Leading Issues Journal

May 2004 Issue

In this Issue

Honouring the Hon Mary Gaudron Q.C.

On 5 March 2004 a conference was held at the University of Melbourne to honour the contribution that the Hon Mary Gaudron Q.C. has made to women and the law.

Jennifer Batrouney, S.C., President of the Australian Women Lawyers presented a Paper in which she focused on five main areas which manifest Mary Gaudron's outstanding contribution – work practices, difference, equality, patronage and merit. She also referred to Justice Gaudron as the coach of the team, whose speeches would always give women lawyers the "courage to keep going" when "the pervasive male culture becomes almost overwhelming." "You have shown us that we can succeed, and that we can succeed, not despite our differences, but because of them. We can succeed as women and be proud of it. "

Biography of Hon Mary Gaudron Q.C.

Mary Gaudron was born on 5 January 1943 to a working class family. Her father was a train driver. She grew up in Moree and attended the Moree convent with a Commonwealth Scholarship and some help from the nuns, St Ursula's in Armidale.

The Commonwealth Scholarship scheme allowed Mary, at age 16, to attend the University of Sydney where she graduated with a B A in 1963. She then worked and

studied law part-time and in 1965, graduated with a 1st class honours degree in Law and the University Medal in Law whilst pregnant with her first child.

Gaudron lectured in Law at the University of Sydney and completed her articles at F E Fischer & Laws, the firm she joined as a registration clerk whilst finishing her studies.

In October 1968, Gaudron was admitted to the Bar. In 1972, Gaudron became the first woman member of the Bar Council of New South Wales.

In 1974, Justice Gaudron was appointed Deputy President of the Arbitration Commission - at 31 the youngest person ever to be appointed a Federal judge. The Sydney Morning Herald of 9 April 1974 celebrated Gaudron's important historic appointment with an article entitled, "The Law and the Laundry. Australia's youngest judge has no time for the ironing" and included important information on Justice Gaudron such as: "How does she cope with the demands of career and family? "It's quite simple. I don't." she said. "I live in a constant state of mess and two piles of clothes – one to be washed and one to be ironed."

As Deputy President of the Arbitration Commission, Justice Gaudron was involved in an important decision which has influenced the availability of maternity leave in Australia. In 1979 and 1980 she served as foundation chair of the New South Wales Legal Services Commission. In May 1980, she resigned from the Arbitration Commission, apparently in protest over treatment of colleague, Justice Staples. Mary Gaudron returned to lecturing, this time at the University of New South Wales Law School. In 1981, Gaudron was appointed a QC and New South Wales Solicitor- General, the first woman to occupy that office in any Australian State and the youngest person ever to be appointed to that position. Gaudron S-G, QC appeared frequently before the High Court in significant constitutional cases including Actors Equity v Fontana Films in 1982; The Tasmanian Dam Case; Hematite Petroleum v Victoria and Stack v Coast Securities (No 9) in 1983; and Miller v TCN Channel Nine in 1986.

Friday, 6 February 1987 was an historic day as Justice Gaudron became the first woman judge and the 37th judge to be appointed to the High Court of Australia. In Justice Gaudron's swearing-in speech, she referred to her delight at the presence in the court of Dame Roma Mitchell, whose contribution to advancing the status of women merited particular acknowledgement. She added: "My constitutional duty is to all Australians but I hope that consistent with and by reason of the discharge of that responsibility I shall be able to contribute as effectively to the status of women lawyers as has Dame Roma."

As a High Court judge Justice Gaudron contributed to every important area of Australian law. This work includes recognition of native title in Mabo and Street v The Queensland Bar Association

The principle of non-discrimination is integral to her jurisprudence on Ch 3 of the Constitution. She has contributed to the jurisprudence on gender equality in cases such as Baumgartner and Singer v Berghouse.

Justice Gaudron's early retirement is a great loss to the Australian people but she leaves a lasting mighty legacy on many levels. In 1984, she was asked if she had any regrets and unlike Frank Sinatra she had: "A thousand. I'd like to have studied mathematics, I'd like to have travelled to the Moon. I'd like to understand the theory of relativity and the mind that dreamt it up. I'd like to have studied philosophy … a thousand regrets."

(Source: SPEECH PROPOSING A TOAST TO RETIRING JUSTICE MARY GAUDRON, AUSTRALIAN WOMEN JUDGES DINNER, SYDNEY, 22 FEBRUARY 2003, Queensland Courts)

Jennifer Batrouney is a Senior Counsel at the Victorian Bar, practising in administrative law, tax and superannuation. She completed her articles at Blake Dawson Waldron and after 3 years was called to the Bar. She signed the Bar Roll in May 1991 and took silk in 2000. She has been a member of the Law Council's taxation committee since 1991 and was a State Councillor of the Taxation Institute from 1997 until 2002. She was a member of the Superannuation Complaints Tribunal from 2001 until 2003. She sits on various Victorian Bar committees, including the Legal Education and Training Committee and the Professional Indemnity Insurance Committee. She is assistant convenor of the Women Barristers' Association and President of Australian Women Lawyers.

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The contribution that the Hon Mary Gaudron Q.C. has made to women and the law.

Paper presented by

Jennifer Batrouney S.C.

President – Australian Women Lawyers

University of Melbourne, Law Faculty Centre for Comparative Constitutional Studies

Conference Honouring Mary Gaudron's Contribution to Australian Law.

5 March, 2004

In the short time that is available to me, I have been asked to speak about the contribution that the Honourable Mary Gaudron Q.C. has made to women and the law. Other speakers today have outlined Mary's biography and catalogued her judicial achievements and it is not appropriate that I repeat them.

As I am presenting this paper in my capacity as President of Australian Women Lawyers, I am tempted to say that Mary's greatest and most effective contribution to women and the law is the fact that she has always been, and remains, our Patron. But this would be selfish and well as incorrect.

When speaking about women and the law, Mary has concentrated on five main themes – work practices, difference, equality, patronage and merit. I will look at each of these in turn.

Work Practices

In 2002,1[1] Mary highlighted the plight of women solicitors. She said:

> "Let me turn to the hours young women solicitors are required to work in the large law firms. I have heard them described by a very senior male partner in one of our largest firms as "inhuman." If not inhuman, they are exploitative and indicative of incompetent practice management. The nature and probable consequence of the hours which young women solicitors are required or pressured into working is that they will leave the profession because of exhaustion, burn-out and the inability to combine work with any sort of social or family life. Given the presumption that persons intend the natural and probable consequences of their acts, one is driven to conclude that large law firms are deliberately adopting work practices to ensure that a goodly number of women are driven from practice."

Much is being done to address these work practices. For example, Victorian Women Lawyers produced a ground-breaking report in 2002 entitled "Flexible Partnership – Making it work in Law Firms," which set out a number of solutions to the problems that Mary alluded to. One of these was that:

1[1] "Catch-22 for women lawyers": Speech for Women Lawyers Association of NSW, Sydney 13 June 2002.

> "To assist retention of all lawyers, male and female, firms should establish a system and policies to equitably deal with the private needs of all lawyers seeking flexible work arrangements, which address the issues of status and career advancement."

The report was well received and VWL are working hard to ensure that its recommendations are implemented.

Let me now turn to difference and equality.

Difference and equality

In her speech given to the Women Lawyers Association of W.A.,2[2] Mary spoke of the dangers inherent in asserting one's difference. She said that:

> "There is a danger that women professionals who proclaim their differentness, even by separate association within their professional groups, will thereby be seen to be less serious, less professionally motivated than their male counterparts. Worse still, they may be seen as having an axe to grind, lacking professionalism and objectivity. To that extent they are vulnerable, and particularly if, as I have suggested, assertions of separateness engender male resentment."

Despite these dangers, Mary has said that she had the distinct impression that most of the professional women with whom she had been associated over the years rejected the notion that they should be merely differently dressed counterparts of their professional male colleagues. But, as she noted, the question then emerges; what is our separate identity, what is our distinctive contribution to be?

An answer to this question has been suggested by Justice Warren (as she then was) of the Supreme Court of Victoria when she said that women provide:

> "… a different perspective. …. They identify an issue quickly, focus on it and persuade rather than dictate. Mostly, women who work in the law are goal oriented. They readily identify their litigation goal, their judgment goal.
>
> Women provide perspective. They search out the resolutions …
>
> Women have finely honed organisational skills …
>
> Women are adaptive and flexible …

2[2] "The professional women – her separate identity": Perth 26/10/1989.

> Women bring to the law a strong sense of method. This is borne out in the judgment writing of women in the superior courts. They approach judgment in a chronological manner with a strong sense of method and stepped analysis …
>
> Women bring a combination of typically feminine characteristics to the law: energy, patience, humour and insight. These characteristics they apply to their work and it has a ripple effect on colleagues, clients, staff and litigants as the case may be.
>
> My list is not exhaustive. It is intended to highlight the difference that women bring to the law."3[3]

A further answer has been suggested by Justice Kirby when he said:4[4]

> "… women are not just men who wear skirts. They have a different life's experience. They sometimes have a different way of looking at problems. Occasionally, they demonstrate less combative tendencies – to "kick heads" and to "thump tables" – and more skills in conciliation and the rational resolution of disputes."

While women are quite obviously different to men, Mary has pointed out that the skills of lawyering and persuasion are not found in the Y chromosome.5[5]

In her speech to launch the Australian Women Lawyers in September 1997,6[6] she highlighted the historical reluctance of women to acknowledge their difference. She said:

"It is, I think, a tribute to the women's movement, generally, and to the growing understanding that equality is a complex issue that membership of a women lawyers association or, even, participation in the activities of those associations is now regarded as professionally acceptable. It was not always so. Regrettably, it is not universally so even now.

3[3] Speech by the Hon. Justice Marilyn Warren "Promoting Difference" presented at the Victorian Women Lawyers Achievement Awards Presentation Dinner, Melbourne 15 May 2003.

4[4] Speech by Justice Kirby to the Women Lawyers of Western Australia, Perth, 22 October 2003: "Women in the law – Doldrums or Progress?"

5[5] Quoted in the speech by Justice Kirby to the Women Lawyers of Western Australia, Perth, 22 October 2003: "Women in the law – Doldrums or Progress?"

6[6] Speech to launch Australian Women Lawyers, Melbourne, 19 September 1997.

> Certainly 30 years ago in New South Wales, many of the women then entering practice rejected membership of the Women Lawyers' Association saying, "I'm a lawyer not a woman lawyer and I have no intention of being identified as such."7[7] It was an attitude born of the belief that I then shared, namely, that once the doors were open, women could prove that they were every bit as good, and certainly no different from their male counterparts. The truth is that, in some respects, we are the same but, in others we are different. And when we admit that difference, when we assert out right to be different, we are going to be significantly better lawyers. Moreover, the legal profession is going to be a better profession and the interests of justice are going to be much better served."

Mary then rehearsed the well-known and depressing statistics which defy the "it is only a matter of time" theory and establish the pyramidical nature of women's participation in the legal profession and asked:

> "What went wrong? In a real sense, what went wrong was that, for all sorts of reasons, women did not really dare to be different from their male colleagues, did not dare to be women lawyers. To be different, to challenge the codes of conduct derived, as often as not, from rules developed on the playing fields of Eton for the male members of the British aristocracy, would have been to invite ostracism, perhaps even, the attention of the Ethics committee; to assert that women were different with different needs would have been construed as an acknowledgement of incompetence; to question the bias of the law would have been to invite judgment as to one's fitness to be a member of the profession. And, thus, very many of us became honourary men. We thought that was equality and, on that account, we rightly deserved the comment of the graffitist who wrote "Women who want equality lack ambition."

She then went on to postulate that justice is only done if irrelevant distinctions are disregarded and if proper account is taken of the genuinely different needs and circumstances of those who come before the courts. She said:

> "But of course, we are all different, with different talents and virtues, having different circumstances, different ethnic, social and economic backgrounds, and different needs. Equality is not blind to those differences; nor is it antipathetic to excellence, individualism or, even, the desire to be different. On the contrary, equality involves the recognition of genuine difference and, where it exists,

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7[7] On early women lawyers' reluctance to identify themselves as different by virtue of their sex, and on their silence when faced with their struggles, see Thornton, *Dissonance and Distrust: Women in the Legal Profession*, (1996) at 67-70, Oxford University Press, Melbourne.

different treatment adapted to that difference. So much is now established constitutional principle.8[8] Surely it is not too much to hope that it will soon be the reality, if for no other reason than the failure to acknowledge and tolerate difference is, in truth, cruel oppression.

I welcome the formation of the Australian Women Lawyers because, it seems to me, that it is an acknowledgment by women lawyers, albeit, perhaps belatedly, that they are different and an assertion of their right to be so. I welcome it because, it seems to me, to have implicit in it a demand that the legal profession take stock of itself and of those practices which have resulted in the under-representation of women in important areas of legal practice and in the judiciary, not because women should have a larger share of the spoils of legal practice, but because they have the potential to improve the law and the administration of justice."

In a speech that Mary gave in 1998 at the Victorian Bar Council's launch of the Equality of Opportunity for Women Report,9[9] she noted that equality is the cornerstone of justice and of the judicial system. Witness, she said, the judicial oath to discharge the duties of office without "fear, favour or affection." She then set out the three broad matters that the Report was concerned with:

"1. Words and conduct which belittle and demean women – whether women generally, women barristers or some particular woman barrister.

2. An environment that is not friendly to women, particularly young women.

3. A pervasive male culture which excludes women from social and other collegiate activities.

These matters can be simply analysed. More often than not, demeaning conduct is simply the manifestation of ignorance bred of fear. An environment that is unfriendly to women is a manifestation of favouritism. And a pervasive male culture is neither more or less than an up-market description of Australian mateship, or affection. And there you have it – fear, favour and affection – the trifecta for inequality and injustice."

8[8] *Cole v Whitfield* (1988) 165 CLR 360; *Bath v Alston Holdings Pty Ltd* (1988) 165 CLR 411. See also *Castlemaine Tooheys Ltd v South Australia* (1990) 169 CLR 436.

9[9] "*A Happy Coincidence of Self Interest and the Public Interest*" 9 October 1998.

Although the Bars have not had the best track records, Mary has always held the belief that things would change. She said:10[10]

> "And the bars will change – they have no choice … because their members demand it. That surely is the *raison d'etre* of the Victorian Women Barristers' Association. Surely its mere existence proclaims that its members do not want to be just the counterparts of their male colleagues, not even distinguished by dress. Surely, it asserts that its members want to make their distinctive contribution as women, to the bar, to its practices, its professionalism and its sense of public responsibility; that its members wish to participate constructively and meaningfully as women, in the process whereby Australians enforce their claim to justice and equality. If that is the Association's aim, it could not, in my view, have come into existence at a better time.
>
> If your aim is as I have surmised, you must expect that not all and, particularly, not all women barristers, can or will support you. This is as it should be. There is room for genuine difference as to what is involved in equality at the bar and as to how it should be pursued. Again, if your aim is as I have surmised, there will be friction and controversy. That is necessary for any progress. There will be suspicion and hostility. That is hardly new. It means only that, as ever, you have to be just that much better than the others. And one thing that is surely clear is that that's easy."

And that brings me neatly to the topics of Patronage and Merit.

Patronage and Merit

Mary spoke on the subject of patronage in 199411[11] and again in 2002,12[12] giving it both barrels:

"And perhaps what is most troublesome, is the smoothing oil of patronage; patronage in introductions, patronage in recommendations; patronage in chambers; patronage in passing briefs and patronage in the selection of juniors. Patronage is something that needs further elaboration. Patronage is about perpetuating the status quo; about

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10[10] Speech given by Justice Mary Gaudron (as she then was) to the Women Barristers' Association of the Victorian Bar, Melbourne 9 June 1994.

11[11] Speech delivered to the Women Barristers' Association in Melbourne on 9 June 1994.

12[12] "*Catch-22 for women lawyers*" Speech for the Women Lawyers Association of NSW, Sydney 13 June 2002.

securing conformity, about protecting the prevailing ethos. Because that is its purpose and effect, it does not generally work for women. Worse still, it does not work in the interests of those who require the service of barristers. And it does not work in the public interest. Patronage means that merit is not the only criterion for success. It explains why, for some, mere incompetence is no handicap while, for others, merit is no guarantee of the success they deserve. … Patronage is inequality; patronage is discrimination. And, ultimately, patronage is an insidious evil which works against the interests of justice."

In her 1998 speech,13[13] Mary conceded that there might be fields of endeavour in which "merit" has a fair measure of legitimacy. But they can have no legitimacy, she said, if patronage or "the Old Mates Act" also applies. She said:

> "I have spoken previously about patronage. It is as well that I do so again. Patronage is about the creation of others in one's own image. … It means too, that merit is not the only criterion of success and, thus, some succeed beyond their abilities. And like Newton's third law of motion which holds that for every action there is an equal and opposite reaction, for every one who succeeds beyond his ability, there's another who fails to achieve the success she deserves."

Mary is also quoted as saying that (with one notable exception14[14]) "the debate around appointment by merit occurs when, and only when, a woman is considered for a particular position or office. [This is] clear evidence of a belief that women are inferior and ought to be treated as such."15[15] In a similar vein, others have claimed that men are often appointed on "mateship rather than merit."16[16]

In her 1998 speech,17[17] Mary noted that women are disadvantaged, not because of any lack of merit, but because others are ignorant of their ability. The women lawyers of Australia have moved to address that ignorance (so far as it relates to the Bar) by drafting the National Equality of Opportunity Briefing Policy and by encouraging briefing

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13[13] "A *Happy Coincidence of Self Interest and the Public Interest*". 9 October 1998.

14[14] The Attorney General The Hon Daryl Williams AM QC MP insisted that the appointment of Justice John Dyson Heydon to the High Court was an appointment made on merit.

15[15] Paper presented by Jane Wilkinson at AARE conference 2000, University of Sydney, 6 December 2000: "*Like a bird of paradise among the carrion crows": An exploration of women leaders in the media and education*.

16[16] *Ibid.*

17[17] "*A Happy Coincidence of Self Interest and the Public Interest*", 9 October 1998.

agencies to adopt and implement it. It has been said that the policy "is an expression of briefing practices initiated by Mary Gaudron when she was Solicitor General of NSW during the 1980s."18[18]

I am honoured to inform you that, following consultations between myself and the managing partners of Mallesons Stephen Jaques, that firm has announced today that it has become the first national major law firm to adopt the National Equality of Opportunity Briefing Policy. Australian Women Lawyers are confident that other private law firms and briefing agencies will now follow Mallesons' example.

Mary as the team coach

Before I close, I would like to say something about Mary's contribution to the women lawyers of Australia in her capacity as coach of the team.

There are moments in a women lawyer's professional life, when the pervasive male culture becomes almost overwhelming. It is at these times when we can look back at Mary's speeches and find the courage to keep going.

I will give you some examples. In 200219[19] Mary said:

> "If we are to achieve the measure of success we deserve and make our own distinctive contribution to the law and justice, we must do it by ourselves. We must assert our difference. We must reject patronage and professional structures and create new ones. And I believe we can.…
>
> Change is inevitable. We must make it work for us and in the interests of justice. We should seize the opportunities which now present themselves. We must refuse to be exploited, demeaned and humiliated. We need only dare to be different and have confidence in ourselves."

This theme was echoed in Mary's farewell speech to Australian Women Lawyers in January last year:

> "People have said to me 'why did you retire', well the truth is, the best chance of getting a second woman on the High Court was for me to go. So … we muffed it!
>
> But the next appointment to the High Court will certainly be a woman . . . there will
>
> be women, and there must be women because we do make a difference.

18[18] "Bar Brief" (NSW) No. 108 November 2003.

19[19] "Catch-22 for Women Lawyers"; *op cit.*

> We wouldn't be members of the Women Lawyers Association, and we wouldn't be here tonight unless we wanted to make a difference. And I want to thank you all because I believe you do want to make a difference and you will make a difference.
>
> I want to thank the young people who have a lot of courage, grit and determination and who I know are going to make it. Women who succeed are just ordinary women. Ordinary women are every bit as good as the extraordinary man. Keep fighting; the battle is far from won I say to you young people. But we are going to keep pushing on."

Mary, we are pushing, we are shoving and we WILL dismantle the barriers.

Conclusion

In conclusion, I will draw upon what others have said of Mary.

Jocelynne Scutt, Tasmania's Anti-Discrimination Commissioner, said that at the heart of Mary's legacy is her recognition that women lawyers have to dare to be different, to risk ostracism by challenging ancient, male codes of conduct.20[20]

Professor Jenny Morgan, a leading feminist lawyer academic at the Melbourne University Law School, said that Mary has been of enormous importance because she has been so fearlessly outspoken on women's issues. She said that Mary courageously attacked the "dishonesty" of the standard explanation for women not being granted silk in greater numbers – that it was a question of time and merit – and has identified how patronage governed the advancement in the law."21[21]

Finally, Justice McMurdo, the President of the Queensland Court of Appeal said:

> " [her] legacy as a judge is not limited to her weighty contribution to Australian jurisprudence in her judgments. She has provided a role model to all Australian women and men, but especially young women and girls. She has been proof that no doors are permanently closed, even if sometimes they do not seem very open. She has played an important educative role, not only in her judgments and in her significant speeches in the outspoken and forceful support of women lawyers and women judges, but also by educating the six male members of the

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20[20] *ibid*

21[21] Fergus Shiel "A different kind of Justice" *The Age* December 9, 2002.

> High Court of Australia, both by her presence and her interaction with them, on and off the Bench."22[22]

I simply say – you have been a great career coach and mentor for all of us. You have shown us that we can succeed, and that we can succeed, not despite our differences, but because of them. We can succeed as women and be proud of it.

In her speech on the occasion of her swearing in as a Justice of the High Court of Australia on 6 February 1987, Mary said:

> "Whilst I am the first woman appointed to this Court, my appointment is the result of the courage, determination and professionalism of women who made their mark in the profession in days when the value of women's contribution had to be established.
>
> Of the many women lawyers who were instrumental in advancing the status of women within the legal profession, Dame Roma Mitchell's contribution merits particular acknowledgment. … My constitutional duty is to all Australians but I hope that consistent with and by reason of the discharge of that responsibility, I shall be able to contribute as effectively to the status of women lawyers as has Dame Roma."23[23]
>
> Mary, you have done that … and much, much more.
>
> On behalf of the women lawyers in Australia and around the world – I thank you.
>
> JENNIFER BATROUNEY SC PRESIDENT AUSTRALIAN WOMEN LAWYERS
>
> 5 March 2004

(For other papers presented at the Conference see:
http://www.law.unimelb.edu.au/cccs/whatson/GaudronProgram.pdf)

22[22] Speech Proposing a Toast to Retiring Justice Mary Gaudron, Australian Women Judges Dinner, Sydney, 22 February 2003 (Justice Margaret McMurdo – President of the Queensland Court of Appeal).

23[23] High Court of Australia Transcript Friday, 6 February 1987 at p.28.

Inquiry into an Australian Republic

On 26 June 2003, the Senate referred the Inquiry into an Australian Republic to the Senate Legal and Constitutional References Committee.

The Committee has determined to report by **3 August 2004**.

Terms of Reference

(a) the most appropriate process for moving towards the establishment of an Australian republic with an Australian Head of State; and

(b) alternative models for an Australian republic, with specific reference to:

(i) the functions and powers of the Head of State

(ii) the method of selection and removal of the Head of State, and

(iii) the relationship of the Head of State with the executive, the parliament and the judiciary.

The committee is also required to facilitate wide community participation in this inquiry by conducting public hearings throughout Australia, including in rural and regional areas.

The Committee has issued a discussion paper to facilitate and focus debate.

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AUSTRALIAN SENATE LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE December 2003

DISCUSSION PAPER INQUIRY INTO AN AUSTRALIAN REPUBLIC

Senate Legal and Constitutional References Committee Inquiry into an Australian republic

MEMBERSHIP:

Senator the Hon Nick Bolkus (Chair) South Australia, ALP Senator Marise Payne (Deputy Chair) New South Wales, LP Senator Linda Kirk South Australia, ALP Senator Nigel Scullion Northern Territory, CLP Senator Ursula Stephens New South Wales, ALP Senator Natasha Stott Despoja South Australia, AD

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Inquiry into an Australian Republic

On 26 June 2003 the Australian Senate referred to the Senate Legal and Constitutional References Committee an inquiry into an Australian republic. The matters to be examined are listed in the Terms of Reference on the right.

The Committee is keen to consult widely and to hear from all sectors of the Australian community. This paper is intended to stimulate discussion of the key issues. The issues and options considered in this paper are for the purpose of encouraging public comment, and no particular options are recommended by the Committee.

The Committee welcomes submissions from individuals and groups on this matter. There are questions throughout this paper to provide a focus for the discussion, and it would be helpful to the Committee if comments addressed specific questions.

The closing date for submissions is **31 March 2004**.

Please clearly note your name and contact details so your comments can be acknowledged. Submissions should be in writing and sent to:

The Secretary Senate Legal and Constitutional References Committee Parliament House CANBERRA ACT 2600 Fax: (02) 6277 5794 Email: legcon.sen@aph.gov.au

Electronic submissions are encouraged. Submissions become Committee documents and are only made public after a decision by the Committee. Unauthorised release of submissions is not covered by parliamentary privilege. Further assistance can be obtained by phoning the secretariat on (02) 6277 3560.

Terms of Reference

(a) the most appropriate process for moving towards the establishment of an Australian republic with an Australian Head of State; and

(b) alternative models for an Australian republic, with specific reference to:

(i) the functions and powers of the Head of State

(ii) the method of selection and removal of the Head of State, and

(iii) the relationship of the Head of State with the executive, the parliament and the judiciary.

Recent history of moves towards a republic

Then Prime Minister Paul Keating put the republic debate firmly in the public spotlight during the 1993 election campaign when he pledged to let "… the Australian people decide by referendum later in the decade whether Australia should become a republic by the year 2001." Following the election, the Prime Minister established the Republican Advisory Committee, which published an issues paper, held public hearings, and produced a report in 1993. The report concluded that the Commonwealth Constitution would need to be amended to establish the office of a new head of state, provide for the powers of the office, and provide for the Australian states (as the Queen is also the head of state of each state).

The Commonwealth Constitution specifies the composition and powers of the three arms of government: the legislature, the executive and the judiciary. Under section 128 of the Constitution, a proposed Constitutional change must first be agreed by an absolute majority of each House of Parliament before it can be put to the electors of each state and territory.

The proposal must then be approved by a "double majority": a majority of voters in a majority of States, and a majority of voters overall.

Following a change of government in 1996, Prime Minister John Howard formally confirmed his government's intention to proceed with a Constitutional Convention. A convention was held in February 1998 at Old Parliament House, to consider various issues and proposals on a republic and to put forward a model for public and parliamentary scrutiny.

Half of the 152 representatives were elected and the other half appointed. The convention comprised a wide variety of people, including former Prime Ministers, Governors-General, judges, federal and state politicians, as well as identities from the media, arts and sports communities. The views of both supporters of the status quo and supporters of change were represented.

The central debate within the convention was how to replace Australia's current head of state structure with an Australian president. This raised a number of complex and divisive issues. In particular, the method of appointment of a president sparked considerable debate.

Suggestions ranged from Prime Ministerial appointment to a US-styled electoral college, appointment by a parliamentary majority and direct election by the people.

The other issue that caused much debate was the powers that would be conferred upon the president. Should the president retain the same powers as currently reside with the Governor–General, or should they be widened perhaps to an executive style of presidency? This debate was in some ways closely related to the method of appointment as it is generally considered to be essential for an executive president to have the legitimacy of being popularly elected.

The Constitutional Convention settled on the "minimalist" model which was agreed by both Houses of Parliament1 and then put to the people in the referendum of November 1999. More details of this model are included in Appendix A.

The referendum was defeated, as it was not carried in a single state and attracted only 45% of the total vote. Only nine federal electorates recorded "yes" votes of greater than 60%.2

Some commentators have suggested that the result of the referendum reflected the rejection of the proposal not only by those who favoured the status quo, but also by those voters who preferred a directly elected head of state.

Following the defeat of the referendum, a conference met to recommend a practical process for the move towards a republican form of government. The Corowa Conference of December 2001 considered 19 proposals, and recommended one.4 More details of the proposals are given in a later section of this paper.5

Recent polling suggests that a majority of Australians now support the move to an Australian republic.6 There is a lack of agreement, however, as to the preferred process for progressing towards a republic, and about the form the republic would take.

Issues to be considered

In the debate over an Australian republic, there are a number of issues in relation to which there are alternate viewpoints, ideas and proposals. This section of the discussion paper addresses these issues.

Who is the current head of state?

A focus in the debate over Australia becoming a republic has been on replacing the Queen as head of state of Australia with an Australian head of state. Some have argued that Australia already has an Australian head of state, the Governor-General. On this interpretation, the Queen is the sovereign, is not referred to in the Constitution as head of state, and has never performed the duties of head of state. Others point out that the

Constitution defines the Parliament as 'the Queen, a Senate, and a House of Representatives' and that the Governor-General is appointed to represent the Queen, not Australia.

Is a separate head of state needed?

Although the Committee's terms of reference assume the existence of a designated head of state, the Republic Advisory Committee appointed by former Prime Minister Keating noted that some people might advocate dispensing with a separate head of state. In nations such as South Africa and the United States of America, the roles of head of government and head of state are combined. However, the Republic Advisory Committee noted that combining the offices of head of government and head of state would involve a 'major departure' from Australia's existing system of government. That is, it would involve moving from a system where executive government is conducted by a Prime Minister (and a ministry) who depend on majority support in the House of Representatives to hold office, to a system where executive government is carried out by a popularly elected president, and law-making by a separately elected legislature.

Question 1 *Should Australia consider moving towards having a head of state who is also the head*

Powers of the head of state

Under the Constitution the Governor- General has a range of powers, sometimes known as the non-reserve powers, which by convention are exercised only with advice from government. They are spelt out in the Constitution, and include the power to: ? sign legislation which has been passed by Parliament, in the name of the Queen (s. 58); ? issue writs for general elections (s. 32); and ? appoint Ministers (s. 64).

The Governor-General also has discretionary powers that can be exercised without advice, and these are known as reserve powers (or prerogative powers). Constitutional experts do not agree on their precise extent or on the nature of the exceptional circumstances in which these reserve powers may be exercised. Most controversial are the circumstances in which a Governor- General has the power to dismiss a Prime Minister.

There is a view that in an Australian republic with a non-executive head of state, these reserve powers should be explicitly described, or codified. Others argue that the lack of definition of the existing arrangement is advantageous, because it allows for situations which cannot be anticipated.7

There are also questions as to whether the reserve powers should be justiciable; and whether the head of state should retain the power to dissolve the Parliament after the refusal of the Senate to pass appropriation bills. Other republican models have

suggested that the head of state have full executive authority (along the lines of a US-styled model). A head of state in this style of republic would invariably have to be directly elected by the people to have the legitimacy to exercise such powers.

Question 2 *What powers should be conferred on the head of state?*

Question 3 *What powers (if any) should be codified beyond those currently specified in the Constitution?*

Selection

One of the most critical and complex issues is the method for selecting the head of state. One view is that direct election of a head of state would give the people a say in who would represent them as head of state.

Some argue against direct election because they are of the view that it would result in the head of state being a politician, as only the major political parties would have the organisation, expertise and resources to win a nationwide election.

This viewpoint reflects a preference for a non-political head of state. Another argument is that direct election may lead to a situation where a head of state emerges as a competing centre of democratic legitimacy.8 Some believe that this situation could be avoided by codifying the powers of the head of state.

On the other hand, a head of state selected exclusively by a Prime Minister is seen by many to reinforce partisan politics. The 1999 referendum proposal where a head of state was to be selected by a two-thirds majority of both Houses of Parliament was considered by some as a compromise. A number of options for the selection of a head of state have been put forward:

? appointment by the Prime Minister;

? appointment by the Prime Minister and the Leader of the Opposition;

? appointment by the Federal Parliament (eg by a two-thirds majority of both Houses);

? appointment by an elected Presidential assembly; and

? direct election.

The option of direct election would raise issues concerning campaign financing and method of voting.

Campaign financing

Should assistance be given to the candidates? There might be no obvious justification for doing so. However, if it is judged to be appropriate, how might this assistance be given?

Should there be prohibitions on the participation of political parties in campaigning or in campaign financing?

Some have suggested such restrictions are easy to circumvent and therefore not realistic.

Method of voting

A suitable method of voting would need to be determined. Possibilities include:

? the **'first past the post'** system (that is, just a single mark on the ballot paper). This system would suffice if there was only one candidate and could also work if there were a limit of two candidates. It would not work as well if there were three or more candidates, due to the possibility of the leading vote-getter attracting a small percentage of the vote;

? **preferential voting** is familiar to Australians, but would be irrelevant if there was to be only one candidate and only barely relevant if there were to be a limit of two candidates; and

? **the run-off method**, whereby if a candidate fails to get 50% on the first ballot, there is run-off between the top two candidates (used in Brazilian, Chilean and French Presidential elections).

Question 4 *Should some form of campaign assistance be available to nominees, and if so, what assistance would be reasonable?*

Question 5 *Should/Can political parties be prevented from assisting or campaigning on behalf of nominees? If so, how?*

Question 6 *If assistance is to be given, should this be administered by the Australian Electoral Commission or some other public body?*

Question 7 *If the Australian head of state is to be directly elected, what method of voting should be used?*

Question 8 *If direct election is the preferred method for election of a non-executive president, will this lead to a situation where the president becomes a rival centre of*

Nomination

Prior to selection, there would need to be a method for nomination of potential candidates for head of state. Some proposals put forward include nomination: ? by the Prime Minister;

? by a nominations committee established by Federal Parliament (including Parliamentary and community representatives);

? by a joint vote of the Senate and the House of Representatives, or of any state or territory parliament;

? by a petition of voters with a minimum number of signatures (eg 3000 nominators, one percent of electoral roll), with Parliament to select short-list; and

? by open nomination.

Question 9 *Who should be eligible to put forward nominations for an appointed head of state? For an elected head of state?*

Question 10 *Should there be any barriers to nomination, such as nominations from political parties, or candidates being current or former members of parliament?*

Question 11 *Should there be a maximum and/or minimum number of candidates?*

Question 12 *Should there be a minimum number of nominators required for a nominee to become a candidate?*

Title of head of state

The term 'President' seemed to gain wide usage during the debates surrounding the 1999 referendum and is used very widely around the world. Retaining the term 'Governor-General' has the advantage of being familiar and suggests that the change does not involve a major departure from Australia's existing system of government. Some might see 'Governor-General' as an antiquated term, redolent of Australia's British colonial past.

Question 13 *What should the head of state be called, Governor- General, President of the Commonwealth of Australia, or some other title?*

Term of office

The Republic Advisory Committee considered anything between four and seven years as 'reasonable'. An alternative is to have no defined term but an agreement with each incumbent to serve for a specified period, for example five years. Limits on re-election may also be imposed.

Question 14 *What should be the length of a term of office for head of state?*

Question 15 *Should a head of state be eligible for re-appointment/reelection?*

Question 16 *Should there be a limit on the number of terms an individual may serve as head of state*

Removal By whom?

There is a range of views on when and by whom the head of state might be removed from office. Options include action by the Prime Minister alone; action by the Prime Minister with ratification by the House of Representatives; action by a Constitutional Council on advice from the Prime Minister; or removal by the Parliament.

Question 17 *Who or what body should have the authority to remove the head of state from office?*

On what grounds?

At present there are no guidelines for the removal of the Governor-General. Should there be specific guidelines laid down stating grounds on which the head of state could be removed such as 'proven misbehaviour or incapacity' or 'on the grounds of stated misbehaviour or incapacity or behaviour inconsistent with the terms of his or her appointment'?

The Republic Advisory Committe suggested that if a prescribed number of Members of Parliament in a joint sitting resolved that the head of state should cease to hold office, then that should be cause in itself for his or her removal, without the need for proof of particular misbehaviour or incapacity.

Question 18 *On what grounds should the removal from office of the head of state be justified? Should those grounds be spelt out?*

Casual vacancy

Provision needs to be made where the office is vacated before the end of a term. One option is the appointment of a caretaker for the balance of the term by an absolute majority of the House of Representatives. Alternatives include beginning a new term, or the balance of the previous holder's term being served by a new appointment. The method for filling casual vacancies would be strongly influenced by the method of selection of the head of state.

Question 19 *How should a casual vacancy be filled?*

Eligibility/disqualification

Eligibility requirements and any grounds on which a person would be judged to be ineligible need to be considered.

Eligibility

Presumably, it would be specified that a candidate for the office must be an Australian citizen. Some republic models have suggested a specification that 'every Australian citizen qualified to be a member of the Commonwealth Parliament' should be eligible. Some models add the requirement that the citizen 'has foresworn any allegiance, obedience or adherence to a foreign power'.

Other issues are whether there should be a requirement that the person is born in Australia or resident in Australia for a certain length of time. Some jurisdictions also have a minimum age (35 years in the United States of America and Austria, 40 years in Greece)

Question 20 *What should the eligibility requirements be for the head of state?*

Disqualification

It has been argued that certain matters should disqualify a person from being head of state:

? being a member of parliament (whether federal, state or territory);

? membership of a political party, as the Constitutional Convention determined;

? other factors relating to the current constitutional provisions (section 44) disqualifying persons from election to the House of Representatives, including the exclusion of persons having 'allegiance, obedience or adherence to a foreign power', and persons who are undischarged bankrupts or convicted of an offence punishable by imprisonment by one year or more.

Question 21 *On what grounds should a person be disqualified from becoming of head of state?*

Relationship of head of state with executive, parliament and judiciary

Executive

A key issue in the relationship between the head of state and the executive is the powers that will reside with the head of state. Another important influence is the

method of appointing and removing the head of state, particularly if these powers reside with the Prime Minister.

Alternatively, if the head of state is elected directly by the Australian people, there will be implications for his or her relationship with the executive if he or she is seen as a competing centre of power.

Parliament

Section 1 of the Constitution vests the legislative power of the Commonwealth in 'a Federal Parliament, which shall consist of the Queen, a Senate, and a House of Representatives'.

Questions to be considered include whether the head of state in an Australian republic should retain this relationship with the Parliament, or whether there should be a division akin to the US model, and whether the head of state should retain the powers of prorogation and dissolution of Parliament. Any powers vested in the Parliament to nominate, appoint or remove the head of state will also influence the nature of the relationship.

Judiciary

Formally, the Governor-General has little relationship with the judiciary. The Governor-General in Council appoints judges of the High Court and other federal courts, removes such judges following an address by both houses of the Parliament and has prerogative powers in relation to 'the exercise of the Royal prerogative of mercy', thus giving the office a tangential relationship to the court system.

There have been at least four cases (1909, 1914, 1915, 1975) when the Governor-General sought constitutional/political advice from the Chief Justice of the High Court. Should such advice be available to the head of state, or should it be specified that the sole source of advice comes from the Prime Minister, and that the head of state is barred from seeking such advice from the judiciary?

Question 22 *Should the head of state have power to appoint and remove federal judges?*

Question 23 *Should the head of*

Position of the states

The monarchy is an integral feature of state systems of government. A state governor occupies much the same position in relation to his or her state as the Governor-General does in relation to the Commonwealth.

If an Australian republic is to be established, the place of the states must be considered. On its face, the breaking of the link with the monarchy would seemto mean a break for all parts of the Australian federation. However, since 1926 it has been held that the Crown is divisible (that is, the Queen of Australia may do one thing, the Queen of the United Kingdom may do another thing, the Queen of New South Wales may yet do a third).

Accordingly, it is necessary to consider this matter if the question of how to institute a republic is being discussed. The Republic Advisory Committee noted that it was 'almost inconceivable that the Parliaments of any State, a majority of whose electors had voted for the change,would seek to retain the monarchy at the State level'. However, it did not deny that such a development could occur. The Republican Advisory Committee also oted that under Queensland's Constitution an additional referendum could be needed before that State could break its links with the Crown.

There are two opposing views as to the appropriate action. The first is that it is fundamental in a federal system that the states are free to make their own decision on such a matter. The second view is that it would be anomalous for there to be a national republic where the monarch was still recognised as part of the governmental system by some states.

Question 25 *What is the best way to deal with the position of the states in a federal Australian republic?*

Models for a republic

Many alternative models for an Australian republic have been put forward over the last decade. This paper addresses five models as outlined below. Models labelled A, B, D, and E were discussed at the 1998 Constitutional Convention. Model C is included as an example of an 'inbetween', 'indirect election' model.

Model A:

"McGarvie Model", where a threemember Constitutional Council would appoint and dismiss the head of state but would act only on the advice of the Prime Minister.

Model B

Bipartisan appointment model. The proposal put forward at the 1999 referendum, based on the model which emerged from the 1998 Constitutional Convention. The model involves bipartisan parliamentary appointment following the recommendations of a committee appointed by Parliament.

Model C

Appointment by an elected 48-member presidential assembly, or electoral college, at every second federal election.

Model D

Direct election model, involving voting by the Australian people on no less than three candidates short-listed by the Commonwealth Parliament.

Model E

"Hayden" direct election model, which proposed a national poll of all candidates supported by at least one per cent of voters. The following table below compares the features of the models. Further details of each model are provided in Appendix A. Appendix B also contains details of the Irish President, the head of state position that perhaps most closely approximates the 'minimalist' idea heard during the 1999 referendum debate.

A model not addressed in this paper is that of a full executive presidency such as that of the United States. This discussion paper does not rule out such an option, however, and views for and against such a system are welcomed.

MODELS FOR A HEAD OF STATE IN AN AUSTRALIAN REPUBLIC

Model A

(Prime Minister - McGarvie model)

Model B

(model put to referendum)

Model C

(Electoral College)

Model D

(Direct Election A)

Model E

(Direct Election B – Hayden model)

Powers Same as Governor-General, but (except for reserve powers) powers may only be exercised on the advice of the Federal Executive Council or a Minister. Same as Governor-General. Powers to be exercised on the advice of the Federal Executive Council, the Prime Minister or another Minister. Same reserve powers as Governor-General.

Same as Governor-General Same as Governor-General. Partial codification of existing reserve powers. Constitution to state that nonreserve powers should only be exercised in accordance with the advice of the Government. Same as Governor-General. Partial codification of existing reserve powers. Constitution to state that non-reserve powers should only be exercised in accordance with the advice of the Government. Obsolete powers to be removed, existing conventions to be referred to in Constitution.

Nomination Chosen by Prime Minister Single nomination by the Prime Minister after consideration of report of a 32- person committee (half appointed by the PM from the community; half drawn from all parliaments).

Requires 1000 nominators By any Australian citizen qualified to be a member of the Cwlth Parliament; the Senate or the House of Reps; either house of a State or Territory Parliament; or any local government body. Shortlisting of at least three candidates by a joint sitting of the Cwlth Parliament.

A person who is endorsed by one per cent of voters (by petition) enrolled on all Federal ivision rolls. No voter to endorse more than one candidate.

Appointment By three-member Constitutional Council bound to act on the Prime Minister's advice Nomination by the Prime Minister, seconded by the Leader of the Opposition and approved by two thirds majority of a joint sitting of the Cwlth Parliament.

By a 48-member Presidential Assembly, elected at every second federal election.Direct election (preferential voting) Direct election (preferential voting)

Eligibility Australian citizen Australian citizen qualified to be a member of the Cwlth Parliament and not an MP or member of a political party at time of appointment. Australian citizen not an MP at time of nomination Australian citizen qualified to be a member of the Cwlth Parliament, who is not an MP at the time of nomination and not a member of a political party during office Australian citizen of voting age and enrolled on federal division rolls.

Tenure At pleasure (no defined term) Five years. More than one term possible. Five years Two terms of the House of Representatives. Not eligible for reelection. Four years, with maximum two terms.

Removal By the Constitutional Council within two weeks of the Prime Minister's advice. By notice in writing signed by the PM, approved by the House of Reps within 30 days unless an election is called. By an absolute majority of the House of Reps for stated misbehaviour, incapacity or behaviour inconsistent with the terms of appointment. Only for proven misbehaviour or incapacity. Resolution supported by absolute majority of joint sitting of Cwlth Parliament.

By a resolution of both Houses of Parliament for proved misbehaviour or incapacity.

A process for moving towards an Australian republic

Since a referendum is required to change the Constitution, one option is to simply move to a referendum (as has usually been the case with earlier attempts to amend the Constitution). Most republic models have suggested a **plebiscite** (that is, a non-binding indicative national vote) prior to the referendum, to test the Australian people's preparedness to accept the idea of a republic (by a simple 'yes/no' vote). Some have also suggested there should be a second plebiscite, either at the same time or at a later stage, to test public views on broad details of what model might be adopted, since a referendum will be a vote only on a single model. A third possible component of the process could involve a **convention** and/ or public **committee of inquiry**, comprising either specially-elected epresentatives, parliamentary representatives or a blend of the two. One view, however, is that any convention should be properly resourced, given sufficient time, and advised by constitutional experts if it is to be an effective forum for deciding important constitutional issues. As mentioned earlier in this paper, the Corowa Conference of December 2001 met to recommend a practical process by which the Australian community could decide whether the move to a republic should resume.

Of 19 proposals put forward for consideration at the conference, three were considered on the last day, and these proposals are outlined below. They are given as examples of how the next moves towards another republic referendum might be made. The conference formally adopted the first of the proposals below. The proposals are identified as A, B and C for convenience.

Question 26 *Should there be an initial plebiscite to decide whether Australia should become a republic, without deciding on a model for that republic?*

Question 27 *Should there be more than one plebiscite to seek views on road models? If so, should the plebiscites be concurrent or separated?*

Question 28 *Should voting for a an Australian republic?*

Corowa Proposal A - a Parliamentary Joint Committee, plebiscite, elected Constitutional Convention, referendum

1. A multi-party Commonwealth Parliament Joint Committee should be established to consult the community and constitutional experts in order to prepare a plebiscite asking the following key questions:

(i) Should Australia beco e a republic with an Australian Head of State? (ii) Should the Head of State be called the President or the Governor- General?

(iii) Should selection be: by the Prime Minister; a 2/3 majority of the Parliament; chosen by an Electoral College; or elected by popular vote with codified powers?

2. A Commonwealth Parliament Joint Committee should outline the core features of the models and prepare neutral information for the plebiscite.

3. An elected Constitutional Convention should be convened to draft a constitutional amendment reflecting the will of the people as expressed in the plebiscite.

4. A referendum should be held to give effect to the amendment.

Corowa Proposal A

Multi-party Parliamentary Joint Committee to prepare plebiscite

1. Australia to become a republic, with Australian head of state?

2. Title to be President or Governor-General?

3. Selection by PM, 2/3 Parliamentary majority, electoral college or popular vote?

Plebiscite An elected Constitutional Convention drafts Constitutional amendment reflecting plebiscite result Referendum

Corowa Proposal B – State and Territory parliamentary committees, report of Commonwealth parliamentary committee, plebiscite (State/ Territory and Commonwealth) on detailed models, referendum

The Council of Australian Governments (COAG) would coordinate implementation of the process. Each parliament would set up an all-party committee to investigate and report on:

(a) the model which would best preserve or improve our democracy if the federation separated from the monarchy; and

(b) the method of deciding the head of state issue that would least strain the federation.

Each state or territory committee would invite submissions and hold hearings in its regional areas and capital city. The committee in the federal parliament would report on the two questions after considering the state and territory reports. In the reports, the majority or minority supporters of a model would describe it in detail and give full reasons for preferring it.

A conference would be held to recommend that each committee consider recommending the following steps for deciding the issue with least strain on the federation:

First a national plebiscite in which the voters of each unit of the federation (ie the Commonwealth, each state and territory) vote on the model they prefer for their unit:

• All Australian voters will mark a ballot paper showing their preference for the Commonwealth and another showing their preference for their state or territory.

• Each of the detailed models with majority or minority support in the report f the committee in the federal parliament will be included in the ballot papers. Finally, all Australian electors to vote in one referendum on the one question whether the whole federation separate from the monarchy. If supported by the overall majority of voters, a majority in a majority of states and a request from each state parliament, the whole federation would separate from the monarchy at the same time with each unit converting to the model its voters chose in the plebiscite. If that support were not obtained there would be no change. There should be a conference to appoint a non-partisan drafting committee to prepare legislation for the parliaments to pass to set up the parliamentary committees.

At each stage government and oppositionleaders, presiding officers of parliaments and the people through media and internet to be fully informed of reports and decisions.

Corowa Proposal B

Multi-party committees of each state/territory parliament to hold public inquiries into best model

National plebiscite

1. Preferred model for Commonwealth

2. Preferred model for state/territory Federal parliamentary committee to report on state/territory reports

If YES:

Whole federation separates, with each unit converting to the model its voters chose in plebiscite.

2. a multi-partisan Committee of the Commonwealth Parliament to identify and disseminate all possible options;

3. the election of a Constitutional Convention to debate all such options;

4. the Constitutional Convention to fully elaborate and document options with significant support, before further debate and consultation, leading to the adoption of one of those options as its draft in principle;

5. extensive dialogue and consultation on the draft in principle before its final adoption as a draft bill by the Convention; and

6. a referendum upon the draft bill adopted by the Convention.

Throughout, the process was premised upon the need for a thorough, open and inclusive debate on all possible options, from the initial point of the holding of the national poll, to the final conduct of a referendum.

Corowa Proposal C – national poll, Parliamentary Committee, elected Constitutional Convention to draft bill, referendum

This proposal was for a process that would not only be democratic, but open, unhurried, non-directive and effective.

The Australian people are entitled to an on-going dialogue on arrangements for their head of state. They should own this process, and it should not be shortcircuited.

Critically, what this means is that this dialogue should not fail because a given Commonwealth Government (of whatever complexion) refused to embrace a specific part of a proposed process. In particular, there would always be a chance that a Commonwealth Government would object, on grounds of cost or ideology, to conducting the proposed national poll, while being much more open to the establishment of the Parliamentary Committee and Constitutional Convention. This should not be allowed to derail the entire process.

Instead, if the Commonwealth Government refused to conduct an initial national poll, the process would still proceed with the establishment of the parliamentary committee, the election of the Constitutional Convention etc. The proposal would make it clear that wherever consultation was to occur, it should include (in addition to State Parliaments and Governments) local communities and youth.

The process would comprise:

1. an initial national poll on the question of whether Australia should become a republic;

Corowa Proposal C

Multi-party committees of Commonwealth Parliament to identify options

Plebiscite

1. Should Australia become a republic? Elected Constitutional Convention to consider options and adopt preferred model Referendum

Endnotes

1 Constitution Alteration (Establishment of Republic) Bill 1999, together with the Presidential Nominations Committee Bill 1999.

2 As well as failing in all six states, the referendum proposal was also not carried in the Northern Territory. Only the ACT voted in support. The seat recording the highest YES vote was Melbourne, with 70.9%.

3 Bach, Stanley, *Platypus and Parliament: the Australian Senate in theory and practice*, Department of the Senate, Canberra ACT, 2003, p. 314, cites post-referendum survey results published by the Australian Social Science Data Archive that 'combining those who wanted a directly elected President with those favouring appointment by Parliament - a large majority of the electorate were in favour of a new system of government. Indeed, according to the survey, just 24% of those interviewed favoured the retention of the current system'.

4 There were 418 registered attendees at the Corowa Conference, both by invitation (including Government representatives, constitutional experts) and by application. The conference was initiated by Jack Hammond QC and the late Honourable Richard McGarvie.

5 Also in 2001, a private senator's bill was introduced by Senator Natasha Stott Despoja (Republic (Consultation of the People) Bill 2001), which provided for electors to be consulted, at the same time as a general election for the House of Representatives, on whether Australia should become a republic and on whether they should vote again, if applicable, to choose from different republic models.

6 A Newspoll survey published in The Australian of 15 November 2002 showed that 52% of those surveyed in July 2001 were in favour of Australia becoming a republic.

7 Trish Luker, *A Republic?*, Legal Information Access Centre (LIAC). Hot Topic No. 22, Issue 22, May 1999, p. 10.

8 Bach, op cit, p. 317.

APPENDIX A

Details of models for an Australian republic

Republic Model A (McGarvie Model – appointment by three-member Constitutional Council acting on advice of Prime Minister)

A President chosen by the Prime Minister and appointed or dismissed by a Constitutional Council that is bound to act in accordance with the Prime Minister's advice.

Nomination

Any Australian citizen may at any time nominate any other Australian citizen to be listed for consideration by the Prime Minister when choosing a President.

Appointment

The person chosen by the Prime Minister is to be appointed by a Constitutional Council in accordance with the Prime Minister's advice (ie binding request). The Council can only appoint or dismiss a President on the Prime Minister's advice, and on receiving that advice is bound to do so by a convention backed by the penalty of public dismissal for breach.

The three members of the Constitutional Council, who can act by majority, are determined automatically by constitutional formula, with places going first to former Governors-General or residents (with priority to the most recently retired), and excess places going (on the same basis) in turn to former State Governors, Lieutenant-Governors (or equivalent), judges of the High Court or judges of the Federal Court.

Removal

Dismissal within two weeks of the Prime Minister advising the Constitutional Council to do so.

Powers

The President will have the same range of powers as the Governor-General, but, except for the reserve powers, they can only be exercised on the advice of the Federal

Executive Council or a Minister. Otherwise there will be no codification of the constitutional conventions.

The conventions which are now binding in practice because they are backed by an effective practical penalty for breach remain equally binding, because the system remains the same.

Qualifications of President

The President must be an Australian citizen but otherwise no qualifications are specified.

Term

As with the current office of Governor-General, the Constitutional Council will appoint the President at pleasure, without any defined term and legally liable to be dismissed at any time.

The President, like a Governor-General, will have the political security of tenure which comes from public knowledge that the President has arranged informally with the Prime Minister to serve for a period, usually five years, and the adverse political reaction against the Prime Minister which would follow the dismissal during that period of a President the community regards as complying with the conventions and meeting expected standards. A President who did not comply with the constitutional conventions and those standards would lose public and political support

Republic Model B (the model put to the 1999 referendum)

The Head of State is to be known as the 'President'.

Qualifications

Qualified and capable of being chosen as a member of the House of Representatives. The President must not be a member of an Australian parliament or a member of a political party.

A person with dual nationality would have to take all reasonable steps to renounce that other nationality.

Appointment

The Prime Minister would be required to consider the report of a 32-person committee on nominations for appointment before putting forward a nomination:

– 16 of the committee to be appointed from the community by the Prime Minister and 16 drawn from the nine state, territory and federal parliaments.

– the committee would invite public nominations before reporting to the Prime Minister with a shortlist.

The Prime Minister would present a single nomination seconded by the Leader of the Opposition. The nomination would need to be affirmed by a two-thirds majority of Members and Senators at a joint sitting.

Term of office

Five years. A person could serve more than one term. If the position of President were to fall vacant the longest-serving State Governor 'available' would act as President. The amendment also provided for the President or the Parliament to appoint deputies and for their acting as President.

Powers

The power to govern was to be vested in the President. However, the Federal Executive Council was to advise the President, who would be required to act according to the advice of the Executive Council, the Prime Minister or 'another Minister of State'.

The amendment also recognised that the President might independently use a power which was formerly 'a reserve power of the Governor-General'. It stipulated that any use of such a reserve power must be done in accordance with the constitutional conventions relating to the exercise of that power.

Removal

The Prime Minister could remove the President with instant effect by an instrument signed by the PM. The Prime Minister would have to seek the approval of the House of Representatives within 30 days unless an election were to be called. If a majority of the House refused to approve the Prime Minister's action the President would not be reinstated.

Republic Model C (Head of state elected by a directly-elected Presidential Council or Electoral College (Australian Republican Movement's Model 3 of the 'Six models for an Australian Republic'))

Eligibility

Every Australian citizen qualified to be a member of the Commonwealth Parliament, provided that he or she is not a member of the Commonwealth Parliament or a State or Territory Parliament at the time of nomination.

Nomination

A nominee must have no less than 1000 nominators, of which at least one hundred must be from each State.

Election

The President to be appointed from the list of nominees by a specially convened electoral college to be known as the Presidential Assembly. The Presidential Assembly acts as a standing body and convenes solely for this purpose. Elections for the Presidential Assembly shall be held simultaneously with every half Senate election. Each elected member would hold office for six years, with elections for half the Assembly to be held every three years.

One year from the end of the incumbent president's term, the chair of the Assembly shall call for nominations. Some months later, nominations shall be closed and the full list of nominees published for public scrutiny before being presented to the Presidential Assembly.

The Presidential Assembly convenes after close of nominations to begin the process of appointing the new president (or re-appointing the incumbent, if they so choose) from the list of nominees. Appointment is to be carried by a simple majority of votes in the Presidential Assembly.

The Presidential Assembly to be composed of 48 members in total: 42 members being directly elected by the people with the addition of the 6 state governors. The elected seats may be apportioned to each state as follows: NSW and VIC: 8 seats each, QLD: 6 seats, SA and WA: 5 seats, TAS: 4 seats, NT and ACT: 3 seats.

Tenure

Five year term of office. Limit of two terms.

Removal

Same as for federal judges. The President may be removed from office by a resolution of both Houses of the Parliament in the same session on the ground of proved misbehaviour or incapacity.

Casual Vacancy

To be filled by the most senior state governor until a new president can be appointed by the Presidential Assembly.

Powers

Not codified. Non-reserve powers: same as the Governor General - incorporated by reference. Reserve Powers: same as the Governor General.

Republic Model D (Direct Election A)

Eligibility

Every Australian citizen who is qualified to be a member of the Commonwealth Parliament and who has forsworn any allegiance, obedience or adherence to a foreign power shall be eligible for election and to hold office as the Australian Head of State, providing that the nominee:

• is not a member of the Commonwealth Parliament or a State or Territory Parliament at the time of nomination, and

• is not a member of a political party during office.

Nomination

Nominations may be made by any Australian citizen qualified to be a member of the Commonwealth Parliament; the Senate or the House of Representatives; either House of a State or Territory Parliament; or any local government body.

Shortlisting

A joint sitting of the Senate and House of Representatives shall by at least a two-thirds majority choose no fewer than three candidates from the list of eligible nominees for an election of the Head of State by the people of Australia.

Election

The election of the Head of State shall be by the people of Australia voting directly by secret ballot with preferential voting by means of a single transferable vote.

Parliament shall make laws to regulate campaign expenditure by and for candidates contesting an election for Head of State and to provide advertising and campaign support through a single body authorised and funded by the Parliament.

Tenure

The Head of State shall hold office for two terms of the House of Representatives and be ineligible for re-election.

Removal

The Head of State may be dismissed by an absolute majority of the House of Representatives on the grounds of stated misbehaviour; incapacity or behaviour inconsistent with th e terms of his or her appointment.

Casual Vacancy

A casual vacancy in the office of Head of State shall be filled by the appointment of a caretaker by an absolute majority of the House of Representatives until the election of a new Head of State at the time of the next House of Representatives election.

Non-reserve powers

The existing practice that non-reserve powers should be exercised only in accordance with the advice of the Government shall be stated in the Constitution.

Reserve powers

Existing reserve powers shall be partially-codified as generally provided in the Republic Advisory Committee's 1993 report where the Head of State retains appropriate discretion.

However, the Head of State shall not dissolve the House of Representatives by reason of the rejection or failure to pass a money bill unless and until the procedures under sectio n 5A of such report have been followed or unless an absolute majority of the House of Representatives has requested such dissolution.

Republic Model E (Direct Election B - Hayden model – national poll)

Nomination Procedure

A person who receives the endorsement of one per cent of voters, by way of petition, enrolled on all Federal Division rolls at the time of nominating should be nominated to stand for direct election. No voter should be able to endorse more than one candidate for election as the Head of State.

Appointment

A national poll at which all voters enrolled on Federal Division rolls should be eligible to vote.

Election should be on an optional preferential voting system.

Dismissal

Dismissal should only be for proven misbehaviour or incapacity. A resolution moved by the Prime Minister or his or her deputy and supported by an absolute majority of a joint sitting of the Commonwealth Parliament would be required.

Powers

The powers of the Head of State should be the same as those of the Governor-General. The Constitution should expressly provide that non-reserve powers should only be exercised on the government's advice.

There should be a partial codification of the reserve powers. The exercise of the reserve powers, whether codified or not, should be non-justiciable. The existing conventions applying to the Governor-General should govern the Head of State. These conventions should be provided for, by way of reference, in the Constitution. Obsolete powers should be removed.

Qualifications

An Australian citizen of voting age and enrolled on the Federal Division rolls.

Term

A term of 4 years, with a maximum of 2 consecutive terms.

APPENDIX B

Details of the Irish head of state

The head of state for Ireland is a popularly elected non-executive president. Details of this office are given here to illustrate one model for head of state from which Australia might draw.

General comments

• According to the Constitution the President 'shall take precedence over all other persons in the State'. In fact, the office is largely ceremonial.

• It is quite clear that the Irish Presidency is a secondary political office.

• There are no expectations that the President should exercise any political leadership.

• Even were the President a senior political figure before election, the incumbent has few constitutional powers to call upon: as one text states, 'the President's room for manoeuvre is not just limited, it is altogether absent'.

• Even when there is some apparent freedom to act, the President is constrained. In 1991 President Mary Robinson was asked by the government not to give a particular lecture, and in 1993 not to chair a Ford Foundation committee on the UN, and she accepted the advice on both occasions without demur.

• The Taoiseach (PM) must keep the President informed on public matters. However, there is no indication of how much information needs to be passed on—Prime Minister Cosgrave reportedly met President O Dalaigh only four times in 1974–6.

Qualifications of President

• A candidate has to be 35 or older to be able to hold office.

• The President shall be eligible for re-election, but only once.

• The President shall not be a member of either House of Parliament.

• If a member of either House of Parliament is elected President, he or she shall be deemed to have vacated his or her seat in that House.

Nomination

• Nomination is by

– twenty or more members of one of the Houses of Parliament, or

– by the Councils of not less than four administrative Counties (including County Boroughs).

• Former or retiring Presidents may become candidates on their own nomination.

Election

• The President is elected by direct vote of the people.

• The voting is by means of proportional representation by means of the single transferable vote (i.e. Preferential Voting).

• In the event of the removal from office of the President or of his or her death, resignation, or permanent incapacity, an election for the office of President shall be held within sixty days.

• Where only one candidate is nominated for the office of President it shall not be necessary to proceed to a ballot for his or her election.

Term

• The President holds office for seven years.

Removal from office

• The President can be removed from office.

• The President can leave office if permanently incapacitated, such incapacity being established to the satisfaction of the Supreme Court consisting of not less than five judges.

• The President may be impeached for stated misbehaviour.

• The charge shall be preferred by either of the Houses of Parliament. There must be a notice of motion in writing signed by not less than thirty members of that House.

• There must be support from at least two-thirds of the total membership of the House.

• When a charge has been preferred by either House of Parliament, the other House shall investigate the charge, or cause the charge to be investigated. • The President shall have the right to appear and to be represented at the investigation of the charge.

• A two-thirds majority in the House which investigated the charge is carried ‘ resolution shall operate to remove the President from his office’.

Absence from the Irish State

• The President shall not leave the Irish State during his term of office save with the consent of the Government.

Functions and powers

• The President shall, on the nomination of the House of Representatives, appoint the Prime Minister.

• The President shall, on the nomination of the Prime Minister with the previous approval of the House of Representatives, appoint the other members of the Government.

• The President shall, on the advice of the Prime Minister, accept the resignation or terminate the appointment of any member of the Government.

• The House of Representatives shall be summoned and dissolved by the President on the advice of the Prime Minister.

– On the other hand, the President may refuse to dissolve the House of Representatives on the advice of a Prime Minister who has ceased to retain the support of a House of Representatives majority.

• Every Bill passed by both Houses of Parliament shall require the signature of the President to become law.

• The supreme command of the Defence Forces is vested in the President.

• The exercise of the supreme command of the Defence Forces shall be regulated by law.

• The right of pardon and the power to commute or remit punishment imposed by any court exercising criminal jurisdiction is vested in the President, but such power of commutation or remission may, except in capital cases, also be conferred by law on other authorities.

• The President

– may communicate with the Houses of Parliament by message or address on any matter of national or public importance

– may address a message to the Nation at any time on any such matter.

– but any such message or address must have received the approval of the Government.

• The President shall not be answerable to either House of Parliament or to any court for the exercise and performance of the powers and functions of his office.

• The powers and functions conferred on the President by the Constitution shall be exercisable only on the advice of the Government, save where it is provided by the Constitution that he or she shall act in his absolute discretion.

• Additional powers and functions may be conferred on the President by law.

• No power or function conferred on the President by law shall be exercisable or performable by him save only on the advice of the Government.

Absence of the President

• In the event of the absence of the President, or at any time at which the office of President may be vacant, the powers and functions of the office are exercised and performed by a Commission.

• The Commission is composed of the Chief Justice, the Chairman of the House of Representatives, and the Chairman of the Senate.

The State of the World's Children 2004 Report

The Official Summary of The State of the World's Children 2004 highlights the content and main messages of UNICEF's yearly flagship publication: the relationship of girls' education and development goals and the promise of Education For All. The Summary contains 10 statistical tables with economic and social data on the nations of the world, with particular reference to children's well-being, including a new table on child protection.

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Excerpts of the Executive Summary of *The State of the World's Children 2004 Report*

The State of the World's Children 2004 focuses on girls' education – one of the most crucial issues facing the development community today. Girls are the focus because disparities and inequalities in education leave girls disadvantaged more than boys, because what benefits girls will also benefit boys (and the reverse is not always true), because girls are more vulnerable to physical and sexual abuse and other forms of exploitation when left uneducated.

In this flagship publication, UNICEF presents its case for a human rights-based, multisectoral approach to development that will ensure girls an education, meet the commitments of the international community to education for all children, maximize benefits for families and nations and help achieve the world's major development goals.

As an alternative to the more traditional models of development, this approach values human well-being over economic performance. *The State of the World's Children 2004* places girls' education at the centre of global efforts to meet the Millennium

Development Goals. In the Millennium Declaration of September 2000, Member States of the United Nations committed themselves to these goals, a set of measurable, time-bound targets to address crippling poverty and its devastating consequences.

Each of the goals is critical to development, but two of them – universal education, and gender equality and empowering women – are considered central to all others. Education will provide the next generation with the tools to fight poverty and conquer disease, and parity in education will ensure a future in which girls and boys are equally safe, healthy, protected and empowered.

But without the foundation of gender parity in education, achievements towards other goals cannot be sustained. In fact, gender parity in primary and secondary education is considered to be of such basic importance that its target date is 2005 – 10 years before that of all the other goals.

The negative effects of not attending school are greater for girls than for boys – and the consequences transfer to the next generation of both boys and girls. Whether educated or not, girls are more at risk than boys from HIV/AIDS, sexual exploitation and child trafficking. Without the knowledge and life skills that school can provide, these risks are multiplied.

School allows girls and their families multiple protections and its absence means multiple exposures. Despite thousands of successful projects in countries around the globe, gender parity in education – in access, achievement and completion – is as elusive as ever. Globally, some 121 million children are still out of school – 65 million of them girls. And in some regions and countries the gender gap is considerably wider.

It doesn't have to be that way, the report argues. Universal education, and all the good that it will bring, is possible. Investing in girls' education today – not just with money, but also with energy and enthusiasm, commitment and concern, focus and intensity – is a strategy that will protect the rights of all children to a quality education and will jump-start all other development goals.

It is within this context that UNICEF's long-standing commitment to girls' education has assumed greater urgency and why all those concerned with human rights and the Millennium Development Goals are called upon to:

1. Accelerate actions in countries that display specific and flagrant gender discrimination against girls and boys, especially those where either group is significantly at risk of being left out of school.

2. Embrace a human rights-based, multisectoral approach to development in order to redress the multiple discriminatory situations that deny children their right to a quality primary education.

EDUCATED GIRLS, A UNIQUELY POSITIVE FORCE FOR DEVELOPMENT

The report presents a review of the research on the effects of girls' education and a summary of recent development theories. Education increases girls' self-confidence, social and negotiation skills and earning power and makes them less vulnerable to violence and ill health. Girls' education is inextricably linked to other facets of human development. By making it a priority, other areas of development are also advanced.

Why is it then that girls are systematically left out of school, women excluded from political processes and countries left behind as development advances in some places and not in others? The answers are interrelated and numerous, with prevalent gender discrimination and the failure to recognize education as a human right among the main reasons given.

Poverty is another factor. Both boys and girls from poor backgrounds are more likely to be educationally disenfranchised, but poverty takes a greater toll on girls, who are in double jeopardy – because of their gender and because of their poverty.

Girls' education has never been a priority for development investments. Historically, it has been assumed that economic expansion would deliver social gains in due course. But many years of dismal experience in developing countries have proved the inadequacy of this model, and no consistent evidence has emerged to show that economic growth alone can reduce poverty or inequality.

In fact, the opposite seems to be true: human development fosters economic progress. Countries that achieved the highest average annual growth in the 1990s were those that began in 1980 with strong human development indicators. There is now widespread understanding that a gender perspective on the economics of development is essential, and that poverty cannot be reduced in any sustainable manner without first promoting women's empowerment.

The multiple returns of an investment in girls' education include enhanced economic development; education for the next generation; the effect of education that extends beyond the classroom (multiplier effect); a reduction in child mortality; healthier families; fewer maternal deaths.

GIRLS LEFT OUT, COUNTRIES LEFT BEHIND

What is the scale of the problem that remains to be tackled if the Millennium Development Goal for gender parity in education by 2005 is to be met? Although some regions are on track to achieve the Millennium Development Goal by 2005, girls in other parts of the world have been left far behind. The net primary school enrolment/attendance rates bear witness to this fact.

Net enrolment ratios increased during the 1990s in all regions and made for a world average of 81 per cent enrolment by 2002. But the regional variation is enormous. While enrolment rates in Latin America and the Caribbean are close to those in industrialized countries, at 94 per cent and 97 per cent respectively, South Asia lags much further behind at 74 per cent and sub-Saharan Africa languishes at a mere 59 per cent.

Every year an increasing number of children have been accommodated within primary education, but available places in schools are not sufficient to keep pace with the annual growth in the school-age population.

As a result, the global number of children out of school stubbornly remains undiminished at 121 million – and the majority is still girls. In many cases, out-of-school girls are 'invisible' – either not reported or underreported. Many countries suffer from a real information gap, in which populations in hard-to-reach areas are often not accounted for. In addition, countries mostly report on averages and thus frequently conceal very serious gender disparities between internal regions and economic and ethnic groups.

And even when girls' enrolment and completion rates are higher than those of boys', girls may not advance beyond primary and secondary education, women are not found in leadership roles, and qualified women too often still earn less than men. The challenge for the countries that have achieved gender parity is to identify ways to expand the family and societal perceptions and expectations of girls' capacity – such as a push for greater participation in tertiary education and more leadership roles.

Funding shortfall

Industrialized countries and international financial institutions, aside from a few exceptions, have failed to make the investment in education that will enable girls to attend and complete school. Despite donor nations' 1990 promises for extra funding for education and their 1996 commitment to ensure universal primary education by 2015, total aid flows to developing countries actually declined during the 1990s and bilateral funding for education has plummeted even further.

A new consensus on investing in education emerged at the 2002 International Conference on Financing for Development in Monterrey, Mexico, in which governments pledged to increase overall assistance and aid to basic education in particular. There is concern that the current global preoccupation with security may result in the abandonment of some aid pledges. As it stands, the low level of international assistance represents part of the problem rather than the solution it must become if all children are to enjoy their right to an education.

THE MULTIPLIER EFFECT OF EDUCATING GIRLS

A traditional focus on single-sector programmes has obscured the benefits of girls' education to all sectors of development. The State of the World's Children 2004 presents a new understanding as to why educating girls is the most urgent task facing the global development community.

The best start for children – Ensuring that a woman is empowered, healthy and well educated – a good unto itself – can have a dramatic effect on the welfare of her children. A mother who is ill, hungry or oppressed is less likely to nurture her children fully.

Preparation for later schooling – Pre-school programmes are particularly beneficial for girls. They establish the rhythm of schooling rather than a rhythm of household chores or income-generating tasks. Community-based care can familiarize girls with the idea of regular attendance; even spending a few hours each day with a grandparent can help book a place for schooling in a young girl's life.

- Fighting HIV/AIDS – Over 5 million people are newly infected with HIV/AIDS each year. In the hardest-hit countries, painstakingly accrued gains in human development have been rapidly eliminated. In sub-Saharan Africa, there are an estimated 11 million children orphaned by AIDS. These children are often the first to be forced to leave school – and girls, who disproportionately care for sick relatives, are again at the highest risk. In the absence of a vaccine, education is society's best defence against HIV/AIDS. Better-educated people have lower rates of infection. Educated young people are more likely to protect themselves and those who are in school spend less time in risky situations.
- Creating a protective environment – After the family, education is the next perimeter of a protective environment for children. A girl who is in school is less likely to be drawn into exploitative forms of work outside the home – and she is also drawn away from overwhelming domestic duties. Girls who are literate, particularly those who have received life skills training, are less vulnerable to extreme forms of intrafamily violence, sexual abuse and trafficking.
- Helping girls in emergencies – Girls are particularly vulnerable in situations of conflict or natural disaster and must be especially protected against physical, sexual and psychological abuse. The development of child-friendly, gender-sensitive spaces in emergencies makes it possible for children to continue their schooling, mothers to spend time with their infants and receive counselling, women to continue their own education and young people to be trained as service providers for children.
- The benefits to communities – Specialized initiatives to increase girls' enrolment also benefit families and communities. School-feeding programmes that are put in place to help girls stay in school, for example, can help establish better nutrition practices at home. Similarly, the provision of adequate water and sanitation facilities can transform the quality of life in a local community.

WHAT ABOUT BOYS?

Although the global gender gap in education clearly puts girls at a disadvantage, the report recognizes that in some regions – including much of the industrialized world – it is boys' disaffection with school that is cause for concern. In a minority of countries, there are fewer boys than girls enrolled in school – a 'reverse gender gap'.

In industrialized nations, girls tend to show better results than boys in most academic subjects. The problem, like that of girls' underachievement in the developing world, is inseparable from wider questions about gender and power. Girls' socialization in the home may make them more amenable to the classroom environment. And while girls in sub- Saharan Africa benefit from the presence of female teachers, boys in industrialized countries and in Latin America and the Caribbean – where the vast majority of teachers are women – suffer from the absence of positive male role models.

Making schools and education systems more gender sensitive and girl friendly does not render them any less attractive or comfortable for boys. Quite the reverse is true. The reforms enacted to make education safer, more relevant and more empowering for girls will also help boys. All children, for instance, benefit from the expansion of integrated early childhood programmes, flexible schedules, adequate sanitation facilities, gender-conscious teaching and violencefree school environments. Research shows that boys, especially those from vulnerable or marginalized groups, consistently benefit from child-friendly schools.

Gender sensitivity means what it says: being clear about the needs of both girls and boys and creating school systems, classrooms and societies in which all children flourish – the ultimate objective of Education For All.

THE RIGHT THING TO DO

The evidence presented in this report demonstrates that the challenge of education for all is a challenge to development in all its sectors:

- To the minister of education – certainly; but also To the minister of finance, who must allocate funds and make schools affordable;
- To the minister of health, who must provide adequate services, water and sanitation;
- To the minister of labour, who must establish protection for working children;
- To the minister of justice, who must make schools safe;
- To the minister of planning, who must enable local communities and parents to oversee the services they need for their children to survive and thrive. Girls' education is an ideal investment. It adds value to other social development sectors, eases the strain on the health-care system, reduces poverty and strengthens national economies. The cost is surmountable. And so are the

practical barriers. There is virtually no problem in education that does not have a solution already tried and tested. The benefits attached to girls' education are unarguable, and the strategies and specific measures that can make a difference are well known.

UNICEF calls on leaders from every level of society to:

1. Include girls' education as an essential component of development efforts, protecting core human rights principles and the specific rights of girls.

2. Create a national ethos for girls' education by implementing a widespread civic education campaign and holding governments accountable for progress.

3. Allow no school fees of any kind. All primary schools must be free, compulsory and universal.

4. Think both outside and inside the 'education box', integrating education policies into national plans for poverty reduction and scaling up programmes that work.

5. Establish schools as centres of community development, particularly for children in conflict and emergency situations.

6. Integrate country strategies at three levels: investments, policies and institutions; service delivery; and conceptual frameworks, namely of the economic and human rights approaches.

7. Increase international funding for education, directing 10 per cent of official aid to basic education. Industrialized nations must give at least 0.7 per cent of gross national product in aid and at least 0.15 per cent to the least developed countries.

UN Commission on Human Rights: Sexual rights are human rights

As the UN Commission on Human Rights in Geneva draws to an end, activists and like-minded governments have achieved an important victory over a concerted backlash against sexual rights, with the reaffirmation in the Commission's resolution on violence against women that "...women have the right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence". The text had proved contentious during negotiations but was adopted without challenge.

"Sexual rights are human rights," Amnesty International affirmed today. "There is a long legacy of advocacy on sexuality and human rights within the UN arena that will continue

until all people are free to exercise all their human rights without discrimination of any kind. The lives and security of countless people across the globe will depend on it."

The issue of sexual rights emerged as a theme cutting across several resolutions at this year's Commission. Paul Hunt, UN Special Rapporteur on the right to health, in his 2004 report noted that "...sexuality is a characteristic of all human beings. It is a fundamental aspect of an individual's identity. It helps to define who a person is" (E/CN.4.2004/49 paragraph 54). However, sexuality also proved the basis for attempts to deny individuals the full enjoyment of their human rights, by a small number of delegations, including USA, Egypt, Pakistan and Saudi Arabia who claim that the Special Rapporteur exceeded his mandate in addressing these issues.

"Delegations have invoked incorrect interpretations of international law and resorted to long disproved 'medical' arguments to dismiss sexual rights concerns. Just reaffirming previously agreed language has proved a real challenge," Amnesty International stated.

At the request of Brazil as the lead sponsor, the draft resolution on human rights and sexual orientation, which sought only to reaffirm human rights long-established in international law, was again postponed until next year's session. This resulted from opposition by a number of states questioning whether this issue belonged on the human rights agenda at all.

As in previous years, some states objected to the Commission reaffirming the obligation of states to protect the right to life of all persons under their jurisdiction, including those killed because of their sexual orientation. The resolution on extrajudicial, summary and arbitrary executions was only adopted after this paragraph survived a vote called by Pakistan on behalf of the Organisation of the Islamic Conference.

The Canadian-led resolution on the elimination of violence against women was also adopted by consensus but only after two amendments tabled by the USA had been defeated. The purpose of the draft amendments had been to weaken the language on sexual and reproductive health care services and delete language calling on states to ratify the Rome Statute of the International Criminal Court, which recognizes that sexual violence, including rape, can constitute a war crime or a crime against humanity.

"The Commission on Human Rights must act on the findings of its own appointed human rights experts, most recently the Special Rapporteur on the right to health, who notes in his report that 'the correct understanding of fundamental human rights principles, as well as existing human rights norms, leads ineluctably to the recognition of sexual rights as human rights' (E/CN.4.2004/49 paragraph 54)."

Source: International Secretariat of Amnesty International AI INDEX: POL 30/020/2004
21 April 2004

ACT Passes First Human Right Bill

THE ACT has become the first place in Australia to have a Bill of Rights. On 2 March 2004, the Legislative Assembly passed a human rights law which includes the right to life, physical wellbeing, privacy, equality before the law, fair trial and freedom from forced work. ACT Chief Minister Jon Stanhope said the Bill was an historic first.

The territory legislation is based on international covenants aimed at protecting individual, civil and political rights. It is the first time notions such as freedom of expression and conscience have been placed into Australian law.

The ACT Chief Minister, Jon Stanhope, says it is minimalist, concerned with promoting awareness of human rights amongst law makers and bureaucrats.

The Preamble to this Bill is excerpted below:

Preamble

1 Human rights are necessary for individuals to live lives of dignity and value.

2 Respecting, protecting and promoting the rights of individuals improves the welfare of the whole community.

3 Human rights are set out in this Act so that individuals know what their rights are.

4 Setting out these human rights also makes it easier for them to be taken into consideration in the development and interpretation of legislation.

5 This Act encourages individuals to see themselves, and each other, as the holders of rights, and as responsible for upholding the human rights of others.

6 Few rights are absolute. Human rights may be subject only to the reasonable limits in law that can be demonstrably justified in a free and democratic society. One individual's rights may also need to be weighed against another individual's rights.

7 Although human rights belong to all individuals, they have special significance for Indigenous people—the first owners of this land, members of its most enduring cultures, and individuals for whom the issue of rights protection has great and continuing importance.

To view the Bill see: http://www.legislation.act.gov.au/b/db_8266/default.asp

Source: ACT Gov Legislation & ABC

Medicare Plus: The Illusion of Social Justice

In her Speech to the Medicare Forum on 16 March 2004, Carmen Lawrence analyses the current government's approach to Medicare and Labor's vision for it.

"The Government, of course, continues to pay lip service to Medicare and universal provision while acting in ways which undermine universality. Their underpinning philosophy is user pays, replacing government with private provision.

On the contrary, we in the Labor Party believe that it is fundamentally important in a civilised society that health care should not be dependent on capacity to pay."

She details the strategies used by the government over its term to undermine confidence in Medicare:

· Medicare for pensioners and card holders only - still on the agenda and a step closer with so-called safety net;

· Medicare levy surcharge for high incomes earners who don't take out PHI – done;

· Bulk billing abolished except for welfare recipients – still trying and getting closer after the recent changes;

· Refundable tax credits to provide ongoing assistance to income earners below 30,000 who take out PHI - done in spades, expanded to all and introduced as the 30% rebate;

· Gap insurance for medical and hospital bills; almost done

· Rebate to be reduced from 85% to 75% of Medicare schedule fee – effectively achieved by stealth. The government has undermined bulk billing by GPs by setting the scheduled fee at an unrealistically low level. In my own seat, this has caused the bulk billing rate to drop by 13.1% since 2000.

Whether you agree with sustaining Medicare or not, Carmen presents a well-thought out argument with support for her view that Howard has achieved the "Fightback agenda" for Medicare.

Carmen Lawrence's Speech Medicare Under Attack

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Speech to Medicare Forum 16 March 2004

Medicare Plus: The Illusion of Social Justice

Medicare Under Attack

Carmen Lawrence

We need a serious debate in Australia about the principles underpinning Medicare. And we need to remind the Government that Medicare is more than a brand name.

It's clear to me that the Government does not understand (or if it does understand, does not endorse) the basic principles of a universal health system.

Their neglect of Medicare fro most of their term and recent destructive amendments led Professor Deeble, one of the architects of Medicare to declare it dead. I hope he's premature in that pronouncement.

The Government, of course, continues to pay lip service to Medicare and universal provision while acting in ways which undermine universality. Their underpinning philosophy is user pays, replacing government with private provision.

On the contrary, we in the Labor Party believe that it is fundamentally important in a civilised society that health care should not be dependent on capacity to pay.

We also believe in the redistributive effects of so-called "non cash benefits" like bulk billing, free hospital care and subsidised medicines. Such policies benefit the lowest 30% income earners by freeing some of their income for other purposes while ensuring that they can have access to quality health care.

Underpinning the Government's policy prescriptions is the proposition that individual gain and not the collective good should determine which services are paid for from taxes and which from individual incomes.

They have insisted that those on high incomes should insure privately and use private health services rather than paying taxes and, with other citizens, creating a universal, quality service which is then available to everybody regardless of means.

I prefer what John Kenneth Galbraith[1] calls simply, the "good society": a society where we work together for the greater good and share in the wealth of our country. This principle forms the foundation of Medicare.

The rhetoric of "choice" favoured by the Howard Government is used to disguise the shift away from collective provision: funds are being removed from government

hospitals to give people greater "choice" to purchase these services with their own (subsidised) resources in the private sector.

While the notion of greater choice is superficially appealing, it rests heavily on the individual's income. The inevitable result is a two-tiered system of service provision: one for those who can exercise "choice" because of their wealth to use private health services and a second tier which is residual or marginalised, the charity system for the indigent.

Labor believes that governments have a responsibility to intervene to reduce and remove inequality. Where governments don't intervene, or intervene less effectively than in the past, the result is growing inequality.

I was Health Minister during 1996 election campaign and I warned then of what I saw as the Conservative's long-term strategy to undermine Medicare.

I reminded people that one of Howard's first acts when he entered Parliament was to vote against Medibank in the joint sitting of Parliament which followed the double dissolution brought on, in part, by the conservative's refusal to pass the original legislation.

He was Treasurer when the Fraser Government systematically dismantled Medibank and when challenged about his real intentions before the 1996 election, denied the obvious and said implausibly, using a formulation which will now be familiar to a lot of Australians –

"A lot of people will say that changes Fraser made did not amount to dismantling Medicare"

On the contrary, the majority who voted him out and many expert commentators said that they did because –

· the 2 million Australians who were not classed as poor or disadvantaged were without hospital or medical over;

· free access to hospitals was restricted to the disadvantaged; and

· the Commonwealth flat rate medical benefit was set at 30% - the rest came out of the patients' pockets.

An "Age" editorial in 1978 put it bluntly:

"Their real purpose appears to be to satisfy the Government's ideological preconception to placate the medical profession and to ease the Government's budgetary difficulties.

Their main effect will be to shift some of the burden of health care costs from the public to the private sector, from higher to lower income earners and from those in good health to those who are sick"

Sound familiar?

What we are confronting is a pattern of wilful deception of the Australian people; Howard rarely changes his long-term goals but he is always prepared to adopt the face of moderation for political advantage.

However, the public record is replete with almost visceral antipathy from PM toward Medicare, the so-called "conviction" politician on display. For example he described Medicare as "Medimess" plagued by "mediqueues", "Labor's millstone" – and further as "an administrative quagmire; a financial monster; a human nightmare." He certainly didn't mince his words. In fact the prose got decidedly purple.

At the same meeting of the Australian Private Hospitals Association Congress in 1987 where has made the above observations, he said:

"Medicare, a mandatory national monopoly service, has degenerated into a second rate service and failed the great majority of Australians."

He gave his audience, private hospital proprietors, an undertaking to "break the monopolistic stranglehold."

He claimed that Medicare had failed the great majority of Australians and that he would "pull it right apart."

I warned when I was Health Minister that this man, if ever PM, would use what one commentator described as the "rotting strut" strategy to dismantle Medicare.

While pledging undying loyalty to Medicare – and simultaneously redefining its key objectives – he has conducted a "clandestine campaign" as one commentator put it – pulling away one strut at a time until so many have been removed that the old structure will be seen by all as not working at all. The PM can then step in – as he's doing with bulk billing- and declare its imminent collapse and the need for change, now agreed after disgraceful regional pork-barrelling of the Independent Senators.

People should not have been deceived – and they should not be deceived now. Despite being forced to pledge in 1996 – when under pressure – to keep the system in its entirety, he was still musing in 2001 on the virtues of the old, favoured model.

He does sometimes let his real attitudes slip into view. In an interview with the Sydney Morning Herald just before the last election (perhaps his guard was down because of all

the excitement over the no-children overboard affair), the PM said that Medicare was a "cardinal mistake".

He thought that in his view Private Health Insurance had worked for 90% of the population and special arrangements could have been made for the poor who could not afford premiums. He said that, instead of fine-tuning the existing system,

"we turned the whole thing on its head and we have never been the same since. In the process, we destroyed the honorary system and we dismantled a perfectly functioning health system."

But he came to his senses after that bout of mistaken nostalgia for the 50s picket fence and added, just in case anyone had started to discern his real intentions, and with more than a tinge of regret, "You can't get back to it…. You get a new generation with different attitudes, different values."

Knowing that the Australian people are still very supportive of Medicare, he has adopted the "Speak softly and prosper" strategy. He knows that a secure, affordable health system is just as important to the Australian people as protection from terrorist attack, so he wouldn't dare reveal his deep antipathy to this "inappropriate socialist dogma" as he once described it. Before his conversion, that is.

Howard's commitment to contest the next election could be the death knell for Medicare, unless Australians wake up to his real agenda.

As the former CEO of the Commonwealth Health Department and now Professor of health policy at La Trobe University, Stephen Duckett, has suggested Howard's legacy – one of which Howard would probably be secretly proud- is likely to be the destruction of Medicare.

As Duckett has pointed out, Howard has undertaken an audacious attempt to rewrite history, most recently in his attempts to claim that Medicare was only ever intended as a safety net for the disadvantaged. On the contrary, Medicare was designed as a universal scheme providing access to health care for all Australians.

The Coalition has consistently resisted that idea that Medicare is a contract with the Australian people designed to ensure that everybody gets quality care, regardless of their wealth.

It was deliberately designed so that no one need have private health insurance, unless they chose to.

It was clearly based on the principle that through the progressive tax system, where the rich pay more (at least in theory) and the Medicare levy, where the rich pay more, we would create a system that all Australians could share in.

Health, after all, is not a commodity where your income determines how much and what quality you can obtain. At least, that's what the Labor Party believes.

And whatever he claims to be his current views on Medicare, we need to judge this Prime Minister by actions and the results of his actions:

· Massive cuts to public hospital funding in first two budgets and most recent cuts of $918 million from the Australian Health Care Agreements to pay for the ironically-named Fairer Medicare package. And he went back to the Australian Health Care Agreements last week to remove another $427 million to spend on the bribes to get the Independent Senators to support the Government's program;

· The destruction of the Commonwealth Dental Health program and its now inadequate replacement under pressure;

· The expensive/ uncapped PHI rebate and its escalating cost. All the independent evidence confirms that it does not deliver value for money, either to those who take out public health insurance or to the taxpayer;

· The acceptance, until forced to act under political pressure, of the sharp declines in bulk billing with the consequent increases in costs to families;

· The creation of a so-called safety net for the few to replace reasonable access to bulk billing for everyone. Estimates are that 95% of people will be worse off because of the likely escalation in doctor's fees.

It's fair to say that Government is well on the way to transforming Medicare from a universal health care system into a means-tested Medicare welfare system.

As I indicated earlier, Howard was careful at the 1996 election and since to reassure the Australian public that his intentions were benign and like them, he was a fan of Medicare and that his party had never, ever, had any intention of abolishing it. He complained when pushed –

I don't accept for a moment that we went to the last election (1993) as Paul Keating alleges promising to abolish Medicare, that is wrong, we didn't. We didn't promise to abolish Medicare at the last election; we promised to make changes but not to abolish it. But our commitment to keep it is absolute; it is a guarantee, and we are also going to keep community rating and we are also going to retain bulk billing."

While he well knew that one of the reasons they lost the previous election was their promised assault on Medicare, he wasn't prepared, even then, to concede that an assault had ever been one of his objectives – and would be again.

He had to pretend that he had always supported Medicare and only nasty people like Paul Keating would dare draw attention to very explicit and public assault on Medicare contained in "Fightback"

He obviously hoped the Australian people and the media would not notice that in 1993 while the coalition were going to keep the name Medicare, (they wanted and still want the name, but not the key principles), their policies amounted to a full frontal attack. They represented a fundamental redesign of the health system, unrecognisable as the universal system that was Medicare.

What may not be so clear is that Howard has, by subterfuge and misrepresentation, achieved much of the "Fightback" agenda:

· Medicare for pensioners and card holders only - still on the agenda and a step closer with so-called safety net;

· Medicare levy surcharge for high incomes earners who don't take out PHI – done;

· Bulk billing abolished except for welfare recipients – still trying and getting closer after the recent changes;

· Refundable tax credits to provide ongoing assistance to income earners below 30,000 who take out PHI - done in spades, expanded to all and introduced as the 30% rebate;

· Gap insurance for medical and hospital bills; almost done

· Rebate to be reduced from 85% to 75% of Medicare schedule fee – effectively achieved by stealth. The government has undermined bulk billing by GPs by setting the scheduled fee at an unrealistically low level. In my own seat, this has caused the bulk billing rate to drop by 13.1% since 2000.

For all the oily courting of the "battlers" vote, the Government is doing them in the eye. This is a government that supports privilege and tries to disguise its true agenda with a veneer of moderation and the rhetoric of choice.

It doesn't necessarily come naturally. The government had to spend over $40,000 to come up with the slogan "Fairer Medicare." As Alan Ramsay understands, being one of the few journalists who watch the record of MPs and with a grasp of political history, the "truth is, Howard would rather have it put down."

To see just how accurate this conclusion is, one needs only look at what they've done to hospital funding.

Since 1996 Howard Government has mounted a sustained campaign to cut funds from the public hospital system, starting with cuts to fund the first version of the PHI rebate to support the private hospital sector.

In the current Health Care Agreements has robbed the states of at least $1 billion to construct a two-tiered bulk-billing system. They recently mined the agreements for more than $400 million to pay for the concessions they made in the Senate to get their package through.

The Prime Minister's goal in cutting hospital funds is to ensure that people who tried to use the public hospital system as public patients would confront longer and longer waiting times and would opt for the private options using their Private Health Insurance, which he'd forced many of them to purchase.

As several studies have demonstrated, this expensive, ideologically driven exercise complete with the 30% rebate, has taken no pressure off the public health system. Demand for public hospital services has continued to rise – well over 10% in most States - with even higher increases in emergency departments.

The increased levels of activity in the private hospital sector is largely due to an increase in elective and less serious surgical procedures as people dragooned into getting private health insurance try to get their money's worth.

To bolster their case for the PHI rebate, the Government has often pointed to the fact that over the last 20 years the proportion of Australians with PHI fell dramatically. They claim they had to act to reverse the trend.

The decline in membership of private funds was due in part, to the escalating premiums, but largely to the success of Medicare. As one commentator observed, it "reflects a rational choice by Australian consumers reflecting confidence in the publicly funded Medicare program."

The Government has systematically tried to undermine that confidence and to depict Medicare as inadequate. Remember the advertisement for PHI showing the umbrellas sheltering the poor patients from the rain – the public system.

Through the initial incentive scheme in 1997 (failed) and the later 30% rebate, the Howard Government clearly hoped to entice more people in the private health insurance and private health usage.

However, these initiatives sailed to have any substantial effect and one and half billion went largely to existing members with hardly any new recruits. Over first year of operation 30% rebate, the proportion of the population with PHI increased from 30% to 30.1%.

It was only when the Government introduced lifetime health insurance and tried to scare the pants off young people that their care would otherwise be inadequate that the numbers moved – to over 40%.

The cost now of the rebate is approximately $2.6 billion and growing with every premium rise. It is entirely open-ended.

It is fair to ask whether the policy produced the claimed benefits, in particular of taking pressure off the public hospital system?

While there was some evidence of an initial decline in public hospital usage in 1999-2000 and a corresponding rise in private hospital admissions, this effect has not been sustained. It was described by one researcher as a “one hit wonder.”

The latest data show public hospital growth is almost back to where it was before PHI rebate and the situation certainly does not justify the cuts to State hospital funding inflicted in the last round of Medicare agreements.

What’s worse for the long-term, young people are leaving PHI in droves, worsening the age profile and placing pressure on premiums. In 2002-03 there was a decline of 4% in PHI coverage by all age groups in the 30-59 age band and a 6% increase amongst those over 60.

The most recent figures show that the number of insured people aged 30-54 plunged by 256,000 since Sept 2000, while those in the over 65 group increased by 9.9%.

It has been estimated that to keep the average age of those insured constant in 2010, 75% of the then 30-39 year olds will need to be insured.

Can we expect another scare campaign? We are certainly in for another “public education” campaign promoting the new package.

The over 65’s of course, are those with greatest need and the highest use of expensive health services. The increase in the proportion of older policy holders is driving up the cost of health insurance and has already added 5.5% to average health benefit payout by funds. Premiums are set to rise again in April, at great cost to the taxpayer as well as those with PHI. Estimates are that, on average, premiums will rise by 7-8%, but for many the increases will be much higher; in the past as high as 20%.

Despite the increase in the percentage with PHI, it should be pointed out that the 30% rebate favours high income earners compared to low income earners. This is sharply illustrated by figures on access to dental care. The Government's axing of the program withdrew subsidised dental care from least well off ($100 million per year); while with the 30% rebate subsidies on 2001 of between $300-$400 million per year are available to those with PHI.

The justification the government uses for the huge outlays on PHI is the claim that the public and private systems are perfect substitutes for one another and that increased use of the private sector reduces use of the public sector.

This argument has a number of weaknesses –

1. there are substantial differences between the mix of patients seen in the public and private sectors; the private sector focuses on elective surgery. Indeed this is how private insurance has been marketed for many years; namely that private insurance allows the insured person to bypass public sector waiting lists.

2. The private sector does not provide services in a range of areas, especially complex medical and surgical cases. Even in the area of elective surgery the extent of substitution is questionable. As Duckett argues

"There is a strong argument in the health economics literature that suppliers/providers can, in certain circumstances, create their own demand and this is particularly the case where the provider is rewarded on a fee for service basis for service provision."

Such behaviour is less likely in the public sector where the incentives for demand creation are not as great.

It's reasonable to conclude that not all private hospital activity can be seen as a substitute for public hospital activity.

Even in those areas where services are perfect substitutes (and there are obviously some), the public policy question should be, is the public subsidy to private activity economically beneficial? Again this is quite contentious. What evidence there is shows little or no difference in efficiency between the two sectors.

Indeed, there may be substantial costs to the public in expanding private sector use. Inevitably, an increased amount of activity in the private sector contributes to increased waiting times in the public sector.

Specialists prefer to operate in the more lucrative environment of the private sector and are not then available for public hospital employment.

Why then should governments subsidise the private sector when those subsidies further exacerbate public policy problems in the public sector (through increased waiting times) while enabling some privileged consumers to bypass public sector constraints, created at least in part by siphoning money from the public to the private system?

This is the antithesis of a universal system where clinical need determines the care you get. It was certainly not what was intended when Medicare was created and it's certainly not fair.

Only by removing the Conservatives can we hope save Medicare.

[1] Galbraith, J.K., The Good Society, Boston, Houghton & Mifflin, 1996.

A Head Start for Australia: An Early Years Framework

A Head Start for Australia: An Early Years Framework is a blue-print that sets out what we can do - individually and as a community - to give all Australian kids a great 'head start' in life.

National and international research identifies the areas in which we can take action that will have immediate and long term benefits for young children.

The framework shows that everyone has a role to play in helping to give kids a head start - all levels of government, businesses, families, even people without kids.

By working together and investing in the critical early years of a child's life, we can grow up kids who are healthy, happy and productive. This will bring benefits to all of us - as individuals and as a nation.

A Head Start for Australia: An Early Years Framework was jointly developed by the NSW Commission for Children and Young People, the Commission for Children and Young People (Qld) and the National Investment for the Early Years (NIFTeY).

Below is an excerpt of the Report which lists the areas which are focused on in the Report.

PRIORITY OUTCOME AREAS FOR AUSTRALIA

The goal: "Giving Australian children a head start in life"

OUTCOMES

1. Supporting the wellbeing of women of child-bearing age.

2. Promoting child wellbeing.

3. Supporting the choices of families in their parental and working roles.

4. Enriching, safe and supportive environments for children.

5. Improving economic security for families and reducing child poverty.

6. Achieving success in learning and social development.

7. Protecting the safety of children.

8. Promoting connections across generations, families, cultures and communities.

9. Increasing children's participation: policy action, awareness raising and advocacy.

UNDERPINNING STRATEGIES

To achieve these outcomes, there is a need for a number of broad underpinning strategies:

A skilled and safe workforce.

Evidence-based policy and program development and implementation.

Redesigning systems and services to support coordinated action.

A sustained and sustainable communication strategy to focus community and government attention

and action.

Source: Kidsnsw.gov.au

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Sexism and Homophobia

Senator Brian Greig is the Democrats spokesman on sexuality issues. He was elected to the Senate for Western Australia in 1998 and was Interim Leader of the Australian Democrats from 22 August 2002 to 5 October 2002. In the article below that was published in The Age in April 2004, Brian Greig questions what he feels lies behind recent issues being raised in the Parliament. Sexism and homophobia lie behind the arguments of Latham and Howard he writes.

The Real Masculinity Crisis

What is this "crisis of masculinity" we keep hearing so much about, and where do we locate it?

Mark Latham says it's about single-parent families, and you find it where boys grow up without dads. John Howard says it's about same-sex couples adopting children, and you find it with lesbians raising sons. The Catholic Church says it's about an abundance of women teachers, and you find it in classrooms without male role models.

Scratch the surface of these arguments, and what you really find is good old-fashioned sexism and homophobia. The unstated concern about boys being raised by single mums, living in lesbian households and taught by female teachers, is the notion that this produces an "effeminisation" of males, and the fear it may lead to homosexuality itself.

The myth of the "overbearing mother and distant father" as the cause of male homosexuality is alive and well. Thus, the "crisis in masculinity" is little more than a diversionary debate that hides what more properly might be regarded as the real crisis of masculinity. That is, many men's general anxiety about homosexuality and discomfort with female authority.

Neither Howard nor Latham have expressed any concern about girls being raised by dads or girls not having a balance of male teachers in the classroom.

Neither Howard nor Latham has expressed any concern about the glass ceiling for women in the workplace, nor the low numbers of women found in areas such as science, engineering or politics.

The Catholic Church sees no hypocrisy in having only male popes and refusing women into the priesthood.

Role models, it seems, are only important for males.

The church compounds its hypocrisy with its successful demand for special rights in employment law. Only religious organisations have the lawful exemption to refuse homosexual teachers employment. The result is that it turns away many decent male

teachers and at the same time perpetuates the myth that gays are a physical and moral threat to children.

And then it conveniently overlooks the shocking levels of sexual abuse by its own clergy.

The rampant sexual assault of women and children by men is a very real example of a "crisis in masculinity", that could be better addressed by our political leaders, rather than them pursue the nonsensical notion that having male teachers produces more "rounded" boys.

We should acknowledge also, that a key reason for the low numbers of male teachers is the profession being perceived as "caring and nurturing", and thus the domain of women.

This sexism in workplace relations has also conditioned women to be more accepting of casual, part-time and insecure employment.

Curiously, at a time when several rugby league and AFL players are accused of being rapists, there is a deafening silence about the crisis of masculinity that underpins this. Is anyone going to seriously suggest that this misogynous aggression is the result of single mums, lesbian parents and female teachers?

The disturbing levels of male violence and appalling rates of male suicide are indicators of the real crisis in masculinity. Nowhere is this more evident than in domestic violence and the explosive results from relationship breakdown, child custody disputes and battles in the Family Court.

We are repeatedly told by sincere and well-meaning men's groups that suicide by aggrieved dads is a national tragedy, and it is. But it does not follow that the Family Court and its alleged "female bias" is to blame. The cause rests with many men's difficulties with interpersonal skills, inability to work through relationship issues and an almost complete paralysis when it comes to addressing emotions and expressing feelings.

Here you will find a crisis of masculinity.

This is where we can learn from women. I'm being careful not to generalise gender traits or polarise the sexes, but often women deal with issues quite differently from men. In the home, the workplace and the classroom, women tend to be less confrontational, more inclusive, less egotistical, less hung up about sexuality, more conscious of not causing people to lose face, more in touch with their emotions and less inhibited about expressing them. Not always, but often.

Men should recognise these qualities, not fear them.

Women's roles as mothers and teachers is a positive influence on boys, and is a small counterbalance to the masculine imagery and ethos that floods their senses daily through popular culture, sports, and television.

Masculinity is not defined by an absence of things female, but in the comfort and confidence that comes with embracing the yin and yang of the sexes.

The real crisis in masculinity is the knee-jerk reaction to any perception of "female" thinking and behaviour, the accepted culture of male violence and power, and the psychosis many men have towards sexual difference.

Source:
http://www.theage.com.au/articles/2004/04/01/1080544625786.html

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Grubby Sex Has Just Become a Bit Noisier -

By Germaine Greer

There's nothing new about "roasting" - women being shared between sportsmen, writes Germaine Greer.

When I was a little girl, I used to beg my father, who managed the St Kilda cricket team, to let me go with him and see his lads play. But he wouldn't countenance it. As a 17-year-old interpreter at the 1956 Olympic Games in Melbourne, I soon found out why.

Girls who hung around sportsmen were understood to be asking for it. If they caught a competitor's eye, there was a good chance of wham! bam! but none whatever of a "thank you, ma'am".

If a sporting opportunity for sex of any kind arises, sportsmen will go for it, especially if their mates, who are also their rivals for places in the team, are looking on, daring them, chivvying them, winding them up. If alcohol has been taken, disinhibition can be total. Acts of astonishing grossness enter the mythical record, fuelling hours of happy reminiscence.

One of the most important mechanisms for binding any company of men involves shared transgression and mutual guilt. No matter how revolting or destructive the behaviour, none of the men involved should ever breathe a word of it to an outsider; the penalty for doing so is the most painful of all: permanent exclusion from the group.

As long ago as 1970, the American baseballer Jim "Bulldog" Bouton caused utter consternation by publishing his diary for 1969, which included graphic descriptions of what baseballers did together when they weren't on the field. Ball Four described what would now seem rather mild transgressions: looking up women's dresses amid ribald commentary, and the occasional gang-bang with one of the groupies, called "Baseball Annies".

A favourite sport was "shooting beaver". This involved getting on the roof of the team hotel and peering into all the hotel windows in search of the sight of a woman undressed, on the toilet, in the shower, whatever, and then calling the whole team to assemble and enjoy the show. The best bit was when they would all cheer and the appalled woman would register that her innocent and private behaviour had been witnessed. The fun went out of it if she gave the impression that she was deliberately exhibiting herself. She had to be unknowing, like a deer in the sights.

Bouton's treachery was bitterly resented. He was released by the Houston Astros in 1970 and it was not until April 1977 that he was signed again. What Bouton was describing was and is, and probably always will be, the morality of the locker room. This is why no sportsman would allow his daughter to hang around his teammates or act like the fans he has seen so often abused. The same rape fodder climbs through ventilators to get into the toilets, will perform any sexual service no matter how debasing, because it's the only contact with their idols they can get.

Good family men have been known to succumb to the groupies' onslaught, believing that as long as they don't kiss these desperate creatures, as long as they make no move that could be interpreted as a sign of affection, they haven't been genuinely unfaithful. Indeed, the more brutal the treatment of the women, the less they have to reproach themselves for. Pack rape in such circumstances can come to seem guiltless, a condign punishment for being a stupid slag even.

So there is nothing new about "roasting", the sharing out of eager women between sportsmen, nothing new about the women feeling humiliated and used, nothing new about the contempt and hostility that the sportsmen who are abusing complaisant women express.

Two elements do seem to have changed. There's no question that the women are stroppier. They're not embarrassed to say they agreed to sex with one man they'd only just met, or even with two, but they insist that they hadn't agreed to being brutalised, insulted or humiliated, and they want redress.

They might well be insisting on the right to free expression of their own desires, which include shagging the odd hyper-fit footballer, provided he doesn't abuse the privilege. But they also seem quite interested in another factor in sex with footballers - namely, indecent amounts of money.

The chances of a conviction for rape, in a case where footballers have had sex with a half-drunk woman, say, are virtually nil, but the chances for a significant pay-off from the club or the individual players are good.

The current system of accusation and withdrawal, complaint followed by dismissal of charges, failed attempts to injunct and so forth, fits the pattern. Most of the cases now on the books will fizzle.

This is not to say that the women who scream and holler haven't been abused, but that publicity is more effective than the law in obtaining redress, especially when there's as much money sloshing around as there is in football. The impression that rugby players are a different breed, who never behave like pigs or enjoy humiliating women, is in flat contradiction to the facts.

If you're passed on the road by a bus with a huge bare arse pressed against every window, chances are the arses belong to rugby players. And rugby songs are the filthiest of all. Rugby players don't end up in court or the tabloids for the simple reason that they haven't any money. The same holds for athletes, for swimmers, and even for cricketers.

Big-name sports stars are marked men; even if they use prostitutes, they run the risk of bringing their sport into disrepute if the prostitute decides to seize the opportunity to have her semi-clad body draped across a centrefold together with salacious details of whether the athlete in question was "well-endowed" or not.

All the more reason, you might think, for the athletes to behave with more discretion. This is, from some points of view, a tall order. All athletes live on a knife edge. All are only as good as their last performance. All are incessantly reminded there is only one way to go after reaching the top.

The footballers' situation is the most precarious of all. As the last in the pecking order, after club owners, directors and managers, players are denied adult status. They are "boys" to be bought and sold, transferred or dropped or left on the bench; as they are denied autonomy, we can't be surprised if they lack responsibility.

Their survival depends on luck and is as fragile as a hamstring. Much of the concerted misbehaviour that ends in catastrophe begins as an attempt to discharge accumulated tension, which is no excuse.

It is notable that most of the footballers who have been making the headlines are young and single. But not all. Some have been very much married, and to trophy wives. The grey tribe of journalists scratches its collective head and wonders how, with that gorgeous creature indoors, they could be found with their mates drunkenly tupping a stranger in some hotel room. So are cliches perpetuated.

Athletes don't get involved in sordid behaviour because they need sex, but because they need sordidness. They need to do something so disgusting that it enters the unwritten record book, causing amusement and amazement in equal parts for as long as the team shall live.

Until now, they could keep the lid on this can of worms; the victims kept shtoom, the newspapers were paralysed by the threat of libel suits and astronomical pay-outs. At worst, the club could buy silence. Now that the women are beefing and the papers are printing and wives are walking out, the players are more vulnerable than ever.

Source: The Sydney Morning Herald Tuesday March 23 2004

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Women are Region's Peacemakers, But Excluded From Leadership

By Dr Elsina Wainwright, Australian Strategic Policy Institute,

UNIFEM's International Women's Day Breakfast Sydney

In the South Pacific, it is often women who suffer the most during and after the conflict, writes Elsina Wainwright.

Women in the South Pacific face many challenges. In Melanesia conflict and political instability exacerbate their situation. In the Solomon Islands, women faced ethnic conflict and then lawlessness as armed gangs held sway before last year's Australian-led Regional Assistance Mission.

In Bougainville, women have endured the horrors of civil war, including rape and other violence. In Fiji, the 1987 and 2000 coups brought instability, damaged the economy, and fanned ethnic tensions. When instability and conflict prevail, it is too often the women who suffer the most. And fresh problems arise in post-conflict societies like Bougainville and Solomon Islands.

Many men used to the status they gained from war and weapons have trouble reintegrating into a fragile postwar society with few employment opportunities. Too often they take their frustration out on their wives and children. Alcohol abuse increases, and domestic violence rates rise.

This situation is compounded by the dominance of men in traditional South Pacific society. Men are the public decision-makers and political leaders. If women exert any

influence, it is behind the scenes. The Solomon Islands pidgin word for "husband" is "boss".

Women in Melanesia are also affected by the inadequate delivery of services such as health and education, particularly in isolated areas. In PNG the problem is acute, where service delivery has ground to a virtual halt in some parts of the Highlands.

Notwithstanding all these challenges, South Pacific women have played a critical role in ending conflict and building peace. In Bougainville in the 1990s, women came together to promote peace and reconciliation, often putting themselves in danger to tell the men to stop the fighting.

In the Solomon, women in the capital Honiara interposed themselves between the two militias for weeks in an effort to end the conflict. They formed the Women for Peace Group, which worked with militia groups, the government and others to promote peace in 2000. It is now internationally recognised that women are often best placed to act as peacemakers in war-torn or insecure societies. But this crucial role in ending conflict and building peace has not translated into a greater role for women in the formal peace processes, or in the post-conflict society.

In Bougainville, women were relegated to the sidelines of the peace talks, and have been marginalised in the autonomy process. In the Solomon Islands, women were in large part excluded from discussions once ethnic conflict ended in 2000. It is imperative that South Pacific women acquire a leadership role in the formal peace processes and in their societies.

South Pacific women's groups are working to improve women's status in society, and a lot is being done to assist South Pacific women to play a greater leadership role. UNIFEM, the UN's development fund for women, is working to raise awareness of women's constitutional rights and to encourage women to take leadership roles.

AusAID and many non-governmental organisations are doing much to improve the lives of women in the region. It is important that women continue to be deployed on assistance missions - as police, for example, or lawyers or financial experts. They serve as role models for the women in that society, and send an important signal to the men. One of the lessons from East Timor and Bosnia is that women prefer relaying their conflict experiences to other women.

Australians over the past decade or two have largely forgotten the South Pacific. We tend to know more about Europe, the US and the Middle East than we do about our neighbours. That needs to change. Last year the Australian Government turned its attention back to the South Pacific. It is time for all Australians to reconnect with the region. We need to re-establish people-to-people links with the South Pacific, including business to business, student to student, and also women to women.

International Women's Day is a day to rejoice in how far women have come, to remind ourselves how far we have to go, and to redouble our efforts to assist other women around the world to have peaceful, prosperous futures.

Source: The Sydney Morning Herald Tuesday March 9 2004

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Streets Ahead

By Emma-Kate Symons

JESSIE Street packed more into her crowded life than most. Suffragette and feminist, Labor Party candidate, socialist, international peace activist and campaigner for Aboriginal rights, she was more influential than most parliamentarians, and for more than 50 years a serious player on the 20th-century international stage.

A World Peace Council colleague of Paul Robeson and Pablo Picasso, and feminist contemporary of Nancy Astor and Eleanor Roosevelt, Street was the only woman on the Australian delegation to found the UN in 1945. She was vice-chairwoman of the first two sessions of the UN commission on the status of women. And she remains the only woman to initiate a change to the Australian Constitution - the successful 1967 referendum on the status of Aborigines.

But ask most people to name Australia's most significant feminist and they'll come up with Germaine Greer, more a polemicist than an activist who effected practical change.

"I'm glad we have (Germaine) Greer but what we don't have today are women like Jessie Street who are very focused, who recognise where power lies and are prepared to learn everything they need to to effect change," says Lenore Coltheart, a political historian and editor of Street's newly revised autobiography.

Compared with Greer, the number of firsts in Street's life is extraordinary. But Street, known as "Red Jessie" for her pro-Soviet stance during the Cold War, when she had to leave Australia for six years, remains the hidden woman of Australian 20th-century history. Her leftist sympathies and notoriety in the McCarthyist 1950s have overshadowed her legacy - which saw her playing a role in or being present at key historical moments of the past century. She features only in passing in most Australian history and women in politics courses at schools and universities.

Street, who died in 1970, was the daughter-in-law, wife and mother of three chief justices of NSW. Her family, through the Jessie Street Trust, have supported the release

of her corrected and updated autobiography - to be launched tonight in Sydney by former law reform commissioner Justice Elizabeth Evatt - in the hope that Street's life and legacy will become known to a new generation of Australians.

The youngest of Street's four children, Laurence Street, the former NSW chief justice, tells The Australian his mother was "somewhat of a contradiction".

"She was a very whole figure in the sense of her personal and family relationships and with her friends and those who supported her, and particularly her children," he says.

"She had a very warm affectionate personality. But at the same time integrated into her was her political instinct. It was really the search for social justice which was the main driving force in her life."

Street was the tomboy daughter of the squattocracy. Born in India, she moved as a young girl with her family to their Clarence River farm in NSW where she became enamoured with horse riding and cattle raising. Her independence and innate belief in equality was manifest early. She spent much time with the local Aboriginal stockmen and their families, and tried to evade the restrictions on someone supposed to learn "to behave like a little lady".

"As far back as I can remember, I had always hated being a girl," she writes in her chapter The Bushranger, named after the moniker she earned at a progressive women's boarding school in England.

Accustomed to international travel from a young age, Street had an uncanny knack for being in the right international troublespot at the right time. She was part of London's pre-World War I suffragette marches and in London again for the outbreak of war. She crossed the Atlantic en route to New York (to study the economic causes of prostitution) weeks before the sinking of the Lusitania.

In 1930, she travelled to Geneva to study how global women's groups were lobbying the League of Nations. She was with her daughter Philippa in Austria after the Anschluss in 1938, and in the Sudetenland just before Hitler invaded, before she travelled to the Soviet Union.

Despite her internationalism, and feeling of being at home when she was in London, Street was central to the formation of Australia's first feminist activist organisations. She was the founder and president of the United Associations of Women from 1929, Australia's first umbrella feminist group.

At the time she pushed for the introduction of national social insurance, equal pay, women's permission to serve on juries and the formation of the nurses' union. During

the Depression she campaigned against employment discrimination against women, in the form of new laws forcing married women to resign from teaching jobs.

"She was very much affected by the Depression in Australia," Laurence Streetsays. "She saw a great deal of hardship in the 1930s although her activism goes right back to pre-World War I."

In 1943 she almost won the blue-ribbon Liberal seat of Wentworth, where she lived in Sydney's east, as the Labor candidate. Street was also the vice-chairwoman of the first UN commission on the status of women, held in San Francisco in 1945. She retained the position for two sessions until the Chifley Labor government, fearful of Street's alleged far left-wing connections, withdrew its support.

One of the most intriguing aspects of Street's life is her relationship with her husband Kenneth. Despite his upper-class status and the prejudices of his time, he didn't prevent his equally well-to-do wife from pursuing her passion for social justice and her international political travels.

Kenneth Street was made chief justice of the NSW Supreme Court in 1950 - the year Jessie left Australia, under suspicion of being a communist. She moved to London and became an international cause celebre. The Menzies government withdrew her passport and she was deported from France, as well as turned away from the US en route to the UN.

"I think that Jessie Street's work and her chosen profession and her views were very embarrassing to her maternal family, let alone her husband's family and possibly to her children, and many of her colleagues," Coltheart explains.

"Being slightly embarrassing is one thing but to be politically persona non grata when your husband is the chief justice of NSW is another. To me that suggests a very strong marriage and a very strong bond."

Additions to the revised autobiography include a letter to her daughter Belinda, dated July 1955, that hints at family dissension over Street's radical views.

"I have read what you say about my 'views' and 'how far you have gone from us in thoughts and ideas since you left Australia'," Street wrote. "My views now are those I adopted during the Depression when I became a socialist and joined the Labor Party ... and as for being a 'fanatic' everyone who has believed in reform and tried to do something about it from Christ until today (and no doubt before Christ) has been called a fanatic."

Coltheart says she hasn't found any evidence Street, who was under ASIO surveillance for decades, was a member of the Communist Party. Street always denied it. But she

was mesmerised by Soviet-style socialism. "Her wild excitement at seeing a woman driving a train in 1938 as a piece of evidence that the Soviet Union had the secret of the equality of women -- well even at the time you might have been wanting to look at something more," Coltheart says.

However Coltheart is wary of labels such as naive because of the way they have been used to trivialise the contribution of women such as Street. Street was seen by many as a class traitor and her wealthy background made her a figure of suspicion for some on the Left. But she knew she was privileged.

"Had it not been for the co-operation and reliability of our nurse, who was a second mother to the children and the various cooks and housemaids who were with us, I could never have taken so many outside responsibilities," she writes in the autobiography.

"I was well aware that the vast majority of wives were unable to gain the freedom to do any outside work, even to earn their own living." Laurence Street, who has named his young daughter Jessie, prefers not to speculate on how his mother would rate the contemporary state of Australian feminism. But he agrees Jessie Street's vision and record offer a fine example to the present generation of feminists and those with an interest in social justice.

"That was one of the driving forces of Jessie's life - the inequity of women being second-class citizens in every way," he says. "We've moved an enormous way since then but still there's an enormous way to go."

Source: The Australian --- Tuesday March 9 2004

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World Uranium Weapons Conference

DU/Uranium Weapons: The Trojan Horses of Nuclear War

October 24, 2003 Hamburg, Germany

Conference to rogue governments: stop using illegal DU/Uranium Weapons!

Hamburg--The World Depleted Uranium(DU)/Uranium Weapons Conference was held October 16-19, 2003, at the University of Hamburg, Germany. More than 200 participants represented 21 nations from five continents, which included Iraq, Afghanistan, Australia, Japan, US, Canada, UK, Sweden, Ireland, France, Germany,

Switzerland, Belgium, Netherlands, Austria, Denmark, Italy, Spain, Algeria, Cuba, and Malta.

The evidence coming from the scientists, health professionals and legal experts at this Conference is clear: DU is causing significant health effects worldwide, and it is illegal under existing international law and convention, concluded conference planner Marion Küpker, co-coordinator of the German anti-weapons group Gewaltfreie Aktion Atomwaffen Abschaffen (GAAA). .Now it's up to the activist community to force rogue governments like the US and Britain to observe international law the same way they preach it to other nations.

Over 35 speakers including scientists, medical professionals, Iraqi medical and environmental professionals, independent researchers, international legal experts, military professionals, a nuclear weapons lab whistleblower, a prosecutor for the International War Crimes Tribunal for Afghanistan, veterans and their families, civilians, NGO, and peace and anti-globalization activists presented their most recent findings and issues about the effects of these illegal weapons. Iraqi scientist, Dr. Souad Al-Azzawi, received the internationally recognized Nuclear Free Future Award and prize of 10,000 Euros on October 12, just prior to the Conference. She presented her findings on environmental studies of DU contamination of air, soil and water in southern Iraq from the 1991 Gulf War.

Conference participants overwhelmingly agreed that:

• the use of DU/Uranium weapons is, and has always been, illegal under existing laws (both international and U.S. military) and conventions

• future campaigns and treaties should replace 'ban' with the term 'abolition' of DU/Uranium weapons

• to support the independent International War Crimes Tribunal for Iraq in 2004 on the issues of so-called depleted uranium, uranium weapons or radioactive weapons used in countries such as Iraq and Afghanistan

• environmental DU contamination and epidemiological evidence in southern Iraq presented by the Iraqi professionals established a direct link between DU and observed increases in radiation related diseases

• the Conference rejects the ICRP model for internal exposure to small radioactive particles, like DU, and recommends that the European Committee on Radiation Risk (ECRR) extend the 2003 model on low-level radiation to the analysis of the health risk from DU

• there is an urgent need to establish an independent research and teaching institution, a Free University to provide credible research results independent of the manipulations and funding pressures exerted by governments and institutions backing the nuclear lobby

• UNEP and WHO should be pressured to become independent from the IAEA, recognized as part of the nuclear lobby, in order to conduct comprehensive screening in contaminated areas including monitoring and decontamination of battlefields, testing grounds, manufacturing sites and military installations worldwide

• medical care should be provided immediately for effected military and civilians

Complete Conference resolutions and findings at
http://www.uraniumweaponsconference.de

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Commission on the Status of Women Forty-Eighth Session

ROLE OF MEN, BOYS IN ACHIEVING GENDER EQUALITY, WOMEN'S ROLE IN CONFLICT

As the Commission on the Status of Women opened its forty-eighth session on 1 March 2004, Jose Antonio Ocampo, Under-Secretary-General for Economic and Social Affairs, told delegates that the role of men and boys in achieving gender equality -– one of the two main themes of the forty-eighth session -– was vital for future work in promoting equality between men and women.

Improved relations between women and men, he continued, could not be achieved by women alone, and men must be fully integrated into the process. Ways must be found of encouraging men to understand gender equality and its positive consequences.

The Assistant Secretary-General and Special Adviser on Gender Issues and Advancement of Women, Angela E.V. King, noted that the Commission had rightly placed the role of men and boys in achieving gender equality on its agenda. Their involvement in promoting gender equality was critical to reaching gender balance in a number of areas. Real change would come only when stereotypical attitudes, which inhibited women's advancement and impeded efforts for gender equality, were once and for all removed.

As the Commission began its general debate, speakers emphasized the importance of including women in the prevention and resolution of conflicts, as well as in post-conflict peace-building -– the other main theme of the Commission's two-week session. Women in armed conflicts, noted Finland 's Minister of Labour, Tarja Filatov, were often seen as

merely victims of war. However, as active subjects and often direct participants in conflict, they could have a crucial role in conflict resolution and peace processes.

Speaking on behalf of the European Union and associated States, Ireland's Minister of State at the Department of Justice, Equality and Law Reform, William O'Dea, said that women had proven to be innovators in building bridges between parties divided by conflict and should have full input in promoting and preserving peace, as well as in the reconciliation and reconstruction process in the aftermath of wars.

In the afternoon, the Commission convened a high-level round table, which provided an opportunity for the users and producers of statistics to share national experiences, good practices and lessons learned in measuring progress in the implementation of the Beijing Platform for Action and the outcome of the twenty-third special session of the General Assembly, and for identifying gaps and challenges and possible solutions.

During the discussion, which was co-chaired by the Chairperson of the Commission on the Status of Women, Kyung-wha Khang (Republic of Korea), and Katherine Wallman (United States), Vice-Chair of the Statistical Commission, speakers underlined the value of statistics as an important tool for advocacy and lobbying to change laws and policies. It was important, they said, for governments to publish statistics in order to show the real situation of men and women within countries.

Speakers stressed that statistics were a vital tool in achieving gender goals laid down in the Beijing Platform for Action, and in monitoring the effectiveness of gender-based policies and programmes. They also underscored the value of statistics in improving the socio-economic situation of women, enhancing their participation in politics, and highlighting unequal resources between the sexes. Echoing the concerns of other delegates, Pakistan 's representative emphasized the need to forward gender disaggregated data to all policy-makers in achieving broad-based gender equality.

DELEGATES TO WOMEN'S COMMISSION STRESS NEED TO ENGAGE MALES IN ELIMINATING STEREOTYPES, DISCRIMINATION

They Must Be Involved in Changing

Men and boys must engage actively in changing mindsets as well as eliminating stereotypes and discrimination in the global struggle to achieve gender equality, the Minister for Community Development, Gender and Children of the United Republic of Tanzania said today as the Commission on the Status of Women concluded its general debate.

Minister Asha Rose Migiro said that if males were excluded from that process, many gender goals and targets might never be achieved. Moreover, male involvement in gender equality must occur at an early stage for both girls and boys, with the syllabi and

curricula of formal and informal education structures focusing on gender perspectives and sensitivities.

Echoing those sentiments, the representative of Bangladesh noted that while creating awareness of the need for gender parity was done mainly at the family and school levels in his country, public authorities and non-governmental organizations also worked together to convince men and boys that gender mainstreaming meant acting in partnerships.

Cuba 's delegate said that her country's struggle to achieve equal rights and opportunities for women had always involved men. Attempts to achieve gender equality had focused on non-sexist education from the preschool years, where girls and boys shared household chores. Recently, Cuba had adopted the new Maternity Act, which acknowledged the right of both parents to a shared a one-year post-natal leave with a guaranteed 60 per cent of their salaries.

Many speakers also highlighted the urgent need to educate men and boys in the gender-equality process if significant progress was ever to occur in the continuing struggle against HIV/AIDS.

Noting that about half of all HIV infections worldwide now occurred among women, a representative of the Joint United Nations Programme on HIV/AIDS (UNAIDS) said that men were a vital component of efforts to solve that problem. There was a need to address attitudes of male dominance and female passivity in relationships, and to debunk male stereotypes celebrating a cavalier approach to sexual promiscuity.

Furthering that argument, a World Health Organization (WHO) representative noted that many women had difficulties asking male partners to use condoms for fear of violence or projecting promiscuous. In addition, men were often key decision-makers when it came to women's health and welfare, especially in accessing health services and treatment. The international community must continually develop innovative programmes examining health and social issues facing men and boys, including those affecting their relationships with women and girls.

Speakers also stressed the importance of equal participation by women in conflict prevention, negotiation and peace-building, as well as political decision-making, with many noting such continuing obstacles as restrictive cultural traditions, persistent stereotypes, and lack of sufficient access to reproductive health services as well as information and communication technologies.

Source: UN

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UN Study on Impact of Globalization Shows Uneven Results

The findings of a two-year study of the economic and social impact of globalization, commissioned by the International Labor Organization (ILO) of the United Nations, was released last week. While recognizing that "the potential of the global market economy for good is immense," the report nonetheless showed that the opening up of borders, new trade agreements and the establishment of the World Trade Organization have failed to speed up the growth of the world's gross domestic product, which lags behind prior decades.

The gap between the rich and the poor has widened, with 6.2% (188 million) of the labor force still unemployed. Countries representing only 14% of the world population account for half the world's trade and foreign investment. Most important, in the developing world, women have been harmed more than men due to globalization. Women's traditional livelihoods as subsistence farmers or small producers have been undermined by foreign subsidized agriculture or foreign imports. When seeking alternative occupations, women face cultural barriers

To expand the benefits of globalization, the study recommends: improved international governance; more transparency in trade laws, better protection for goods and people crossing borders, better enforcement of international labor standards – i.e. the right to organize and bargain collectively, the elimination of compulsory labor, the abolition of child labor and the ending of discrimination in employment. (U.N. Report: "A Fair Globalization")

Source: GLOBEWOMEN NEWS ISSUE NO. XXX, FEBRUARY 27, 2004