	14 wks	60%	Social Security or health insurance
Russia	140 days	100%	Social Security

Singapore	8 wks	100%	Employer
Israel	12 wks	75% ^[&]	Social Security
Ireland	14 wks	70% ^[&] or fixed rate	Social Security
Sweden	15 mths (for either parent)	75% for 12 mths, then flat rate	Social Security
Canada	17-18 wks	55% for 15 wks ^[&]	

Paid Maternity Leave Provisions in Developing Countries

<i>COUNTRY</i>	<i>LENGTH OF LEAVE</i>	<i>CASH BENEFITS</i>	<i>WHO PAYS</i>
<i>Laos</i>	<i>90 days</i>	<i>100%</i>	<i>Social Security</i>
<i>Sri Lanka</i>	<i>12 wks</i>	<i>100%</i>	<i>Employer</i>
<i>Yemen</i>	<i>60 days</i>	<i>100%</i>	<i>Employer</i>
<i>Indonesia</i>	<i>3 mths</i>	<i>100%</i>	<i>Employer</i>
<i>India</i>	<i>12 weeks</i>	<i>100%</i>	<i>Employer/Social Security</i>
<i>Fiji</i>	<i>84 days</i>	<i>Flat rate</i>	<i>Employer</i>
<i>Lebanon</i>	<i>40 days</i>	<i>100%</i>	<i>Employer</i>
<i>Brazil</i>	<i>120 days</i>	<i>100%</i>	<i>Social Security</i>
<i>Chile</i>	<i>18 wks</i>	<i>100%</i>	<i>Social Security</i>
<i>Egypt</i>	<i>50 days</i>	<i>100%</i>	<i>Social Security/Employer</i>
<i>Algeria</i>	<i>14 wks</i>	<i>100%</i>	<i>Social Security</i>
<i>Angola</i>	<i>90 days</i>	<i>100%</i>	<i>Employer</i>
<i>Costa Rica</i>	<i>4 mths</i>	<i>100%</i>	<i>50% Employer, 50% Social Security</i>
<i>Nigeria</i>	<i>12 wks</i>	<i>50%</i>	<i>Employer</i>

Paid Maternity Leave in Australia

Provision of paid maternity leave by Australian employers is increasing.

Fifteen per cent of private sector organisations (that is, organisations with over 100 employees) reporting to the Affirmative Action Agency provided paid maternity leave in 1997. Twenty-one per cent of all reporting organisations provided paid leave in 1997, compared with 14 per cent in 1994.

AWIRS 95 found that 34 per cent of workplaces with 20 or more employees had paid maternity leave. AWIRS 95 also reported that 36 per cent of employees have access to

paid maternity leave, 57 per cent of public sector employees and 24 of those in the private sector.^[7]

An analysis of agreements during 1998 and 1999 showed that paid maternity leave was provided for in 10% of agreements, up from 4% in 1997. The same report indicated that 28% of women, and 31% of part-time workers covered by certified agreements were eligible for paid leave. The average number of weeks leave provided in agreements was 4 weeks.^[8]

Twelve weeks paid maternity leave is standard for all Commonwealth employees, and for some state public servants, as well as some semi-government bodies and those with a historical relationship with the public sector.

Paid maternity leave is also agreed in significant areas of local government.

EOWA has found that the likelihood of employers providing paid maternity leave increases with the proportion of female employees, and that this remains the case even when the female-dominated health sector is taken into account.

Types of paid maternity leave provision

Private sector agreements provide for varying periods of paid maternity leave, generally from six to 12 weeks.

Some agreements require a period of service greater than 12 months before maternity leave is paid, and some agreements require the woman to have returned to work before some or all the leave is paid.

Conclusion

Paid maternity leave is an internationally recognised right.

Paid leave is important for women because it recognises the importance of childbearing and provides much-needed financial assistance.

It is important for employers because it assists in staff retention, and demonstrates in practice the company's commitment to equal opportunity for its employees.

Private Sector Maternity Leave Agreements

NAME OF EMPLOYER	LENGTH OF LEAVE	CONDITIONS
ANZ	6wks	3 wks paid 10 wks after return to work

Westpac/Bank of Melb	6 wks	
Commonwealth Bank	12 wks	
NAB	6 wks	3 wks paid 6 weeks after return to work
Challenge Bank	6 wks	
St George Bank	6 wks	
Bank West	6 wks	3 wks paid 6 mths after return to work
Colonial	6 wks	paid 6 wks after return to work
AXA	6 wks	
AMP	6 wks	
CGU	6 wks	
Zurich	6 wks	
MLC/LendLease	6 wks	after 2 yrs continuous service
GIO	9 wks	only if employed before 1/6/90
Victorian Catholic schools	6 wks	after 42 wks continuous service
NSW Catholic & independent schools	6 wks	
Qld Catholic schools	6 wks	
Brisbane Grammar School	6 wks	
Emmanuel School	6 wks	
Qld Lutheran schools	6 wks	4 wks paid on return to work
Moreton Bay College	6 wks	
Wadja Wadja school	6 wks	
Ipswich grammar	6 wks	
Eddison Mission Energy	14 wks	
David Syme	6 wks	
Transport Friendly Society	12 wks	
Australian Automotive Air	6 wks	
Hanna Sports	1-3 mths	
CRS	12 wks	
Anyingini Congress Aboriginal Corp	12 wks	
Silcraft	3 wks	
Bellbird Private Hospital	2 wks	
Hella Australia	6 wks	

MMI Business Partnership	6 wks	
Opera Australia	12 wks	
Melbourne Clinic Hospital	6 wks	
Siemena Ltd	6 wks	
Kahlyn Private Hospital	1 wk	
Bristol Paints	6 wks	
Yallourn Energy	12 wks	
VEI Super	12 wks	
Tickford Vehicle Engineering	6 wks	
Toyota	6 wks	
Nissan	6 wks	
Spotless Services, Calvary Food Services & ACT Hospice	12 wks	
Gecfa	6 wks	
Brambles	6 wks	
AWB Enterprise	5 days	
Sydney Printers	6 wks	
Henderson's Industries	6 wks	
BRW Publications	6 wks	
Austin & Repat Medical centre	2 wks	
The Mortgage Centre	6 wks	
Australian Highway Plant Services	12 wks	
Service Partners	6 wks	
Siebe Automotive Manufacturing	7 wks	
McColls Transport	12 wks	
Siemens GEC Communication Systems	6 wks	
Pt Engineering Services	12 wks	
Melbourne Theatre Company	1 wk	

Monroe Australia	6 wks	
Kozma Engineering	4 wks	
International Trucks Australia	6 wks	
Huntsman	6 wks	
HRL Limited	12 wks	
George Weston Foods	6 wks	
Effective Change Pty Ltd	8 wks	
John Fairfax	6 wks	
ARMC	2 wks	
ACOSS	12 wks	
Reed Publishing	3 mths	after 2 yrs continuous service
70 Victorian private hospitals	2 wks	
Calvary Hospital, Cairns	6 wks	
Mater Private Hospital	6 wks	
Greenslopes Private Hospital	6 wks	4 wks on return to work
Holy Spirit Hospital	6 wks	4 wks on return to work
Lourdes Home for the Aged	6 wks	4 wks on return to work
St Vincent's Hospital, Toowoomba	6 wks	4 wks on return to work
St Andrew's Toowoomba Hospital	6 wks	4 wks on return to work
Beth Eden Aged Care	6 wks	4 wks on return to work
Akooramak Nursing Home	6 wks	4 wks 9 mths after return to work
St Luke's Nursing Service	6 wks	3 wks 3 mths after return to work
Red Cross Blood Service	4 wks	
DACADS	4 wks	
RSL War Veterans Homes	4 wks	
HcoA Hospitals	4 wks	
National Capital Private Hospitals	4 wks	
medical benefits Fund	4 wks	

Joondalup Health Campus	8 wks	@ wks for each completed mth of continuous service & paid 6 mths after return to work.
Abbotsleigh School	6 wks	
Australian Health Management Group	3-9 wks	Max of 9 wks after 5 yrs service
BT Australasia	12 wks	3 wks on return to work
Citibank	8 wks	4 wks after 3 mths back at work
Clayton Utz Solicitors	5-8 wks	Max after 6 yrs service
Coopers & Lybrand	3 mths	
Graith Pty Ltd	4-12 wks	Max after 10 yrs service
IBM	6 wks	
Nestle	10 wks	
Newcastle Mater Misericordia Hospital	9 wks	
Pharmacia & Upjohn	8 wks	50% on return to work
Polygram	4 wks	After 3 yrs service and paid on return to work
Prudential Corp Aust Ltd	6 wks	
Qantas	8 wks	paid 8 wks after return to work
Rothmans	8 wks	paid 6 mths after return to work
Santa Sabina College	6 wks	
Sydney Symphony Orchestra	12 wks	
Victorian Arts Centre	10-12 wks	
Anti-Cancer Council	2 wks	
Aust Drug Foundation	6-12 wks	Max after 3 yrs service
Latrobe University	12 wks	
Council of Adult Education	12 wks	
National Gallery of Victoria	12 wks	
Museum Victoria	12 wks	

^[1] Cited in "Our New Endangered Species" *The Bulletin*, 20 June 2000,

^[2] Research cited in *Pregnant and Productive*, HREOC, 1999, pp14-15

^[3] B Chapman, et al "The Foregone Earnings from Child Rearing Revisited" (ANU, 1998)

^[4] G Whitehouse "Pay equity in the 1990s: trends and strategies in a divided labour market" (unpublished paper, Dept. of Government, University of Queensland, 1999)

⁵ Balancing Breastfeeding and Work, Commonwealth of Australia, 2000 p 2

^[6] HREOC op cit

^[#] up to a ceiling

^[7] A Morehead et al *Changes at Work: the 1995 Australian Workplace Industrial relations Survey* (Longman, 1997)

^[8] DEWRSB, *Agreement Making in Australia under the Workplace Relations Act 1998 and 1999* (2000)

Source: ACTU Paper, Bargaining for Paid Maternity Leave

Rationale for introducing a Federal Government funded national paid maternity leave scheme by the Women's Electoral Lobby (WEL)

<http://www.wel.org.au/issues/work/02pmlsub2.htm>

The excerpt below is from WEL's submission in response to Pru Goward's Interim Paper.

Paid maternity leave has been accepted as good practice by the Australian Public Service for nearly 30 years. Maternity leave provisions were first enacted by amending the *Public Service Act 1922* (Cth) in 1966, granting maternity leave to Federal Government employees...

The *Maternity Leave (Australian Government Employees) Act 1973* (Cth) (hereafter referred to as the Maternity Leave Act) entitled:

- all women employed in the federal public service
- to 52 weeks maternity leave
- with 12 weeks full pay 'irrespective of whether they were pregnant or not when first employed by the Government' and
- regardless of their length of service or employment status.

In 1978 the Maternity Leave Act was amended to restrict maternity leave to permanent employees who had been with the federal public service continuously for 12 months.

A system of paid maternity leave capped at minimum weekly earnings (all persons) provides income replacement for approximately 36per cent of women employees.

When the system is capped at average weekly earnings (all persons), it provides income replacement for approximately 76 per cent of women employees. The Women's Electoral Lobby supports a cap of average weekly earnings (all persons) as it offers economic security to a significant proportion of women, particularly women on low incomes who are presently excluded from existing paid maternity leave arrangements in Australia.

Various employers in Australia already accept income replacement as a core principle of paid maternity leave. The Federal Government provides 12 weeks of leave at full pay for Commonwealth public servants. State governments provide various schemes for state public servants. Company-based schemes are more common in more highly paid sectors and occupations. The business case in terms of employee retention is most obvious and easily made where the employees are highly skilled/trained and expensive to replace or where there is a skills shortage.

The women who are not achieving paid maternity leave through the enterprise bargaining process are of course the women without bargaining power, especially those who are less likely to be unionised, for example women in low paid industries, NESB women. These women need paid maternity leave as much or more than their higher paid counterparts as they are more sensitive to income/expenditure fluctuations and are less likely to have been able to save to cover a period of unpaid leave.

Employer funded models in the private sector may require women employees to exchange paid maternity leave for other entitlements, such as end of year bonuses. Employer funded schemes have to date provided patchy coverage.

The International Labour Organisation suggests employer liability is an unsuitable way of funding a national scheme. Article 6.8 of C183, Maternity Protection Convention 2000 states:

An employer shall not be individually liable for the direct cost of any such monetary benefit to a woman employed by him or her without that employer's specific agreement except where:

- a) such is provided for in national law or practice in a member State prior to the date of adoption of this convention by the ILO conference; or
- b) it is subsequently agreed at the national level by the government and the representative organisations of employers and workers.

Rationale for introducing a Federal Government funded national paid maternity leave scheme by The Australian Education Union

The Australian Education Union represents 155,000 educators employed in public preschools, schools and colleges throughout Australia.

The Excerpt below is from The AEU's submission to the Human Rights and Equal Opportunity Commission's Valuing Parenthood: Options for Paid Maternity Leave: Interim Paper 2002.

The AEU believe paid maternity leave is a fundamental human right and supports the ratification of ILO Maternity Convention 183 and Recommendation 191.

The AEU believe that women are entitled to both a decent job and a decent life.

44% of the Australian workforce are currently women and international evidence illustrates that paid maternity leave increases women's attachment to the workforce.

Job security and labour force connection for women are essential.

Paid maternity leave is a means to address systemic discrimination and it is about supporting income security for women throughout their lives.

Children are our future generation. Women should not be penalised economically because they are the ones who give birth.

Taxpayers invest heavily in the education and training of educators and attrition of a highly skilled workforce such as this is a major problem.

Paid leave gives women and their families income security during a time when the mother is recovering from birth and establishing a feeding regime with her baby.

Income security enables women to choose to return to work at a time when they feel emotionally and physically able.

Employers report that paid maternity leave assists in the retention of experienced, skilled and valued employees.

Women's earnings now contribute significantly to the economic growth of a country. A loss of income during pregnancy and following childbirth has a substantial negative effect not only on the household budget but also on the economy overall.

Australia is one of only two OECD countries who do not provide a universal system of paid maternity leave. The birth rate in Australia now stands at 1.7%. This is a question for our whole society. It will have a fundamental effect on Australian society.

For these reasons and others which will be elaborated in this submission the AEU supports a system of paid maternity leave for working women.

RECOMMENDATIONS

The AEU makes the following recommendations:

1. That a system of paid maternity leave based upon the ILO Maternity Convention 183 and Recommendation 191 should be adopted.

2. That in the first instance the system should apply to working women but the development of a dual system which would encompass women in unpaid work would be supported.

3. That current conditions which have been achieved for women are enhanced by the introduction of any National system not diminished.

4. That eligibility is broad to allow the maximum number of women in the work force regardless of their type of employment to be able to access paid maternity leave.

5. That an obligation period, where the employee is required to return to work for a minimum period following paid maternity leave, should not apply

6. That the model developed should:

- be funded as a minimum, at current minimum wage or current salary whichever is greater. The minimum wage component should be Federal Government funded through the taxation system and the remainder to be funded by the employer;
- ensure all employers pay a levy which would supplement the Federal Government's payment to average weekly earnings. The levy should be paid by all employers for all employees based upon their payroll with exemptions for small business;
- deliver salary in excess of this through bargaining paid by the individual employer;
- allow the entitlement to paid maternity leave to be equally available to adoptive parents;
- allow provision for foster parents as part of the scheme.

7. Under the model developed, the provision of the following would also be important:

- the option to take the 14 weeks paid maternity leave for 28 weeks at half the paid amount;
- the right of women to return to the workforce in the same job and at the same level of classification as permanent part-time if they choose;
- the right to access up to 10 years leave for family responsibilities;
- the right to access accrued long service leave in conjunction with any paid maternity leave;

- prenatal leave of 5 days paid for women to attend medical appointments related to pregnancy;
- paternity leave of 15 days for spouse, de facto spouse or same sex spouse.

8. The recognition that paid maternity leave is one mechanism in a suite of family friendly conditions.

9. That the development of other provisions which support family friendly conditions be part of ongoing work of the Human Rights and Equal Opportunity Commission.

<http://www.aeufederal.org.au/Publications/PMLsubmission2002.pdf>

Political Action by Australian Feminists

22-24 MARCH 2004 PARLIAMENT HOUSE, CANBERRA

On 9 January 04, discussion on the Feminist-Agenda email discussion list <http://www.feministagenda.org.au/specialEvents.htm> resulted in a suggestion from one of its members that one or two women be nominated from each State to form a delegation to go to Canberra and have a meeting with Mark Latham and Jenny Macklin. "It was felt that the systematic political silencing of women and women's groups since 1996, particularly emergency services, had gone too far. Being an election year, it was a timely opportunity for Australian women to break the silence."

On 22 March 04, four Australian feminists, all members of the f-agenda email discussion list, descended on Parliament House, Canberra to begin three days of intensive lobbying on behalf of Australian women.

The four Feminists were:

Dr Betty McLellan (Queensland Women's Health Network), Veronica Wensing (WESNET), Dr S Caroline Taylor (Ballarat University) and Mari Hume (National Abuse Free Contact campaign).

The issues they raised were:

- Domestic and Family Violence
- Safety for women and children in relation to Family Court matters
- Sexual violence and the Law re women and children
- Health and Wellbeing of women and children

The following link is to a detailed report of the action sponsored by f-agenda members and carried out under the chosen name *WomenAustralia*.

Back to Leading Issues Journal July 2004

POLITICAL ACTION BY AUSTRALIAN FEMINISTS

22-24 MARCH 2004 PARLIAMENT HOUSE, CANBERRA

LEAD-UP TO THE ACTION

History. On 9 January 2004, discussion on the Feminist-agenda (f-agenda) list resulted in the following suggestion from one of our members:

What f-agenda needs to do, I think, is nominate one or two women from each State to form a delegation to go to Canberra and have a meeting with Mark Latham and Jenny Macklin. We need to do careful planning beforehand re the issues we want to raise, put in a request for a meeting stipulating the amount of time we'd like to spend with them and, then, head off to Canberra at the appointed time.

This was immediately seized upon by several members as an idea we ought to act on. And so began the process of exploring the feasibility of involving ourselves in such an action. What issues would we focus on? Who would go to Canberra as our delegates? How would we finance the action? What "contacts" did list-members have and how might we use them to ensure we had the best advice in developing our strategies?

Aim. Our main aim was to meet with the Leader of the Opposition, Mark Latham. We also wanted to meet with Shadow Attorney General and Shadow Minister for Women, Nicola Roxon, and various other women and men from the ALP. Also, we wanted to meet with Natasha Stott Despoja (Australian Democrats) and Kerry Nettle (The Greens), two women whose stand on issues for women we respect.

The decision not to seek meetings with Prime Minister John Howard or any other Coalition MPs was made on the basis of their having presided over the systematic silencing of women and women's groups since they came to power in 1996. It was felt that meetings with them would simply be a waste of time.

Issues. List-members were invited to suggest the kinds of issues we ought to consider taking to Canberra. The choice was: to go with a long list of women's issues and touch briefly on each of them, or to choose a few issues and present them in more detail. All list-members who offered an opinion chose the latter option.

From the following list:

. *Domestic and family violence (including a commitment to re-fund WESNET)*

. *Family Court issues : abuse-free contact, joint custody inquiry, etc.*

- . *The criminalisation of women (poverty-related crimes)*
- . *Law reform re sexual abuse of children*
- . *The situation of refugee and asylum seeker women and children*
- . *Free trade agreements, globalisation and their effect on women*
- . *Australia's International image - reinstating our commitment to UN conventions*
- . *Health issues for women*
- . *Meaningful reconciliation between Indigenous and non-Indigenous Australians*
- . *Support for the work of the National Women's Justice Coalition*
- . *The right to adequate and safe housing*
- . *Pornography, prostitution, trafficking, sexual abuse.*

we chose:

1. *Domestic and family violence (including a commitment to re-fund WESNET)*
2. *Family Court issues : abuse-free contact, joint custody inquiry, etc.*
3. *The criminalisation of women (poverty-related crimes)*
4. *Law reform re sexual abuse of women and children*
5. *Health issues for women.*

Choosing our Delegates. It turned out that delegates and, therefore, the short-list of issues, chose themselves. The following women, each of whom had demonstrated expertise in her chosen field, volunteered to be part of the team:

Betty McLellan offered to go in a kind of facilitator role and, also, to raise issues concerning the health and wellbeing of women and children;

Veronica Wensing was nominated by WESNET to raise issues of Domestic and Family Violence;

Debbie Kilroy offered to go representing Sisters Inside, Inc., to raise issues around the criminalisation of women due to poverty;

Marie Hume offered to go, in relation to her involvement with the National Abuse Free Contact campaign, to raise issues around the need for a more adequate Family Law response which would ensure the safety of women and children escaping domestic violence;

Caroline Taylor offered to go to raise issues around the need for a more adequate Criminal Law response to sexual violence against women and children.

Each of the above volunteers had demonstrated expertise in her chosen area. Therefore, in the absence of other volunteers, f-agenda members' task of choosing delegates was made simple. [It must be said that members would not have endorsed any woman solely on the basis of her own offer to be a delegate. Each delegate was to have expertise and experience in at least one of the areas f-agenda members considered to be urgent feminist/women's issues.] The above volunteers were endorsed and began their own discussions about how to proceed.

Financing the Action. Many f-agenda members felt "ownership" of the action and began to make offers of \$100 and \$50 donations to defray expenses, with some adding: "Let me know if you need more". Realising that money is tight for many of us these days, this level of generosity was overwhelming.

Four of the delegates were successful in receiving a degree of sponsorship from Institutions they are associated with:

Betty McLellan, Queensland Women's Health Network, Inc. (airfare)

Debbie Kilroy, Sisters Inside, Inc. (airfare and accommodation)

Caroline Taylor, University of Ballarat (travel and accommodation)

Veronica Wensing received significant in-kind support from Toora Women Inc., to use paid time to attend the meetings and participate in the lead-up teleconferences.

The practical support of these Agencies was much appreciated as was their expressed confidence in our delegates' ability to present the issues effectively.

Contacts and Advice. Because our main aim was to meet with Mark Latham, some of our members agreed to discuss our pending action with contacts/friends in the Labor Party, who offered various pieces of advice:

. Go sooner rather than later. The closer we get to the Federal Election, the busier Party leaders (and all other politicians) will become, so "go early" or risk missing out.

. Be very well prepared and present in a professional manner.

- . Be cautious about using the “f” word in our request for meetings.
- . Take a one-page synopsis of each presentation to leave with the politicians or their advisers. Politicians don’t have time to read long papers.
- . Mark Latham “respects” statistics, so be sure to include research and statistics to back up your assertions and requests. Any research papers can be left with advisers so that they are available for reference purposes.
- . Try to get appointments with **key** members of the Labor Party and, also, representatives of the Greens and the Australian Democrats.

....**The Crucial Contact!** The most significant contact of all was that made by Debbie Kilroy at a meeting attended by Mark Latham in Brisbane at the end of January 2004. Debbie made a point of approaching Mark, telling him that a delegation of women would be seeking a meeting with him in Canberra in the near future and asking if he would make himself available. Without hesitation, he made a commitment to meet with us! With that commitment secured, we were able to move ahead confidently with our preparations. A big “thank you” to Debbie.

[NOTE: Sadly, the pressure of work and other commitments caused Debbie Kilroy to have to abandon plans to be part of the delegation. The team to go to Canberra was, then, reduced to four.]

Setting up meetings. Since our primary reason for travelling to Canberra was to meet with the Leader of the Opposition, Mark Latham, we knew we had to secure a date for that meeting before dates and times of meetings with other politicians could be confirmed. Finally, after several emails and phonecalls back and forth, the time of 4pm Monday 22 March 2004 was offered by Mark Latham’s adviser, Maree Edwards, through Nicola Roxon’s adviser, Chris Black. The offer was for a 30-minute meeting. We accepted.

The following meetings were then scheduled:

Monday 22 March

4.00 pm Mark Latham (and Nicola Roxon)

4.30 pm Nicola Roxon

6.15 pm Dinner with ALP women

8.00 pm ALP Status of Women committee

Tuesday 23 March

11.30 am Anthony Albanese (ALP)

3.30 pm Kerry Nettle (The Greens)

Wednesday 24 March

10.20 am Wayne Swan (ALP)

11.00 am Natasha Stott Despoja (Australian Democrats)

[This was by no means the final list of appointments, but it was a good start. See the full schedule of meetings to follow.]

Letter of Introduction. The following letter of introduction was prepared and emailed to respective advisers and/or politicians following phone or email contact to set up meetings:

Dear.....

Four representatives of our group, Women Australia, will be making a visit to Canberra between 22 and 24 March for the express purpose of speaking with politicians about issues of utmost importance to women and to the wellbeing of our Nation. I am writing, now, to confirm our meeting with you on (date and time).

Our delegates represent a large group of women covering every State and Territory of Australia, who keep in regular contact on social and political issues via two email discussion lists.

We have prepared brief presentations on the following issues:

- .. Women's Health and Wellbeing
- .. Domestic and Family Violence
- .. Family Court matters and issues of Safety for women and children
- .. Law Reform re sexual abuse of women and children

The following is a brief introduction to our delegates:

1. Dr. Betty McLellan, from Townsville. Psychotherapist and Human Rights activist. Chairperson of the Queensland Women's Health Network, Inc. with a longtime involvement on Management Committees of Women's Services. Consultant on women's issues to the Townsville Multicultural Support Group and the Migrant Resource Centre.

Facilitator of one of the largest women's email discussion lists in Australia. Author of three books.

2. Veronica Wensing, from Canberra. Representative and former National Executive Officer of Women's Services Network (WESNET), a national women's peak advocacy body working towards prevention and elimination of domestic and family violence. Board Member of the National Women's Justice Coalition (NWJC). Founding Member of the Women's History Month Steering committee. Extended Collective member of Beryl Women's Refuge and current Management Team member of Toora Women Inc.

3. Marie Hume, from Adelaide. Representing the National Abuse Free Contact campaign, which is a national (and international) coalition of organisations who have formed to advocate on behalf of women and children going through the Family Court system with concerns about domestic violence and child abuse. Worked as a Family Court Counsellor for 12 years in the Adelaide Registry.

4. Dr. Caroline Taylor, from Melbourne. Member of the Victorian Law Reform Commission Advisory Group on Sexual Offences. Recently appointed to the Victoria Police Review Panel to review the Police Code of Practice for Investigating Sexual Offences. Also on the Ballarat Centre Against Sexual Assault Consultative Committee and an executive member of the Western Chapter of the Australasian Society for Traumatic Stress Studies. Currently a Post-Doctoral Fellow at the University of Ballarat and has published extensively on issues associated with sexual offences against women and children.

We look forward to our meeting with you.

Yours sincerely,

Preparation of Presentations. The four delegates, communicating by email and a series of teleconferences, discussed the aim of their individual presentations and how each would dovetail with the others. We reminded each other of the importance of our maintaining control of the discussions rather than allowing our agenda to be overtaken by that of any politician. A strategy was put in place to ensure that our issues were heard and that there was time, also, for responses from respective politicians.

Each delegate prepared her own presentation and emailed it to the other three for comment. Then, each presentation was emailed to the f-agenda list.

Introductory Presentation - by Betty McLellan

Presentation on Domestic and Family Violence - by Veronica Wensing

Presentation on Family Court issues: abuse free contact, safety, etc. - by Marie Hume

Presentation on Legal responses to Sexual Violence against women and children - by Caroline Taylor

In addition to the presentations, each delegate prepared a 1-2 page synopsis to be left after each meeting. One example of a one-page synopsis is that prepared by Veronica.

Media Release. A Media Release was prepared and distributed nationally in the early hours of Monday 22 March. Special thanks to Megan Hinchley of AFHO – the Australian Federation of Homelessness Organisations – for her help in preparing the Press Release from information contained in delegates’ proposed presentations.

The Media Release, which follows, was also sent to Mark Latham’s office and physically distributed at the Parliamentary Press Gallery in Parliament House by the delegates.

Delegates representing women from across Australia have come together today to meet with the federal opposition leader, Mark Latham, to discuss the safety of women and children.

“There has been a resurgence of concern among women in recent times in regards to women’s safety. We’ve had the Howard government’s axing of the \$2.7 million advertising campaign to combat domestic violence, the trafficking of women for sex and the recent issue of ‘male bonding’ through the gang rape of women”, said Dr Betty McLellan, “enough is enough.”

“We need to change the attitudes of government and of men in general towards women in this country. Women make up 52% of Australia’s population and we need the community as a whole to recognise the importance of women’s issues,” Dr McLellan added.

“At least 23% of women in Australia have experienced domestic or family violence, and as the latest ABS figures point out, this accounts for 2.2 million women. Current data also shows that 56,100 women accessed a refuge in 02-03 and 53,700 children were accommodated. These figures don’t include the turnaways of 4,354 women with children. Reports also show that somewhere between 80% - 95% of women who experience domestic or family violence do not access help from any service”, said Veronica Wensing.

“These figures are mind blowing, and when you see that nearly 3 in 5 of all murders of women over the age of 15 occur between domestic partners and that an average of 62 women are victims of intimate homicide each year and 33% of children who were victims of homicide between 1989 and 1993 died as a result of family violence, there is a serious crisis in this country,” continued Ms Wensing.

“Another startling statistic is that 1 in 3 girls and women have experienced some form of sexual violence so far in their lives and out of these victims, only 1 in 10 will ever report their sexual victimisation. This shows the lack of confidence these women have in the police and judicial system”, added Dr Caroline Taylor.

"Another point to make is that the current family law system is failing to protect women and children who are attempting to escape domestic violence and child abuse. On a daily basis women and children are continuing to be abused because of the system's failure to adequately protect them following separation", stated Marie Hume a spokesperson for the National Abuse Free Contact Campaign.

“We are meeting with Mr Latham for the purpose of getting a commitment from him towards women’s issues. We want him to recognise the importance of these issues and that we need to do something about them now. We want him to have a better track record than John Howard” continued Ms Hume.

“We need assurance from Mr Latham that he will maintain and support existing services for women, reinstate funding to those who have lost their funding and fund new ones. We need to tackle the issue of the safety of women and children and we need to do this now” concluded DrTaylor.

For further information please contact:

Dr Betty McLellan: 0410 218 990 Dr Caroline Taylor: 0416 017 066
Veronica Wensing: 0408 380 085 Marie Hume: 0429 404 987

Sense of Purpose. On the phone and in emails, delegates articulated our growing excitement and sense of purpose as the time for the Canberra visit drew near. We were women on a mission - and it was exciting!



Ready for Action: ..Veronica BettyCaroline ..Marie

THE ACTION

The four of us descended on Canberra on Sunday 21 March. Actually, Veronica lives in Canberra but the other three travelled (Caroline by car from Melbourne, Marie by air from Adelaide and Betty by air from Townsville) to meet each other in Canberra. The Action proceeded as follows:

Monday 22 March

10.00 am Met at Veronica's office for first face-to-face meeting. After a brief discussion, Veronica sprang into action on the phone setting up more meetings. Betty was on the phone responding to requests for media interviews. Marie and Caroline were doing last-minute preparations.

11.00 am Caroline went to the ABC studios where she was interviewed about her research for the following day's "Life Matters" programme on ABC Radio National.

12.00 noon Arrived at Parliament House. Caroline had arranged for her local MP, Catherine King (Ballarat), to sign us in and get us "Unaccompanied" passes so that we would have freedom of movement around Parliament House for the day. We also had free access to, and use of, Catherine's office for the day. Very helpful.

3.00 pm Media. Betty was interviewed by Mike Welsh, Canberra Commercial Radio 2CC.

What follows is an outline of the discussions we had with various politicians together with our impressions of the tenor of each meeting. Before moving into this section of the report, it would be helpful to show the full schedule of meetings we were able to arrange with politicians and, in some cases, their advisers.

Full Schedule

Monday 22 March

4.00 pm Mark Latham (and Nicola Roxon) ALP

4.45 pm Nicola Roxon (ALP)

6.15 pm Dinner with ALP women

8.00 pm ALP Status of Women committee

9.00 pm Trish Crossin (ALP)

Tuesday 23 March

11.30 am Anthony Albanese (ALP)

3.30 pm Kerry Nettle (The Greens)

6.00 pm Lindsay Tanner (ALP)

Wednesday 24 March

9.40 am Jenny Macklin (ALP)

10.20 am Wayne Swan (ALP)

11.00 am Natasha Stott Despoja (Australian Democrats)

12 noon Anthony Byrne (ALP)

12.35 pm Carmen Lawrence (ALP)

The Meetings

4.00 pm Meeting with Mark Latham and Nicola Roxon (and their advisers, Maree Edwards and Chris Black).

This meeting went exceptionally well. We were nervous because we were very aware of the heavy responsibility we had taken on. We were there not only as representatives of the wonderful feminist women on the f-agenda and elsa lists but also as representatives of Australian women who desperately needed the future to be better than the past eight years had been (since the Howard Government came to power).

Mark Latham was gracious and respectful toward us. Our meeting with him was squashed in between a fairly contentious Question Time and another meeting he had scheduled but, while he was with us, he gave us his full attention. He listened to our brief presentations, made relevant comments, wrote notes and occasionally looked at Nicola Roxon and said: "We should be able to do that, shouldn't we, Nicola?" So, while we're not naive about what all that means, we did finish the day feeling a fair degree of satisfaction.

We started with Betty's introduction, followed by Veronica, then Marie, then Caroline. At the end, Mark seemed to have a comment on something from each of our presentations. His comments included: an exclamation about Veronica's statistic that 25% of children have witnessed violence against their mother or step-mother. He was genuinely surprised that DV was affecting so many Australian children (which only goes to show that they're not very "up" on the literature about women's and children's lives!).

He agreed that it is important to invest early, to change the system so that children don't have to start life in such traumatic conditions. He also said: "The point you make about men starting to speak out against violence against women and children is vital". And, then, in response to Marie's emphasis on the need to prioritise safety for children in the Family Law Act, he said: "Sounds like a very sensible change to the Act".

Caroline, as the last speaker, had to rush her presentation because Mark had already been reminded of his next meeting, but she made some very important points which seemed to get his attention. For example, he expressed surprise when Caroline quoted findings of a Sexual Assault survey showing the high propensity for young males to believe that physical and sexual violence against women and girls was OK in certain circumstances. Also, he showed surprise at the 1 in 3 statistic she quoted.

[NOTE: The scheduled 30-minute meeting with Mark Latham turned out to be close to 45 minutes, which was very much appreciated by the four of us].

Feedback we received from Mark's adviser a couple of days later was that he had responded very favourably to our visit and she was hopeful that our presentations would have some influence on the formulation of Labor Party policies in the areas we focused on.

4.45 pm Meeting with Nicola Roxon, Gellibrand, Vic. Shadow Attorney General and Shadow Minister for Women

Nicola invited us to her office where we debriefed after the meeting with Mark, discussed the issues further, made reference to our desire to work with and be a support to the women in Parliament and looked at follow-up strategies.

When we raised the issue of mutual support between women in Parliament and women/feminist activists in the community, Nicola mentioned that they hadn't heard from women like ourselves in a long time. We discussed the Howard government's silencing of women and the depression we felt when it seemed like the Labor Party was failing to offer any real alternative to the policies of the Coalition, and expressed the view that all of us were now, finally, coming to life. The newfound courage of the ALP under Mark Latham was giving us hope.

Nicola made it clear that she was very pleased our group had made the effort to send a delegation to speak with them and asked us to give some thought to how the Labor Party could make these issues palatable in an election campaign.

5.30 pm Back in Catherine King's office. Veronica came up with the idea of our putting together a "portfolio" of our handouts - a folder to be handed to each politician after our meetings. Lots of photocopying and preparation of folders followed.

6.15 pm Dinner with ALP women.

We were taken to dinner in the Members' Dining Room by about 12 of the Labor women (MPs, Senators and a couple of advisors). Lots of talking. Great atmosphere.

8.00 pm ALP Status of Women committee.

When we were introducing ourselves to this committee, we “came clean” about the fact that we were feminist women and that our Canberra action was sponsored by the feminist-agenda email discussion list formed after the Townsville International Women’s Conference in 2002. We explained that the name “Women Australia” was adopted after we received advice to be cautious about using the “f” word in our request for meetings. They seemed to enjoy our ‘confession’.

We made our presentations to this Status of Women committee so that they knew the kinds of issues we had raised with Mark Latham and would raise with other politicians over the next couple of days. After a brief discussion, the meeting closed at 9pm. Trish Crossin, Chair of the committee, then asked us to meet with her in her office where we discussed the issues in more detail.

Those who attended the Status of Women committee were:

Trish Crossin, Palmerston, N.T.

Kelly Hoare, Charlton, NSW

Nicola Roxon, Gellibrand, Vic.

Catherine King, Ballarat, Vic.

Tanya Plibersek, Sydney, NSW

Maria Vamvakinou, Calwell, Vic.

Julia Irwin, Fowler, NSW

Senator Linda Kirk, SA

Senator Sue Mackay, Tas.

Senator Claire Moore, Qld.

Senator Jan McLucas, Qld.

Also, there were six staffers in attendance.

Tuesday 23 March

10.00 am Met at Veronica’s office to preview the day. We were pleased to see that *The Canberra Times* had reported on our visit, under the heading: “Women woo Latham”!

11.00 am Arrived Parliament House. Met by Cora from Senator Jan McLucas’s office, as arranged, and had the use of Jan’s office for the day.

11.30 am Meeting with Anthony Albanese, Grayndler, NSW. Shadow Minister for Employment Services and Training

We gave abbreviated presentations. We had been told that Anthony was on-side with the kinds of issues we were there to discuss and he didn’t disappoint us. He is genuinely concerned for the safety of women and children in the home and the community. Also,

he recounted examples of the negative treatment meted out to women by the court system and agreed that there is an urgent need for change.

In an attempt to relate our issues to his portfolio, we talked about women being caught in the poverty trap through casual and part-time employment, the irrelevance to women of Howard's training schemes and the need to promote the kinds of training that took into account the special circumstances of women.

12.30 pm Discussion with Jan McLucas. Jan let us know that she was very pleased our group had decided to descend on Canberra. She said she had hoped women's groups and Indigenous groups would begin letting their voices be heard around Parliament House again.

1.30 pm Lunch

3.30 pm Meeting with Kerry Nettle (Greens), NSW

This was an excellent meeting. Kerry spoke of her close connection with the Sydney Rape Crisis Service. She was pleased to know that we had presented our issues to Mark Latham and that he gave us a good hearing. As we outlined our issues to her, she couldn't have been more in agreement. Great meeting!

5.15 pm Media. Betty did a phone interview with ABC local radio, Townsville.

6.00 pm Meeting with Lindsay Tanner, Melbourne, Vic. Shadow Minister for Telecommunications and Community Relationships

This was a difficult meeting in many ways. Lindsay was quite defensive in some of his responses. He clearly sees the "crisis of masculinity" as a crisis in terms of blue-collar working men being displaced and that the ALP in government will need to focus on the needs of those men and of boys. We tried to get him to expand his thinking and see the violence of men as an issue which needed to be addressed in its own right. We were surprised that his mind seemed to be closed to some of our issues.

In our discussion of mentoring, however, he did agree that mentoring needed to include a focus on the pervasive negative views males hold of females with a view to changing those attitudes.

In relation to Family Court issues, Lindsay let us know that he was a non-custodial father. When Marie talked about our concern about the attitudes of Father's Rights groups, he expressed the opinion that there were maybe a "couple of bad apples" but that most of them were OK. Right at the end of our time with him, we discovered that he had to rush off to a meeting in relation to the joint custody inquiry. The discovery that he was in a prime position to influence policies in this area, spurred us on to raise

issues as we followed him out the door! One remark that worried us quite considerably went something like this: "It's hard to prove that a man's been violent to his partner or children. Sometimes they're just accusations". We were quite alarmed by this attitude and made a point of conveying our concerns to subsequent Labor members with whom we met.

7.30 pm Met Canberra f-agenda members for dinner. Lovely women, great food, lively conversation.

Wednesday 24 March

9.15 am Met at Marble Stairs, Parliament House.

9.40 am Meeting with Jenny Macklin, Jaga Jaga, Vic. Deputy Leader of the ALP. Shadow Minister for Education

Jenny welcomed us warmly and, while our presentations were less formal because we knew Jenny's views on the issues were similar to our own, we were pleased to be able to raise the issues and prompt a very satisfying discussion. She congratulated us on our efforts and told us to keep it up!

10.20 am Meeting with Wayne Swan, Lilley (Brisbane), Qld. Shadow Minister for Family and Community Services

Wayne took control of the meeting in the beginning and talked about poverty and institutional inequalities. We were agreeing with him until he appeared to link rape, child sexual abuse and domestic violence to poverty. Caroline put him straight! She made the important point that the recent revelations about footballers raping and gang-raping women was not about financially poor men but about highly paid and high status men raping women.

This enabled us to get back some of the control of the discussion and inject some of our own concerns about women and poverty, the criminalisation of women due to poverty, and so on. Because Wayne's Shadow portfolio is Family and Community Services, we impressed on him the need for a Labor government to reinstate the level of funding necessary to enable women's services to function effectively.

11.00 am Meeting with Senator Natasha Stott Despoja (Australian Democrats), SA.

Natasha was involved in an important debate in the Senate and it looked like she was going to have to miss our appointment. We understood, of course, but were very disappointed. Suddenly Natasha appeared, somewhat breathless, at her office door

saying she really didn't want to miss out on seeing us because the issues we were representing were so important to her.

We began our discussions with reference to the headlines in *The Adelaide Advertiser* which reported: "A man who shot his estranged wife dead after a long-running dispute over access to their daughter has been acquitted of all charges - and plans to seek custody of the child". This was a perfect example of the issues Marie had been raising and highlighted the need for the government to give urgent attention to ensuring the safety of women and children.

Natasha told us that she was preparing a speech to be delivered on Monday night (29 March) about the murder of women and children. She said she would like to mention our visit in her speech and incorporate the issues we raised. We were thrilled to bits!

Our discussion with Natasha was mutually helpful and very satisfying. She gave the impression that she was willing to take on any issues that we, or others, wished to raise with her in the future.

12 noon Meeting with Anthony Byrne, Holt, Vic.

After giving brief presentations of our issues to Anthony, he explained that he had only become aware of the desperate situation some women and children are in when a woman in his electorate was killed by her partner. Since then, he has been a consistent advocate for a better deal for women. He has written opinion-pieces in newspapers, spoken out against the "blackshirts" and other Fathers' Rights groups and generally tried to influence societal attitudes.

Anthony was prepared to give us as much time as we wanted and, when we had to move on to our next appointment, he seemed a bit disappointed!

12.30 pm Caroline had to leave to drive back to Melbourne but not before she had another meeting with her local politician, Catherine King. Catherine has agreed to make mention of our visit in Parliament so that our efforts are recorded in Hansard (for posterity!). Great!!

12.30 pm Meeting with Carmen Lawrence, Fremantle, WA. President of the ALP.

Carmen was rushing to prepare a speech for the afternoon session of Parliament but took about 10 minutes off to talk with Marie, Veronica and Betty in the reception area of her office. As always, Carmen was totally on-side and let us know that she was very pleased to see our group taking action and fronting up to politicians with these crucial issues.

FOLLOW-UP TO THE ACTION

Nicola Roxon, during our meeting with her, made a point of impressing on us the importance of following up our visit with a letter reiterating the points we made. In discussions among ourselves over the three days, delegates came up with the following suggestions for follow-up action:

A. Write a follow-up letter to key people:

- . Mark Latham, Leader of the Opposition,
- . Nicola Roxon, Shadow for Women, and
- . Trish Crossin, Chair of the ALP Status of Women Committee

The following letter was sent to Mark Latham on 31 March with copies to Nicola Roxon and Trish Crossin (and Catherine King, who was seeking an opportunity to make a speech about our Canberra visit in the Parliament):

Dear Mr Latham,

Representatives from Women Australia would like to thank you for your time in meeting with us on March 22. We hope that we have succeeded in raising awareness of issues of utmost importance to women and the culture of Australian society.

We take this opportunity to remind you of some of our key points:

1. We call for work towards cultural change at a broad level that promotes equality and respect for women and regards women as citizens of equal worth. This upholds Australia's obligations under international covenants to which it is a signatory, which promote women's rights as human rights. We advocate for equal opportunity for women's participation in national and international decision-making and urge the Labor government to sign the Optional Protocol to CEDAW as a matter of priority once it is in power.
2. We ask you to promote a zero tolerance approach to violence against women and children in the private and the public spheres. This involves an integrated approach which includes the criminal justice system, the family law system and the broader community.
3. We ask that you prioritise issues of safety for women and children and recognise that homes need to be places of safety for women and children. We remind you that one in four Australian children have witnessed violence perpetrated against their mother or

step-mother and ask that you develop policies which guard children against having to witness or experience this violence.

As a male in a powerful position in this country, we have an expectation that you and other men in positions of power will stand up and say no to violence against women in all its forms and that you will do this at every opportunity, because men listen to men. We support promotion of healthy and positive male role modelling for the development of respectful relationships.

4. We ask for a community awareness strategy to be developed to promote respectful and non-violent relationships in order to not only address the problem, but to reduce costs associated with responses to domestic violence after it has occurred.

5. We ask that you consider the amendments that have been made to the New Zealand Guardianship Act which prioritise the rights of children to safety in family law matters. This includes use of a rebuttable presumption of no contact where there is violence.

6. We ask that you address necessary law reform in relation to all levels of the criminal justice response to child and adult sexual abuse with a particular focus on law reform issues that have been recognised and documented as discriminatory, such as the High Court's reinforcement of the corroboration warning as a standard warning to be given in all sexual offence trials, regardless of context; and the continual subverting of legislation designed to curb cross examination of women and children around their alleged sexual history. The introduction of sexual history evidence and the application of the corroboration warning have been identified consistently in research across Australia, as a significant barrier to fair treatment of victim/survivors in sexual offence proceedings and has been recognised as discriminatory and sexist.

7. We remind you that you can use women and women's organisations to inform policy development and trust that you will avail yourself of the opportunity for ongoing dialogue with Women Australia and other women's organisations with which we are involved or with whom we have contact.

Once again, we thank you for the opportunity to meet with you and look forward to seeing the Labor Party's Policy Platform giving priority to the safety of women and children.

Yours sincerely,

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B. Produce a form letter which f-agenda and elsa list-members can use to send to their local politicians informing them of our visit to Canberra and of the issues we raised.

C. Encourage individual members to request face-to-face meetings with their local federal politicians for the purpose of presenting the issues raised in Canberra. Where possible, members should go in two's or three's, with prepared presentations (5-minutes each) on one or more of the issues.

D. Encourage individual members to write letters to the editor about these issues on a regular basis.

E. Write up the ACTION in detail and post it on the feministagenda website so that interested members of f-agenda and elsa will have ready access to it. Also, it is hoped that, by writing it up in detail, our Canberra action will serve as one "model" of political action on women's issues.

CONCLUSION

The four of us who were privileged to go as delegates found the whole experience exciting and exhilarating (even if somewhat exhausting!). We worked very well together and were pleased with the way we fed off each other to bring the issues together in a convincing and professional manner. A bond quickly developed between us, and our respect for each other's commitment and ability to present the issues clearly and concisely grew stronger over the three days.

We agreed that this was a very important action and that all who supported the action (all members of f-agenda and elsa email lists) ought to be proud of ourselves for going ahead with it.

Source: <http://www.femspeak.net>

The Health Costs of Violence Report by Victorian Health Promotion Foundation (VicHealth)

Disturbing research released on 16 June 2004 indicates that intimate partner violence constitutes almost nine per cent of the total disease burden in women up to the age of 45 years.

"This is a ground breaking study and the results are shocking," Chief Executive Officer of the Victorian Health Promotion Foundation (VicHealth), Dr Rob Moodie said.

The study, *The Health Costs of Violence: Measuring the Burden of Disease Caused by Intimate Partner Violence*, found that this form of violence is responsible for more ill-health and premature death among Victorian women under the age of 45 than any other well known risk factors including high blood pressure, obesity and smoking.

Dr Moodie said intimate partner violence is very common, has severe and persistent effects on women's physical and mental health and carries with it an enormous cost in terms of premature death and disability.

"Direct health consequences for women exposed to violence include depression, anxiety and phobias, suicide attempts, chronic pain syndromes, psychosomatic disorders, physical injury, gastrointestinal disorders, irritable bowel syndrome and a variety of reproductive consequences," Dr Moodie said.

Associate Professor Theo Vos, who undertook the research said the data also suggests that intimate partner violence is associated with drug use and risky levels of smoking and alcohol use.

"Sixty per cent of the health problems associated with intimate partner violence are mental disorders and another 15% is due to greater abuse of tobacco, alcohol and illicit drugs," Associate Professor Vos said.

The study is the first in the world to estimate the health consequences of intimate partner violence using the 'burden of disease' methodology developed by the World Health Organisation (WHO). The WHO itself released a World Report on Violence and Health in 2002, which aimed 'to challenge the secrecy, taboos and feelings of inevitability that surround violent behaviour, and to encourage debate that will increase our understanding of this hugely complex phenomenon'.

The report found that intimate partner violence contributes more than twice the disease burden of illicit drugs which is the next highest risk factor affecting the health of women aged between 15 and 44.

“This report not only gives us an insight into the effects of violence on women’s lives – it prompts the hard questions about how we inform, educate and change the behaviour that leads to partner violence,” Dr Moodie said.

Acting Premier John Thwaites, who attended the launch of the report said the Victorian Government has been actively involved in combating violence against women and this is articulated in the Women’s Safety Strategy.

The Minister for Health Bronwyn Pike said the burden of disease associated with this violence must be understood as a significant public health issue.

“The results of this study show the whole community needs to be involved in the effort to prevent domestic violence”, Ms Pike said.

Chief Commissioner Christine Nixon said police see the enormous impact of domestic violence on women, children, men, families and communities and they were committed to helping develop better support systems.

“Victoria Police is working with government and other agencies to offer better access to services, help and support to people before tragedy strikes. Police members have also undergone education and training on how to deal with incidents of family violence and we have appointed Family Violence Officers.”

Dr Moodie said support for those affected is crucial, but the scale of the problem demands that there needs to be more focus on addressing the root causes.

“We need community education campaigns, improved economic opportunities for women and strategies to foster greater respect between men and women,” he said.

The Health Costs of Violence Report assessed the health impact of intimate partner violence for Victorian women in relation to its prevalence, the health problems it causes and its contribution to the total disease burden in women.

Intimate partner violence has wide ranging and persistent effects on women’s physical and mental health and contributes **8.8 per cent to the total disease burden** in Victorian women aged **15 to 44** and three per cent in all Victorian women;

It is the **leading contributor to death, disability and illness in Victorian women aged 15-44,**

Key findings [Back to Leading Issues Journal July 2004](#)

The Health Costs of Violence Report

Key findings include:

Serious

- Intimate partner violence has wide ranging and persistent effects on women's physical and mental health and contributes **8.8 per cent to the total disease burden** in Victorian women aged **15 to 44** and three per cent in all Victorian women;
- It is the **leading contributor to death, disability and illness in Victorian women aged 15-44**, being responsible for more of the disease burden than many well-known risk factors such as high blood pressure, smoking and obesity.
- Direct health consequences for women exposed to violence include depression, anxiety and phobias, suicide attempts, chronic pain syndromes, psychosomatic disorders, physical injury, gastrointestinal disorders, irritable bowel syndrome and a variety of reproductive consequences;
- The influence of the abuse can persist long after the abuse has stopped and the more severe it is, the greater its impact on a woman's physical and mental health;
- The economic consequences of violence against women are also increasingly recognized with Australian businesses losing at least \$500 million per year because of the effects of family violence on their employees;

Prevalent

- One in five Australian women report being subjected to violence at some stage in their adult lives, increasing their risk of mental health problems, behavioural and learning difficulties ;
- The World Health Organisation estimate prevalence rates of between 10 and 69 per cent in countries around the world;
- While only a small percentage of women report violence to authorities, in 2000/2001 the Victoria Police attended 21,616 incidents involving violence between intimate partners. There were 19,933 children present during these incidents;
- As estimated one in four Victorian children has witnessed intimate partner violence, increasing their risk of mental health problems, behavioural and learning difficulties;
- Between 1989 and 1998, 57 per cent of deaths resulting from homicide or violence were perpetrated by an intimate partner, with women being five times more likely to be killed by an intimate partner than men;

- Compared with male victims, women are three times more likely to be injured as a result of violence, five times more likely to require medical attention or hospitalisation and five times more likely to report fearing for their lives;

Preventable

- The causes of violence are complex however evidence suggests that cultural, social and economic factors play a part and a significant underlying factor is the unequal distribution of power and resources between men and women;
- There is broad consensus internationally that intimate partner violence is best addressed in the context of human rights, legal and health frameworks and through the development of multi-level strategies across sectors (World Health Organisation 2002).

Source: VicHealth Fact Sheet: Intimate Partner Violence

Major Conference 'Stop Violence Against Women!' by Amnesty International

As part of a global strategy to stop violence against women, Amnesty International hosted a high level, 3-day conference on 4th -6th June 2004 at the Esplanade Hotel, Fremantle, WA.

The conference, 'Stop Violence Against Women!' examined how a human rights perspective can add new approaches to addressing violence against women, in policy and in practice.

The conference brought together a range of local and international participants from women's support agencies, the legal profession, judiciaries and the police, politics, government, and academia to discuss innovations in addressing violence against women in Australia and the Asia-Pacific region.

Violence against women is the most common and widespread of human rights abuses. It takes many forms, including domestic/family violence, sexual assault, institutional violence, sexual harassment, homophobia, sexism, and the trafficking and forced prostitution of women.

To view the Conference Papers see: [Stop Violence Against Women Conference](#)

Domestic Violence by Senator Natasha Stott Despoja

In the 2004 Federal Budget, the government announced an additional \$5.1 million in 2003-04 and \$1.6 million in 2004-05 for the national campaign for the elimination of violence against women. Senator Stott Despoja in an Adjournment Debate on 16 June 2004 raised the issues surrounding the launch of the recent domestic violence media campaign in relation to the way in which it was developed, postponed and changed.

Frances Hesselbein

Frances Hesselbein is Chairman of the Board of Governors of the Leader-to-Leader Institute, USA and former chief executive of Girl Scouts of the USA. In this edition Frances Hesselbein features in CLW's Interviews with Leaders. Two of her articles which were published in the Leader to Leader Institute's award-winning quarterly journal that offers cutting-edge thinking on leadership, management, and strategy *written by* today's top thought leaders from the private, public, and social sectors, has been published here.

The Art of Listening by Frances Hesselbein

Leader to Leader, No. 29 Summer 2003

The person who had the greatest impact upon my life, my career, and my work was my grandmother. People always expect me to talk about John W. Gardner, Peter Drucker, Warren Bennis, or Jim Collins -- all the great thought leaders who have been part of my journey. They all have had a powerful impact upon my life and my work. Yet from my first consciousness of relations with other people my grandmother has been my leadership model. She listened very carefully. With grandchildren six or seven years old, she looked into our eyes and she listened as though it was the most important thing she could be doing at that moment, and she never cut us off. We finished our little story, whatever it was. And we learned to listen through our experience with her. She listened to us with total concentration and warm response and we learned to listen because we wanted to be like Mama Wicks. That kind of sensitivity and appreciation of others was a very important lesson, learned very early. And all through my life I often go back and think about something she encouraged me to memorize.

When she was a little girl, her family had a lumber mill back in the mountains of western Pennsylvania where they made barrel staves. The family built this little lumber mill long before the Civil War began, in the 1840s. Nearby was a one-room schoolhouse that she and her father and grandfather had attended. Above the blackboard was a maxim that could have been from a McGuffey Reader; it had always been there. It was this maxim

she had me memorize: "If wisdom's ways you would wisely seek, these five things observe with care: of whom you speak, to whom you speak, how, when, and where." I memorized that when I was eight years old. Years later I have to smile; the only time I ever get into trouble is when I forget my grandmother's advice about "these five things."

I thought of my grandmother again recently when I was interviewed by a writer working on an article -- on "the listening leader." Listening is an art. When people are speaking it requires that they have our undivided attention. We focus on them; we listen very carefully. We listen to the spoken words and the unspoken messages. This means looking directly at the person, eyes connected -- we forget we have a watch, just focusing for that moment on that person. It's called respect, it's called appreciation, it's called anticipation -- and it's called leadership.

Listening is one of the most effective ways of learning what the customer values. We listen to all our customers, all the people within the organization and those beyond the walls of the organization. And through listening we learn what they value. This is a critical skill and an indispensable attitude. When we learn this, it brings us to a higher level of understanding and appreciation of our own people and of those we can reach beyond the walls.

When we listen with total engagement, communication is not just saying something; it is being heard. And since communication is being heard, the leader consciously asks, "Am I getting through, is my message being heard?" How many times have we heard a leader complain, "I've told him and I've told him, but he just doesn't get it"? The leader was talking yet not being heard, was not communicating. When this happens, when it's obvious we're not being heard, it's time to listen, time to deliver the message a different way. Listening is the essential element of effective leadership.

How do we foster listening in others? Listening is not a solo performance, it is a connection -- and is most successful when circular. I listen, you respond; you listen, I respond, and somehow in that magic circle of communication the messages are heard. The Great Stone Face is not exactly the most conducive face for good listeners; so we respond expressively.

Believing that the quality and character of a leader determine the performance and results, the success of our leadership depends on how effectively we mobilize our people around mission and values and vision, and how effectively all of our people listen to the customer. We are most successful when the communication is circular.

The writer interviewing me about listening asked what would be the one most important element, the one piece of advice I could share based on my own experience.

Thinking of the management teams I've been part of, where positive feedback was key to growth and productive relationships, thinking through all the aspects of listening, of communication, rising to the top as number one was "banish the but." If we want people to listen, we must banish "but" from our vocabulary. How many times has someone told us how well we have performed -- and we were feeling good about the feedback, listening carefully -- then we have heard "but," and the positive, energizing part of the feedback was lost in the "but" and what followed it. "But" is nobody's friend -- listener or speaker. "And" provides the graceful transition, the nonthreatening bridge to mutual appreciation, the communication that builds effective relationships. Replacing "but" with "and" is the best advice I could give to the leader who listens and wants others to listen with an open mind.

There is another kind of listening -- listening to our inner self. Listening to the whispers of our lives is critical. If we don't listen to the whispers of our lives, we miss many messages. I have written elsewhere about three kinds of whispers (see "[Putting One's House in Order](#)," *Leader to Leader*, no. 16, Spring 2000). First are the whispers of the body, when our body tries to tell us that something is not quite right. The more intellectual we are the more we tend to ignore the whispers of our bodies. Then one day an illness emerges and we can go back to that day when there was this whisper and we blocked or ignored it. And then there are whispers of the heart, of all the people we love, who love us, of our relationships. There are the whispers of the spirit, however we define our faith, that inner spirit, the spirit within -- those quiet whispers that can comfort, heal, inspire.

The whispers of our lives are very important. When we ignore them our lives are diminished. We never reach the levels we could in understanding ourselves or in strengthening our relationships with others.

As I finish this column the future is ever more tenuous. I think again of my grandmother who, even as she listened to her children and her grandchildren, told us stories about the men in the family who went off to the Civil War and stories about their wives who were left behind to take care of children and farms. She talked in such a compelling way that we listened and remembered her stories long, long after she was gone and we were grown. (She left a treasure of Civil War letters and diaries for those grandchildren who had listened to her tales of the seven Pringle brothers who fought in the Civil War. Recently a cousin, one of those fortunate grandchildren who had listened to his grandmother's stories and inherited family Civil War letters, wrote and produced a poignant play based on Philip and Mary Pringle's letters, "Soldier, Come Home.")

A world at war requires new levels of leadership from all of us wherever we are, in whatever we are doing. When times are difficult, the art, the discipline of effective communication, becomes even more essential, and listening is the key for leaders who would be heard. Those who practice the art of diplomacy will fail unless the art of listening is an indispensable part of their portfolio. Listening is part of the art of

leadership: never more needed, never more essential for leaders of change -- the indispensable companion on our journey to leadership.

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The Campaign for Leadership by Frances Hesselbein

Leader to Leader, No. 17 Summer 2000

In the months ahead, the campaign for the U.S. presidency will focus the attention of most Americans on the important issues of the day. While the contested positions and policies may get most of the ink, the process of choosing a new leader of the world's oldest democracy raises deeper questions. For many, the election awakens a yearning for hope and renewal. It brings to the fore our need for effective leadership.

The quest for leadership is not limited to the political arena, and the spotlight of leadership can be harsh wherever it finds us. As a leader, every time we speak we are running for office.

What does it take to lead effectively? How can people throughout our organizations and communities grow to assume even greater responsibility? As we move forward in a new century, what new demands will be placed on leaders, and what kind of leaders will be most successful?

The answers will be found in our own experience, observations, and life learnings. For me, these questions, and some possible answers, crystallized at a powerful session of the World Economic Forum in Davos, Switzerland, last January.

On a panel presented by the World Council of Women Leaders, I joined seven remarkable people -- including the president of Latvia, the president of the National Bank of Poland, and the premier of Bermuda -- for an energetic exchange on leadership. These women led major public institutions, even entire governments. As each told her own story, we came to a deep understanding of what it means to lead effectively. Four lessons emerged.

- The skill set used successfully in a previous position may not be the one required as a chief executive. We do not repeat the past but build upon it.
- The power of language is critical as we develop those few recurrent messages that mobilize our people.
- The organization's mission, its reason for being, must be distilled until the language is short, powerful, compelling, and as Bill Pollard has written, seen as an "organizing principle."

- The old hierarchy is dead. We must build flexible, fluid, circular management structures with high involvement and inclusion of all -- structures that permit us to lead people and not to contain them.

Any effective leader must strive to manage for the mission, manage for innovation, manage for diversity, and manage for the future, not for the past. But what kinds of leaders will be most successful in the 21st century, and what demands will those leaders face?

In the end it is the quality and character, a leader's understanding of how to *be*, not how to do, that determines the performance, the results. Technical competence is a given; personal qualities are decisive. In today's world, leaders must be healers and unifiers with a moral compass that works full time. While living and articulating core values, they practice dispersed leadership -- moving the responsibilities of leadership across the organization. This new kind of leader will face many demands. Three of them are:

- *Effective communications.* Using the available and emerging technology to communicate with all our constituencies, recognizing that communication is not just saying something -- it is being heard.
- *Self-assurance.* In highly visible, sometimes uncomfortable positions, in a media environment that demands crisp soundbites, leaders cannot appear scripted. We must be at once so confident and comfortable with ourselves and our positions, and so empathetic toward others, that we can deliver a message that is focused, consistent, and relevant.
- *Collaborative courage.* We are just at the beginning of an era of essential partnerships, alliances, and coalitions. We are learning to build community beyond the walls of the organization, with the same kind of initiative and energy we have used in building the organization within the walls.

Looking forward to November, I see the power of four components of "how to be" rather than "how to do" leadership.

- *The Power of Vision.* One of the roles of leaders is to hold before people a vision of what could be and their role in moving toward that promise.
- *The Power of Judgment.* Some decisions are clear-cut. More often they are fraught with ambiguity -- especially when they are decisions about people. The smartest leaders I know take time to think before answering a tough question. Even in the political arena, true leaders are never flip, glib, or offhand as they respond to issues that affect people.
- *The Power of Biography.* Warren Bennis once said of several outstanding leaders that they "never started out to become leaders. They began by expressing themselves in their work and, along the way, they became leaders." So too the leaders at Davos, each of whom used the power of her life story to inspire others. Who we are, what we did, why we did it, and the values that guided all

our actions are part of our personal history, and biography is a powerful tool in politics and in organizations.

- *The Power of Good Manners*. One might think that good manners have no place in a hurly-burly campaign -- even that they belong to another era. Wrong. Peter Drucker has long reminded us that "good manners are the lubricating oil of good relationships." In all leadership, the respect of constituents can be won only with great effort and mutual respect, and can be lost with one destructive comment or action.

The choices American voters make in November will shape lives for years to come. So do the choices leaders make every day in our families, our organizations, our communities. That is why every leader must campaign for the trust and support of all those whose passion and action will shape our future.

NBC NEWS' MEET THE PRESS

Interview with US Secretary Colin Powell, Department of State; Senator Joseph Biden, D-DE, Ranking Member, Foreign Relations Committee; Senator John McCain, R-AZ, Armed Services Committee

On Sunday 16 May 2004, NBC News' Meet the Press featured interviews with

- Secretary Colin Powell, Department of State
- Democrat Senator Joseph Biden, D-DE, Ranking Member, Foreign Relations Committee
- Republican Senator John McCain, R-AZ, Armed Services Committee.
- Former Wartime Secretary of Defense, Robert McNamara from 36 years ago

The Moderator was Tim Russert from NBC News.

This interview covers several pertinent issues with key US politicians who evaluate the deteriorating situation in Iraq, the US government's rationale and management of the whole affair, what could be done by the government to salvage the situation and the significance of Iraq in the context of the upcoming US election.

"Moderator Tim Russert: ... In February of 2003, you put your enormous personal reputation on the line before the United Nations and said that you had solid sources for the case against Saddam Hussein. It now appears that an agent called Curveball had misled the CIA by suggesting that Saddam had trucks and trains that were delivering biological and chemical weapons. How concerned are you that some of the information you shared with the world is now inaccurate and discredited?

Secretary Colin Powell: I'm very concerned. When I made that presentation in February 2003, it was based on the best information that the Central Intelligence Agency made available to me. We studied it carefully; we looked at the sourcing in the case of the mobile trucks and trains. There was multiple sourcing for that. Unfortunately, that multiple sourcing over time has turned out to be not accurate. And so I'm deeply disappointed. But I'm also comfortable that at the time that I made the presentation, it reflected the collective judgment, the sound judgment of the intelligence community. But it turned out that the sourcing was inaccurate and wrong and in some cases, deliberately misleading. And for that, I am disappointed and I regret it."

The interview with Colin Powell covers the following issues:

- Allegations of abuse of Iraqi prisoners at Abu Ghraib Prison in contradiction to the Geneva Convention
- Following the chain of accountability up to see if there was anybody above the soldiers who were responsible for ordering the inhumane treatment of the Iraqi prisoners
- Helping establish the Iraqi interim government or cutting and running
- Miscalculated being greeted as liberators, miscalculated the number of troops needed, miscalculated the extent of weapons of mass destruction
- Why the silence from the Arab world about the beheading of Mr. Berg?
- Staking his personal credibility before the United Nations when laying out the case against Saddam Hussein having weapons of mass destruction

The later part of the interview with Joseph Biden and John McCain features their views to the following issues:

- What should we do in Iraq?
- Eroding national and international support
- What serious errors were made?
- What specifically must President Bush do "to turn this thing around"?
- Should President Bush reach out to Russian President Putin, French President Chirac, German Chancellor Schroeder, and meet with them? Will they offer support?
- Eighty-two percent of Iraqis want the US out. What happens if the elected Iraqis say, "We don't want you here?"
- With Fallujah being controlled by Saddam's military, can Iraq get to a stage where there is democracy?
- The damage done by the treatment of Iraqi prisoners - How high up does the scandal go? Is it plausible that National Guardsmen and Reservists would undertake this kind of activity without being instructed?
- Has President Bush bet his presidency on the outcome of the war in Iraq?

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NBC NEWS' MEET THE PRESS

Guests: Secretary Colin Powell, Department of State; Senator Joseph Biden, D-DE, Ranking Member, Foreign Relations Committee; Senator John McCain, R-AZ, Armed Services Committee Moderator/Panelist: Tim Russert - NBC News

Sunday, May 16, 2004

Tim Russert: Our issues this Sunday: Secretary of Defense Rumsfeld talks to the troops in Iraq about prison abuse.

(Videotape):

Secretary of Defense Donald Rumsfeld: In recent months, we've seen abuses here under our responsibility and it's been a body blow for all of us, but it doesn't represent America.

Russert: An American civilian is beheaded.

(Videotape):

President George W. Bush: There is no justification for the brutal execution of Nicholas Berg--no justification whatsoever.

Russert: And the president asked Congress for more money for Iraq. What now?

With us: the Secretary of State, Colin Powell. Will Iraq be the most important issue in the Bush-Kerry race? With us: former POW, now Republican senator from Arizona, John McCain, and the ranking Democrat of the Senate Foreign Relations Committee, Joe Biden of Delaware. Powell, McCain, Biden, only on Meet the Press. And in our Meet the Press Minute, a wartime secretary of Defense admits mistakes and miscalculations.

(Videotape):

Secretary Robert McNamara: I don't think any of us predicted seven years ago or 15 years ago the climate of 500,000 men in Vietnam. I know I didn't.

(End videotape)

Russert: But first: Earlier this morning, I spoke to Secretary of State Colin Powell, who is in Jordan. Secretary Powell, good morning. Let me show you the headline that greeted Americans and people around the world yesterday.

"Powell Says Troops Would Leave Iraq if New Leaders Asked." What happened to staying the course?

Secretary of State Colin Powell: We are planning to stay the course and we expect that the Iraqi interim government that will come into place on the 1st of July, would certainly ask us to remain and help them stay the course. Excuse me, Tim. But, basically, what we are anxious to do is return sovereignty, but it's a long way between that initial return of sovereignty and national elections. And we're confident that we will stay the course. This was in response to a specific question as to what sovereignty meant.

Russert: But, Mr. Secretary, if you look at a poll taken by our own government, the Coalition Provisional Authority, it says, "Four out of five Iraqis report holding a negative view of the U.S. occupation authority and of coalition forces, according to a new poll conducted for the occupation authority. In the poll ... 82 percent said they disapprove of the U.S. and allied militaries in Iraq."

This was before the allegations of prison abuse. If a government is in power in Iraq, is responsive to its people, why wouldn't they say to the U.S, "Get out"?

Powell: Because there's still a need for the U.S. to remain. They need our financial support. They need the reconstruction effort that is under way. And, frankly, they need the U.S. armed forces and the other coalition forces that are present to help create an environment of security and stability so they can get on with the process of rebuilding their country and preparing themselves for national elections. We don't want to stay one day longer than we have to, but we know they want us to remain long enough so that they have their own security forces built up and in place and that'll take some time.

Russert: John McCain said this the other day, Mr. Secretary: "If we fail in Iraq, we will have taught our enemies the lesson of Mogadishu, only one hundredfold: If you inflict enough pain, America will leave. Iraq will then descend into chaos and civil war. Warlords will reign. There will be bloodletting. We will have energized the extremists and created a breeding ground for terrorists, dooming the Arab world." Do you agree?

Powell: We certainly are not going to cut and run. The president's made that clear. And quite the contrary, as you see from what Secretary Rumsfeld and General John Abizaid have done, we are stabilizing our force at a higher level than we thought we would at this point? Why? Because there is still danger there. Why? Because the work is not finished. Why? Because we need to help the Iraqi interim government as it is established create an environment of security.

So we're not going to walk away. We're not going to cut and run. We're going to stay and help the Iraqis do what we know the Iraqi people want and that is to have a democracy based on free elections. It takes time to get there and we are on our way with the creation of an Iraqi interim government.

Over the past several weeks, we've set up 11 Iraqi ministries that are now free-standing, not connected to the Coalition Provisional Authority. Of course, the Iraqis want the occupation to end. They want the Coalition Provisional Authority to cease its work and that's going to happen when this Iraqi interim government is established, but they need our troops there for some considerable period of time in the future to provide the security environment needed so that they can have free, open and fair election and have the time to build up their own security forces.

Russert: In those free, open and fair elections, if the Iraqi people choose an Islamic theocracy similar to what we have in Iran, we would accept that?

Powell: We will have to accept what the Iraqi people decide upon. But right now, I think most Iraqis understand that in order to live together in peace as a single nation, they have to have a nation which understands the role of the majority but respects the role of minorities within a country. And they know they have to have, for international acceptability, a country that preserves human rights, that is founded on democracy, that respects the rights of all individuals and respects the rights of women, that respects basic tenets with respect to open speech and meeting fundamental needs of the people and the fundamental standards of human rights that all of us believe in.

Russert: But, Mr. Secretary, if the Iraqis opt for an Islamic theocracy, which could easily become a haven for terrorists, how then do we explain to the 782 who died or the nearly over 4,000 who were wounded or injured that this was worth the fight?

Powell: I don't think that's going to be the case. I think that those who have given their lives in the cause of freedom for the Iraqi people will see that the Iraqi people are interested in creating a democracy. If you look at the same kind of polling that you mentioned earlier, that's what they are interested in, that's what they're looking for. If you talk to some of the Shia leaders, such as Mr. Sistani and others, Ayatollah Sistani, they are talking about openness and freedom. Surely everybody understands it is a nation that rests on the faith of Islam, but they also know that in order to be successful as a 21st-century country, they have to respect the rights of all individuals and not allow a purely fundamentalist regime to arise in the country. And my sensing of what the Iraqi people want is a democracy with a majority, but with respect for all the minorities, all working together to create the kind of country they'll be proud of.

Russert: Bob Woodruff reports that on August 5, 2002, you met with the president and warned him about Iraq; that, in your words, "You break it, you bought it." In light of the fact that we have miscalculated being greeted as liberators, miscalculated the number of troops needed, miscalculated the extent of weapons of mass destruction, do you wish the president had followed your advice?

Powell: My advice to the president was that we had to be sure that we understood the difficulties of managing this country once we took it over, if that's what it came to. The

advice I gave to the president was that we should take it to the international community, to the United Nations, to see if there was a diplomatic solution before we resorted to the use of force. And if we had to resort to the use of force, we had made the efforts with the United Nations so that we could get coalition partners to join us. And the president followed that advice.

My advice to the president was to make sure that we understood all the consequences of the actions that we're about to take. And he took that advice, and he responded to that advice by going to the United Nations. And we went to the United Nations. We knew that it would either be solved diplomatically or through use of force. And we knew that if it was the use of force, we would be in for a challenging time. We would be responsible for the fate of 25 million Iraqis. The president understood that. And we are acting on that responsibility.

We have 138,000 troops there providing security. We have provided \$18 billion for reconstruction and we're helping now the Iraqi people develop a democratic system. We are putting in place ministries that are functioning and we're going to be moving forward to elections. And so, yes, the place was broken after the war. And we're well on our way to fixing it.

Russert: Let me show you the video of Nicholas Berg, with the terrorists behind him who are about to behead him. When you see that picture and then what happened to Mr. Berg, are you satisfied with the level of outrage that exists in the Arab world, the level of outrage that has been formally announced by Arab leaders?

Powell: I think that should be a higher level of outrage. Notwithstanding what people think, what we did at the prison, there can be no comparison to the actions of a few who are going to be punished and brought to justice as a result of what happened at Abu Ghraib. But what we saw with this horrible, horrible, horrible, horrible murder of Mr. Berg should be deplored throughout the world. It is an outrage and the terrible thing about it is these individuals are yet to be brought to justice. They have no concept of justice. They have no concept of right. What a horrible thing for them to have done. But as the president said, we will do everything we can to bring all of these people to justice so they can pay for this horrendous crime.

Russert: Why the silence from the Arab world about Mr. Berg?

Powell: Well, I don't know, Tim. I wish I could explain that. There ought to be outrage. There is anger in the Arab world about some of our actions, but that is no excuse for any silence on the part of any Arab leader for this kind of murder. This kind of murder is unacceptable in anyone's religion, in anybody's political system, that is a political system based on any kind of understanding and respect for human rights. And so I would like to have seen a much higher level of outrage throughout the world, and especially the Arab world, for this kind of action.

Russert: Let me show you a picture of a United States soldier holding an Iraqi prisoner by a dog leash. That, too, is seen around the world. This morning, Seymour Hersh reports, "The roots of the Abu Ghraib prison scandal lie not in the criminal inclinations of a few Army reservists but in a decision, approved last year by Secretary of Defense Donald Rumsfeld, to expand a highly secret operation, which had been focussed on the hunt for Al Qaeda, to the interrogation of prisoners in Iraq. ... According to interviews with several past and present American intelligence officials, the Pentagon's operations, known inside the intelligence community by several code words, including Copper Green, encouraged physical coercion and sexual humiliation of Iraqi prisoners in an effort to generate more intelligence about the growing insurgency in Iraq."

Your reaction.

Powell: I haven't read the article and I don't know anything about the substance of the article. I've just seen a quick summary of it, so I will have to yield to the Defense Department to respond. And I think the initial response from the Defense Department is that there is no substance to the article, but I will have to yield to the Defense Department to handle any further comment, Tim.

Russert: But, Mr. Secretary, Newsweek reports that on January 25, 2002, the White House counsel, Alberto Gonzales, wrote a memo to your department which said, "In my judgment, this new paradigm of terrorism renders obsolete Geneva's strict limitation on questioning of enemy prisoners and renders quaint some of its provisions, the Geneva Accords." And it is reported that you hit the roof when you saw that memo to scale back, in effect, on the rules governing the treatment of prisoners. Is that accurate?

Powell: I don't recall the specific memo and I wouldn't comment on the specific memo without rereading it again. But I think I have always said that the Geneva Accord is an important standard in international law, and we have to comply with it, either by the letter, if it's appropriate to those individuals in our custody that they are really directly under the Geneva Convention, or if they're illegal non-combatants and not directly under the convention, we should treat them nevertheless in a humane manner in accordance with what is expected of us by international law and the Geneva Convention.

Russert: Mr. Secretary, you met with the International Red Cross on January 15. In February, they released their report which said that, amongst the other allegations, male prisoners were forced to wear women's underwear; prisoners were beaten by coalition forces, in one case leading to death; coalition forces firing on unarmed prisoners. And then in May, you and others in the administration said you were "shocked" by the allegations about U.S. forces' treatment of Iraqi prisoners. Didn't you have a heads-up on this whole problem?

Powell: In January, when I met with the head of the International Committee for the Red Cross, Mr. Kellenberger, he said to me that a report would be coming and it would outline some serious problems with respect to the treatment of prisoners in Iraq. We were aware of that within the administration. He also met with Dr. Rice and with Deputy Secretary of Defense Paul Wolfowitz.

And then in early February, the actual report was presented to our authorities out in Baghdad, both to Ambassador Bremer's office and to General Sanchez's office. By then, of course, an investigation was already under way as a result of a soldier coming forward in the middle of January and outlining specific cases of abuse, and so an investigation was well under way by time the report was made available in February to the command. I first saw the report in March when it was made available eventually to us in Washington.

Russert: But you're a military man. Do you believe that national reservists would go to Baghdad with hoods or dog leashes and actually undertake that kind of activity without it being devised by someone higher up?

Powell: I wouldn't have believed that any American soldiers would have done any such thing, either on their own volition or even if someone higher up had told them. I'm not aware of anybody higher up telling them. But that's why Secretary Rumsfeld has commissioned all of these inquiries to get to the bottom of it. What these individuals did was wrong, was against rules and regulations. It was against anything they should have learned in their home, in their community, in their upbringing. So we have a terrible collapse of order that took place in that prison cell block. Let's not use this to contaminate the wonderful work being done by tens of thousands of other young American soldiers in Iraq. We'll get to the bottom of this. Justice will be served.

The command responded promptly. Court-martials are already scheduled. And I know that the president wants to make sure that we follow the chain of accountability up to see if there was anybody above these soldiers who knew what was going on, or in any way created a command climate in which such activities might in some bizarre way be found acceptable. They were not acceptable in any way. And one soldier stood up and said, "I know this is wrong," reported it to his chain of command, and the chain of command responded the very next day with the launching of an investigation that became the General Taguba investigation.

Russert: Finally, Mr. Secretary, in February of 2003, you placed your enormous personal credibility before the United Nations and laid out a case against Saddam Hussein citing...

Powell: Not off.

Emily: No. They can't use it. They're editing it. They (unintelligible).

Powell: He's still asking me questions. Tim.

Emily: He was not...

Powell: Tim, I'm sorry, I lost you.

Russert: I'm right here, Mr. Secretary. I would hope they would put you back on camera. I don't know who did that.

Powell: We really...

Russert: I think that was one of your staff, Mr. Secretary. I don't think that's appropriate.

Powell: Emily, get out of the way.

Emily: OK.

Powell: Bring the camera back, please. I think we're back on, Tim. Go ahead with your last question.

Russert: Thank you very much, sir. In February of 2003, you put your enormous personal reputation on the line before the United Nations and said that you had solid sources for the case against Saddam Hussein. It now appears that an agent called Curveball had misled the CIA by suggesting that Saddam had trucks and trains that were delivering biological and chemical weapons. How concerned are you that some of the information you shared with the world is now inaccurate and discredited?

Powell: I'm very concerned. When I made that presentation in February 2003, it was based on the best information that the Central Intelligence Agency made available to me. We studied it carefully; we looked at the sourcing in the case of the mobile trucks and trains. There was multiple sourcing for that. Unfortunately, that multiple sourcing over time has turned out to be not accurate. And so I'm deeply disappointed. But I'm also comfortable that at the time that I made the presentation, it reflected the collective judgment, the sound judgment of the intelligence community. But it turned out that the sourcing was inaccurate and wrong and in some cases, deliberately misleading. And for that, I am disappointed and I regret it.

Russert: Mr. Secretary, we thank you very much for joining us again and sharing your views with us today.

Powell: Thanks, Tim.

Russert: And that was an unedited interview with the secretary of state taped earlier this morning from Jordan. We appreciate Secretary Powell's willingness to overrule his press aide's attempt to abruptly cut off our discussion as I began to ask my final question.

Coming next, the view from the Senate with Republican John McCain and Democrat Joe Biden. Then, our Meet the Press Minute, with wartime Secretary of Defense Robert McNamara from 36 years ago. All coming up right here on Meet the Press.

Russert: Senator John McCain, Senator Joe Biden, what should we do in Iraq? After this station break.

Russert: And we are back. Senators McCain and Biden, welcome. Senator McCain, let me ask you about a speech you gave in April of this year. "...as we continue to see large numbers of American casualties a year after Americans were told major combat was over, I fear U.S. public support is eroding. So I think we need to admit that serious errors have been made, increase our troop strength in Iraq and do what's necessary to turn this thing around." What serious errors were made?

Sen. John McCain, R-AZ: I think several. One was the lack of sufficient troops there which allowed the looting to take place, which established kind of a lawless environment. I think any law enforcement person would tell you that the environment is a very important aspect of it. The fact that we island-hopped and left certain areas of towns and cities around Baghdad as well as in the Sunni Triangle alone. I think it's because we probably didn't make sufficient plans to turn over the government as quickly as possible and a level of expectation that probably was unrealistic, which led to a certain amount of disappointment, but a lot of it had to do with lack of sufficient troop strength at the time that "combat phase" was over.

Russert: Senator Biden, what serious errors were made?

Sen. Joseph Biden, D-DE: First of all, there was no imminent threat. By making it an imminent threat, we squandered the opportunity to get international support. We could have easily done this instead of in the fall, in the spring--isolated the French and Germans, gotten more support, number one.

Number two, too little power. John's right. Imagine if we had not treated the French--excuse me, the Turks with such disdain, that 4th ID would have come down from the north through the Sunni Triangle, there may not be a Sunni Triangle. As John pointed out, too few troops, looting, 850,000 tons of weapons left open, not able to guard them and then we went with too little legitimacy. Remember the notion. There was going to be a guy named Garner and a guy named Chalabi. Before they even flew in troops, they flew in Chalabi who was going to come from the south as a Shia and, you know, be the liberator from outside.

I think they just miscalculated from the very beginning which is--that doesn't bother me as much as the failure to acknowledge how badly they miscalculated, and as John suggested and others of us have, do something about it. A year ago, I called for more force. John visited after that, as well, argued we need more force. I don't know what it is. They seem to be unwilling to acknowledge the mistakes made and trying to correct them.

Russert: You mentioned Mr. Ahmad Chalabi. He was the person responsible for the agent Curveball, that I talked about with Secretary Powell, who gave discredited information. Mr. Chalabi is still on the payroll of the United States government for three...

Biden: Almost 400 a month.

Russert: Four hundred thousand dollars...

Biden: A month.

Russert: ...per month.

Biden: Yeah.

Russert: Should he be taken off?

Biden: He should have been taken off to begin with. Look, I was on your show after Chuck Hagel and I came back from--after we sort of got smuggled into northern Iraq before the war. The reason we went to see the Talibani and Barzani clans of the north and I said to them--I said, "By the way," I said, "Tell me about Chalabi. Are you guys with Chalabi?" They said, "Chalabi's his own man. We're not part of him," even though they formed the INC with him. I think he seems to be the darling of the vice president and of some of the civilians in the Defense Department. I think he's a problem, he's not part of the solution. But yet there seems to be an unwillingness to break from him.

Russert: Senator McCain, in that speech I read to you a few minutes ago, you said "to do what's necessary to turn this thing around." I'm going to ask both you and Senator Biden to try to be very constructive here. What specifically must President Bush do "to turn this thing around"?

McCain: I believe that we have to make sure that we stick to the June 30 date. I believe we should accelerate the date of the elections. I think that many parts of the country, including in Baghdad, that we could have these elections. They may be flawed but the quicker we turn the government of the Iraqi people over to the Iraqi people, the more it will be then the insurgents verses the Iraqi government rather than the insurgents against us. And I would accelerate the timetable for the elections and I would certainly

enter into the status of forces agreement so that we would know exactly the relationship between the U.S. military and new Iraqi government.

Russert: Senator Biden?

Biden: About the same as John. I would make this about the Iraqi people, not about us. Look, it's real simple. Why are we there? We're there now to make sure the Iraqis end up with a government. What kind of government? One that's secure, its own borders, is representative, is not a threat to its neighbors and does not have weapons of mass destruction. How do you get there? You get there by an election. An election is going to take place, hopefully in November or December of 2005. What do you need to do that? You need more security and more legitimacy. Right now, 82 percent of the people don't want us there. This new government we're going to get, they're not going to be happy if they wake up on July the 1st and there are still 138,000 Americans and no one else. We need a contact group. We need to get to the major powers and, say, "Look, here's the deal, guys. Sign on to Brahimi's plan. Help us pass a resolution that is a NATO-led multilateral force to be in place for Iraq," giving an excuse to the Iraqi government to be able to cooperate. And those who say NATO will not cooperate, I met with five four-stars for a two-hour conversation yesterday, with Jim Jones. If the president will lead, if the president gets on a plane and/or summons or asks the major European leaders to come here, NATO will authorize the use of NATO forces.

Russert: Do you believe President Bush should reach out to Russian President Putin, French President Chirac, German Chancellor Schroeder, and meet with them?

Biden: Absolutely. Positively. This is about presidential leadership. That's what it takes. It needs a president. I don't believe this is lost. I believe it will be lost if the president does not lead.

Russert: Senator McCain, should the president embark on such a mission, meeting with Putin, Chirac and Schroeder?

Biden: As well as Blair.

McCain: I think he should. I think he should at every opportunity and I think that we should encourage more U.S. participation, but at this point I disagree with my friend Joe. I think the likelihood of that happening is not good. We have to increase U.S. troop strength to do the jobs that's necessary.

Biden: I agree.

McCain: But let me just say that the Iraqi people don't want Americans there as occupiers. But if the Iraqi people saw us there as a way to provide security and to bolster the government and help them make this transition, I think these numbers

would be very different. I just don't see our friends in Paris now agreeing to significant NATO involvement. I'm sorry to tell you, because of many of the errors in the past, the bulk of the responsibility is going to lie with America. But should President Bush seek help wherever he can? Absolutely. But it's still going to be America's mission.

Biden: Tim, it is America's mission. Ninety percent of the troops will remain American. We've got to change the face of it, though. No German troops, no French troops, the no German or French veto for NATO-led force. I want a NATO commander, I want--which is an American. I want a NATO label on it. That, in turn, will get additional likelihood of Muslim countries being willing to participate. But the additional U.S. forces must be U.S. forces. But you need legitimacy along with it, Tim. And the legitimacy requires to give the new Iraqi government excuse to say, "It's not the same old deal."

Russert: Senator McCain, you know politics is politics. If 82 percent of the Iraqi people don't want U.S. troops there, if there are, in fact, free elections in Iraq, when someone runs for office, they probably in all likelihood will have to run against America or not be perceived as an American puppet. And what happens in those elected Iraqis say, "We don't want you here?"

McCain: Well, again, I just have to repeat what I said before. I believe that the religious leaders, the Shiites who have now turned on al-Sadr, and others understand that they cannot let an insurgency take over their country in ensuing chaos and return to some kind of authoritarian government. I believe that if there's a relationship where the United States of America and our allies--and I'm not that much in disagreement with Joe--do provide the security to make that government function well, then I think the Iraqi people would appreciate it. Eighty-two percent of them want us out because they don't want us governing their country, and I understand that.

Russert: Senator Biden, we have a situation where Mr. Brahimi, the U.N. representative in Iraq, has called Israel's policies poison and said the United States is supporting poison. We have a situation where Saddam's military is in charge of Fallujah. When you look at the situation in Iraq now, are you optimistic that it can get to a democracy anytime soon?

Biden: I've never been of the view, never once said that I thought there could be a democracy in the terms of a liberal Western democracy. My greatest hope would be that there'd be a representative government, secure within its own borders, where the bulk of the Iraqi people thought they had a stake in the outcome of that government. I still think that's possible, but, Tim, I'm not playing a game here. It requires presidential leadership. I met with the president on Wednesday and he asked me the same question. I said, "Mr. President, you sit in a chair that commands worldwide respect and you have a reputation for moral clarity. It's time for you to lead, Mr. President." We keep talking about not cutting and running. I want this administration to stop walking and reacting. They walk and they react. There's no sense of urgency here.

Russert: Senator McCain, do you think the Bush administration understands the sense of urgency necessary to deal with Iraq at this moment?

McCain: I think they're beginning to. I think the increase in troops, which actually has taken place and more may be needed, is an indication of that. I believe this commitment to hold firm to the June 30 date. As was mentioned earlier, mistakes happen in war. That's why we try to avoid them. Mistakes have been made. I think we all acknowledge that. The important thing is, we are in a crucial time. This is the point where we can still achieve success in Iraq if we get a legitimate election and a legitimate government in power. And now's the time that, yes, we need presidential leadership and we need congressional leadership, and we have to understand that if we lose this conflict, the consequences are enormous. And the benefits of success are also enormous.

Russert: Let me turn to the whole issue of the alleged torture of Iraqi prisoners. Senator Ted Kennedy on Monday took to the floor of the Senate and made this observation: (Videotape, Monday):

Sen. Ted Kennedy, D-MA: On March 19, 2004, President Bush asked: Who would prefer Saddam's torture chambers still be open? Shamefully, we now learn that Saddam's torture chambers reopened under new management, U.S. management.

(End videotape)

Russert: Is that appropriate, Senator Biden?

Biden: I think it's a little harsh. Look, I don't think they're nearly equivalent, but I do think that the damage done by the treatment of Iraqi prisoners, and we saw the pictures and John--look, I yield to John totally on this. I think John has been absolutely eloquent about the lack of facility, the lack of success that comes with this kind of treatment. And it just undermines us. Big nations can't act small. Noble nations can't act meanly. It is not comparable to say that, "Well, they do it; therefore, we can do it similarly." It does us incredible damage, but I don't think it's comparable to Saddam's torture chambers by any stretch of the imagination. But it is as damaging to us as Saddam's actions were to his reputation.

Russert: Senator McCain, there is a debate within your Republican Party as to how to deal with this particular issue. Senator Inhofe of Oklahoma on Tuesday offered this:

(Videotape, Tuesday):

Sen. James Inhofe, R-OK: ...this outrage everyone seems to have about the treatment of these prisoners. I have to say--and I'm probably not the only one up at this table that is more outraged by the outrage than we are by the treatment.

(End videotape)

Russert: You were someone who was tortured in a North Vietnamese prison cell. Can you talk about torture of a soldier and how you see it as relates to this particular allegation against U.S. soldiers?

McCain: Tim, I believe my view is shaped more by my view of the role of America and the world than whether I was in a prison camp more than 30 years ago. I'm an idealist. I adhere to Wilsonian principles. I believe we are the noblest experiment in the history of the world, and now we are the world's superpower and we have the opportunity to bring democracy and freedom to every part of the world, not through bullets and Humvees but through our example. With all our problems and flaws that we have, which I point out almost every day, we are an incredible example to the world. We are a shining city on a hill. And what this does is that it diminishes our reputation so dramatically.

You're going to see pictures of that guard with a leash on an Iraqi in Burma and in Belarus. And that's a huge penalty that we'll be paying for the sins of a few or some. We still don't know how systemic this was and all the ramifications of it. We've got to get to the bottom of it. We've got to prove that we as a nation punish those--another difference between us and Saddam Hussein...

Biden: That's true.

McCain: ...and other countries criticizing us, we will punish those responsible. In many countries that are criticizing us today, it is common practice. But that doesn't matter. We distinguish ourselves by our treatment of our enemies. And there are conventions for the treatment of prisoners of war. And my view in Iraq, they were violated and we cannot let this happen again. And you got to get everything out as quickly as possible. Take remedial action and move forward and take the measures that we were talking about earlier in the program.

Russert: So you are not outraged by the outrage?

McCain: No. I'm saddened. I'm saddened by what it hurts the reputation of our brave young men and women who are serving with such honor and sacrifice. But I'm also saddened by the image of America in the world. There are prisons all over the world that are looking for our adherence to human rights, the people are, and that we will bring about their freedom. This diminishes our ability to achieve that goal.

Russert: Senator Biden, as I mentioned to Secretary Powell, New Yorker magazine has an article today talking about Operation Copper Green, which suggests that this coercion was instructed by the highest levels of the Pentagon. The Pentagon is denying that. Newsweek reports, White House counsel Alberto Gonzales wrote a memo back in

2002 suggesting that the Geneva Accords' strict limitations had become somewhat obsolete and rendered quaint. How high up do you believe this scandal may go?

Biden: I don't know. It's much higher than these young guards. Look, there's obviously, at a minimum, a policy of a studied ambiguity here, Tim. There is plausible deniability built in everywhere here. There's sort of the morphing of the rules of treatment. We can treat al-Qaeda this way and we can't treat prisoners captured this way, but where do insurgents fit, etc.? This is a dangerous slope. And, look, we're talking about democracy in the Middle East. The single most essential element of democracy is accountability. There is no accountability so far. It cannot be just those people in that prison. It doesn't seem rational, based on my experience. And another piece of this is, where is this notion of the for the good of the country? Where's the nobility of this administration, somebody, coming forward and saying more than, "I take responsibility but I have--but there are no consequences here"? I mean, look, it's not merely whether or not they were involved, it's whether or not they should have known and didn't do anything. But, again, accountability. The rest of the world, as John is saying, is looking for who is responsible. Are we different than other nations?

Russert: Senator McCain, you're a military man, highly decorated. Do you think it's plausible that National Guardsmen and Reservists would undertake this kind of activity without being instructed?

McCain: I don't think so. I think that there's real questions about this "shift in responsibility" where military intelligence people were given authority over the Guards. There are so many questions that need to be answered. And I agree with Joe in this respect. We need to take this as far up as it goes and we need to do it quickly and I am convinced that the sooner we do that, the sooner the United States of America can begin to reassert its rightful place in the world as a leading advocate for democracy and human rights. And we are signatories to certain protocols as well as adherence to the Geneva Convention which should apply in Iraq.

Russert: This is a presidential election year. I don't have to tell either of you gentlemen. Newsweek, this is the latest poll. President Bush's job approval? Approve, 42 percent; disapprove, 52 percent. President Bush's handling of the situation in Iraq? Approve, 35 percent; disapprove, 57 percent. Senator McCain, what do those numbers tell you for Republican President George Bush?

McCain: It means that we've got to get this issue--bring closure to this issue as quickly as possible, assign whatever responsibility there is and move on, because the thing that bothers me more than the presidential implications is that Americans, when they saw these pictures, turned away from him, as I turned away when I saw them, and we cannot lose this and we cannot lose the American support, public support for this conflict. And that's, I think, the more serious consequences than even to the fortunes of President Bush.

Russert: Senator McCain, do you believe that President Bush has bet his presidency on the outcome of the war in Iraq?

McCain: No, I think he's bet it on the economy, which is becoming very strong and going to be very helpful to him. But, clearly, what happens in Iraq will have significant impact. And I think one of the aspects of that will be the level of casualties and how Americans believe that we have done our stated goal of bringing freedom and democracy to Iraq.

Russert: Senator Biden, even though President Bush has a 42-percent job approval and 57 percent disapprove of his handling of the war in Iraq, in the head-to-head race with Senator Kerry, it's John Kerry, 43 percent, George Bush 42 percent, Ralph Nader, 5 percent. Practically a dead heat. What's the problem with Senator John Kerry, the Democratic candidate?

Biden: I don't think there's any problem. I think they just don't know John Kerry. You know, everybody thinks because when you go through and win a primary everybody knows you. The vast majority of the people don't have a firm opinion to John yet and they're not likely to. And I think the poll reflects a view of mismanagement.

Look, the Democrats cannot count on the failure of Bush for the success of the Democratic Party and because--and the American people, including this senator, want Bush to succeed because Bush's success is America's success. Bush's failure is America's failure. I think these poll numbers reflect the notion this has been mismanaged badly, and the war in particular. I think it is about the war, even more than the economy right now. And I think that the president is going to have to start to level with the American people beginning with the cost of the war, beginning with what we have to do from this point on. There has been no leveling with the American people. Foreign policy can't be sustained without the informed consent of the American people. And there has not been informed consent and the president, as I said, his--this has been badly mismanaged. Redeemable, but up to now, badly mismanaged.

Russert: Do you believe that George W. Bush has bet his presidency on the outcome of the war in Iraq?

Biden: He may not have intended to but I think that's what it is.

Russert: Senator McCain, it's the elephant in the room, the story that will not die. This is the front page of The New York Times yesterday. Headline: "Undeterred by McCain Denials, Some See Him as Kerry's No. 2. Despite weeks of steadfast rejections from Senator John McCain, some prominent Democrats are angling for him to run for vice president alongside Senator John Kerry, creating a bipartisan ticket that they say would instantly transform the presidential race. "Senator McCain would not have to leave his party," [former Democratic Senator Bob] Kerrey said. "He could remain a Republican, would be given some authority for selection of Cabinet people. The only thing he would

have to do is say, 'I'm not going to appoint any judges who would overturn Roe v. Wade,'" the Supreme Court decision that legalized abortion, while "Mr. McCain has said he opposes." What do you think of Senator Kerrey's recommendation?

McCain: I'd like to have the camera move over to a palm tree to start with.

Russert: Yeah. McCain: With friends like Bob, who needs...

Biden: I'm about to jump in, John, so hang on.

McCain: I've said categorically--categorically, I will not be vice president of the United States. I will not be a candidate. And I mean that. I'm happy in the Senate. I'd like to maintain my role. I am a loyal Republican. I am supporting President Bush's re-election. I am campaigning for it. And I'd like to mention one other thing. The bullet played in all these stories is John McCain is angry at President Bush about 2000. Look, that was four years ago. My constituents don't want me to look back in anger. They want me to represent them. I work with President Bush on a lot of issues and I want him re-elected and I'm not looking back in anger at anything. That's not what my constituents deserve. So I'm afraid this will not be the last conversation you and I have on this issue and I categorically say no, but I can only hope.

Russert: Senator Biden, what do you think of John McCain as a Democratic candidate for vice president?

Biden: I think John McCain would be a great candidate for vice president. I mean it. I know John doesn't like me saying it, but the truth of the matter is, it is. We need to heal the red and the blue here, man, the red states and the blue states. And John McCain is a loyal Republican. God, he drives me crazy how loyal he is as a Republican as much of a friend as he is. We disagree on a lot of things, but I'll tell you, the fact of the matter is that we've got to bring together the red and the blue here. This is a divided nation. And I think that--I would still urge John Kerry to pick up the phone and call John McCain. He'll say no probably. But I think John Kerry has an obligation to do that for the way he wants to heal. And I know John will listen. He'll say no, but I'm going to tell you, I'm counting on him being a more loyal American than he is a loyal Republican. And, John, I'm not so sure you're so happy about the Senate. I'd like to see you president instead of the guy we have now. So--but you're a great senator. But I think you'd also be doing a great service. Do I think it's going to happen? No. But I think it is a reflection of the desire of this country, and the desire of people in both parties, to want to see this God-awful, vicious rift that exists in the nation healed, and John and John could go a long way to healing that rift.

Russert: Senator McCain, as an American, you can stay a Republican. You can be a loyal Republican. It would be a fusion or a unity ticket. Would you contemplate it in any way,

shape, or form? Would you take Senator Kerry's phone call if you knew he was calling about it?

McCain: I will always take anyone's phone calls but I will not--I categorically will not do it. But I would like to add one additional quick comment. Joe's right, there's too much partisanship in America and there's too much partisanship in the Senate and there's too much partisanship. We've got to have people sit down and start working on issues that are not partisan in nature and start working on them so we can do our job as legislating and working for America. And I'm very disturbed about the level of partisanship which has led to gridlock. And we're not doing our job as our constituents expect us to do.

Russert: All right, Biden. McCain is out. Who is in?

Biden: I'm sticking with McCain. It's safer right now. Look, there's a lot of qualified people. I don't know how John's going to go about the--John Kerry is going to go about the choice. I think the single most important thing that John Kerry has to do is, the day he announces that person for the Tim Russerts of the world--there are not many of you, but for the big feet, as they say, in the press--to say that makes sense, that guy could be president, or that woman could be president. I think that's the single most important thing for people, when he or she is announced, say that person could be president.

Russert: What if John Kerry picked his vice president and also said, "I want Joe Biden for secretary of state and John McCain for secretary of defense?"

Biden: Well, if John will do it, I'll do it.

Russert: Senator McCain, do we have a deal?

McCain: No, no. No, no, we don't have a deal. But I certainly look forward to following Secretary of State Biden on your show.

Russert: We have to leave it there. We'll be back with our Meet the Press minute. Secretary of Defense Robert McNamara, February 4, 1968.

Russert: And we are back. Forecasts of victory in Vietnam are shaken when the North Vietnamese and the Viet Cong mount a massive and deadly offensive in South Vietnam on January 30, 1968. It becomes clear that the North Vietnamese forces were growing, not diminishing. The secretary of defense, Robert McNamara, makes a rare television appearance right here on the Meet the Press in the midst of the Tet offensive and admits the war has not gone as planned.

(Videotape, Meet the Press, February 4, 1968):

Mr. Max Frankel (New York Times): Looking back over this long conflict and especially in this rather agonized week in Vietnam, if we had to do it all over again, would you make any major changes in our approach to this?

Secretary of Defense Robert McNamara: Oh, this is not an appropriate time for me to be talking changes. With hindsight, there's no question but what five or 10 or 20 years from now the historians will find actions that might have been done differently. I'm sure they will. As a matter of fact, my wife pointed out to me the other day four lines from T.S. Eliot that answer your question. Eliot said, "We shall not cease from exploration, and the end of all our exploring will be to arrive where we started and know the place for the first time." Now, that applies to Vietnam. I'm learning more and more about Vietnam every day. There's no question I see better today than I did three years ago or five years ago what might have been done there.

Frankel: Are you suggesting...

McNamara: On balance, I feel much the way the Asian leaders do. I think the action that this government has followed, the policies it's followed, the objectives it's had in Vietnam are wise. I don't, by any means, suggest that we haven't made mistakes over the many, many years that we've been pursuing those objectives.

Frankel: You seem to suggest that we really didn't--that none of us appreciated what we were really getting into.

McNamara: I don't think any of us predicted seven years ago or 15 years ago the deployment of 500,000 men to Vietnam. I know I didn't. (End videotape)

Russert: The next week marked the deadliest for U.S. troops in Vietnam with 543 killed in action. U.S. involvement in the war continued for another five years. All told, the U.S. lost over 58,000 men and women in the Vietnam War. And we'll be right back.

Russert: That's all for today. We'll be back next week. If it's Sunday, it's Meet the Press.

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UC Berkeley Anthropology Professor working on Organs Trafficking

By Kathleen Maclay

A University of California, Berkeley, medical anthropologist is helping authorities in Brazil, Israel and South Africa investigate what she calls a shocking new "slave triangle" in which the poor are being taken to distant cities by criminal syndicates and coerced into selling their organs for illegal transplants.

"For the first time in investigations of human trafficking, doctors are being arrested and hospitals cited," said Nancy Scheper-Hughes, director of Organs Watch, a UC Berkeley-based documentation and research project.

Scheper-Hughes is the author of at least 30 academic articles on organs transplant and trafficking, including one for the journal Lancet. She also co-authored an article on the topic for the New England Journal of Medicine. Her latest book, "The Ends of the Body: The Global Traffic in Organs," is due out in 2005. Her earlier research topics have included mother love and child death in Brazil, schizophrenia among bachelor farmers in Ireland, AIDS and human rights in Cuba, and death squads and the execution of street children in Brazil.

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By Kathleen Maclay

BERKELEY

"For the first time in investigations of human trafficking, doctors are being arrested and hospitals cited," said Nancy Scheper-Hughes, director of Organs Watch, a UC Berkeley-based documentation and research project. "These arrests have traffickers very



Nancy Scheper-Hughes with Alberty Alfonso da Silva in his mud-walled hut in a slum of Recife, Brazil. Alberty was trafficked in August 2003 to Durban, South Africa, where he sold his kidney to an American kidney patient who was flown in from New York City.

(Photo by John Maier)

nervous."

To explore the ring that enticed poor Brazilian men to South Africa to sell kidneys for well-to-do Israeli, European and American transplant recipients, Scheper-Hughes visited the slums of Brazil and the big cities of South Africa and Israel. There she tracked both small- and big-time organs brokers, some of them surgeons, others corrupt businessmen and money launderers. She interviewed donors, brokers and others involved in the syndicate that, she says, proves the poor are becoming body banks for the rich.

Authorities enlisted Scheper-Hughes to start last year to untangle and understand the workings of the ring, familiar with her ethnographic and advocacy study of organs trafficking in 12 countries in the past eight years.

And they commend her assistance.

"Her knowledge of the subject is extremely thorough. Her information will help us a lot as we continue the investigation," said Capt. Louis Helberg of the project investigation team for the white-collar crime branch of the South African Police.

Scheper-Hughes was invited to South Africa by the government to use her connections and knowledge of organs trafficking to help police investigators and the Ministry of Health in the state of Kwa-Zulu Natal.

In Recife, Brazil, Deputy Raimundo Pimentel of the Parliamentary Inquiry Commission said that Scheper-Hughes has provided the investigation there with "a rich and valuable report about (the) world's reality of human organs trafficking and especially the focus on Brazil's situation."

She was asked by a state legislature in Brazil to help Recife investigators and to testify about the organs trade. She will fly to Brasilia soon to testify at a national hearing on the problem.

When Scheper-Hughes and others launched Organs Watch nearly four years ago, illegal transplants were largely considered the stuff of urban legend.

Transplant tourism involving trafficked living organ donors is increasingly common in a world where, she says, cadaver organs are scarce, while desperately poor people are plentiful and "available." Transplant patients can now buy a "fresh" kidney from a stranger if they have enough cash, health insurance and the right connections to organs brokers. They also have to be willing to break the laws against buying and selling human body parts and be willing to travel to distant lands.

Scheper-Hughes said that despite recent high-profile arrests, organ trafficking is a difficult tide to stem.

So, she said, if the world is ready to accept what she terms the growing "commodification of the body," she is campaigning for recognition of the human rights of organ donors, examination of the long-term health risks they face, and institution of regulations such as national and international registries of living donors, mandatory medical follow-ups and reporting of the related health assessments.

With mandatory reporting of the medical conditions of donors and follow-up exams, "we'll be able to solve the question of whether, in fact, organ donation is as risk-free as the transplant community would like us to believe," Scheper-Hughes said.

"If it turns out that the world is moving in the direction of using living people, especially poor ones, to serve the needs of more affluent people, at a minimum that means recognizing the donor as a patient who has certain needs and to whom the medical community has certain responsibilities which have not been articulated yet."

The medical community may be shifting its positions on organs trafficking, Scheper-Hughes said.

On Jan. 23, the World Health Organization (WHO) - which she served in 2003 as an advisor on organ and tissue transplants - officially recognized the "ethical and safety risks" of transplants and the need "to take measures to protect the poorest and vulnerable groups from 'transplant tourism,'" borrowing Scheper-Hughes term. The latter was "a very big step" because WHO previously had considered transplant tourism a deviant, isolated practice that required no response from the medical community at-large, she said.

Alexander Morgan Capron, director of WHO's Department of Ethics, Trade, Human Rights and Health Law, called Scheper-Hughes "a passionate investigator into this phenomenon" and said her advocacy "has done a great deal to publicize this subject."

When she tried to spread word about the problem in Eastern Europe to the Council of Europe about a year ago, Scheper-Hughes was met with laughter, some hisses and even boos from an audience mainly comprised of doctors. But after her presentation, the council did investigate her claims, and a transplant ring operating in Moldova, Turkey and Israel was halted.

Others paying attention to Scheper-Hughes include journalists, who rely on her background knowledge and access to the illicit organs trafficking world. Some reporters repeat her statements on the front pages of their newspapers or broadcast airwaves.

"In a field where urban myth and uncorroborated thirdhand accounts are frequently quoted,

Scheper-Hughes is rigorous in her commitment to quote only provable and demonstrable facts," said Brian Woods, producer of "The Transplant Trade," a documentary in production for the Discovery Channel and Channel 4 in the United Kingdom.

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My Journey Kit - A unique resource for Australians with Breast Cancer

The women of Breast Cancer Network Australia (BCNA), women who have experienced breast cancer, have developed the *My Journey Kit* to help those newly diagnosed navigate the breast cancer journey.

"We know there is a lot of good quality information and support available for Australians with breast cancer, but women often tell us that they weren't aware of it at the time they needed it," says Lyn Swinburne, CEO of BCNA.

"We have developed the *My Journey Kit* to make the breast cancer journey easier for all Australians dealing with breast cancer" she comments. "Like all our resources, the *My Journey Kit* includes tips and suggestions from real women who have been through breast cancer themselves."

The *My Journey Kit* is a vinyl satchel which includes several components. The *My Journey Information Guide* provides tips gleaned through the experience of hundreds of members. It offers suggestions regarding information and support resources they have found invaluable. The *Information Guide* is divided into sections reflecting the breast cancer journey, allowing the woman (or man) diagnosed with breast cancer to look for resources relevant to their particular need at any time. The *My Journey Kit* also includes the *My Journey Personal Record* where women can record details of their important contacts, appointments, pathology and treatments, side-effects, treatment costs and room to write down questions they might need to follow up with their health care providers. In essence the *Personal Record* provides women with their own breast cancer treatment record and a tool to facilitate communication with their health professionals.

The *My Journey Kit* is the culmination of several years work by BCNA – a result of involvement and close consultation with thousands of breast cancer survivors across the country. Also involved in the project have been a wide range of health professionals and organisations involved in the management and care of Australians with breast cancer, and their families. The Kit has undergone national pilot evaluation and is endorsed by key medical organisations.

Breast Cancer Network Australia aims to send the Kit to every woman diagnosed with breast cancer within 2 weeks of her diagnosis. *Women newly diagnosed with breast cancer can request a copy of the My Journey Kit by phoning 1300 785 562 from anywhere in Australia for the cost of a local call.*

Breast cancer remains the leading cancer in Australian women. One woman in 11 will develop breast cancer at some point in her life. Over 11,000 new cases of the disease are being diagnosed each year and while breast cancer death rates have levelled off, the incidence of breast cancer is increasing at over two per cent a year.

Breast Cancer Network Australia (BCNA) is an organisation of women who have had breast cancer and works to inform, empower, represent and link together Australians personally affected by breast cancer.

The website of Breast Cancer Network Australia (BCNA) is: www.bcna.org.au

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