



Legislative Assembly for the Australian Capital Territory

49th Presiding Officers and Clerks Conference

Wellington, New Zealand

8-13 July 2018

You can't be what you can't see— Women in the Legislative Assembly for the Australian Capital Territory

Paper to be presented by Joy Burch, MLA,
Speaker of the Legislative Assembly for the Australian Capital Territory

‘Any way you look at it there are many, many women who are capable of that job of leadership and making an impact at every level of government and I think we should see more’¹

“Women in politics do make a difference and they can change people’s perceptions of politics – they also change the structural discrimination of old-style political systems and parliamentary conventions”²

¹ Rosemary Follett, ‘Rosemary Follett and Kate Carnell reunited to sight sexism in politics’ *Canberra Times* 7th March 2015.

² Katy Gallagher, ACT Chief Minister, *katygallagher.net/blog* blog post, 1st October 2014.

Introduction

Women have played an important and prominent role in the Legislative Assembly for the Australian Capital Territory since its establishment in 1989. The ACT was the first state or territory to have a woman as its Head of Government. In the Second Assembly, the positions of Speaker, Chief Minister and Leader of the Opposition were all held by women. Perhaps most significantly, at the Territory election for the Ninth Assembly in 2016, thirteen women were elected to the Assembly. It was the first time in Australian history that a majority of women had been elected to a parliament and one of the first jurisdictions in the world to have done so.³ It was also notable that the voters of the ACT returned this result even though only 36 percent of the total 140 candidates that stood for election were women.

In this short paper I run through a brief history of women in the Assembly with relevant statistics and milestones. I also reflect on some of the dynamics that might operate to encourage women to become involved in politics, my personal experiences in parliamentary leadership, and why the ACT and the Assembly has been comparatively good at achieving gender diversity.

Women in politics

Women have played a critical role in the Australian Federation since its establishment almost 120 years ago.⁴ However, it has been, perhaps, only over the last several decades that we have started to see the ‘normalisation’ of women’s involvement in the political process and culture. It is no longer regarded as novel or ground-breaking to see women elected to parliaments or to take up the most senior positions in government. We have had one prime minister, one governor-general, and numerous governors, premiers and chief ministers who have been women. That women are increasingly visible in political leadership is important. Each time a woman is elected or appointed to high office, the level of community acceptance for gender equality increases and the view that has held sway for much of human history—that politics and leadership is the domain of men—further recedes into the background.

I strongly believe that the prominence of women in political leadership is an important catalyst in motivating other women to become involved. Increased participation of woman has a snowball effect because the visibility of women in these positions encourages other women to become politically active and seek out these positions. As one of my Labor colleagues, Tara Cheyne, recently told an Australasian Study of Parliament Group seminar: ‘You can’t be what you can’t see’. In this vein, it is interesting to

³ Subsequently, there was a casual vacancy and in February 2018 this number has now increased to 14 women MLAs or 56 percent of the Assembly’s membership. According to the World Economic Forum nationally, only Rwanda and Bolivia have a majority of women in their Parliaments.

⁴ It wasn’t until the passage of the Commonwealth Franchise Act in 1902 that women were granted the same voting rights as men at the federal level.

note one memorable moment (photograph below) that occurred in 2011 when Queen Elizabeth II visited Canberra. At the Fairbairn Airbase, Her Majesty was met by three female leaders—the Governor General (Her Excellency Dame Quentin Bryce AC), the Prime Minister (Hon Julia Gillard AC) and the ACT Chief Minister (Ms Katy Gallagher MLA). The effect that such an image might have on girls and young women considering a political vocation cannot be underestimated.



Visit by Queen Elizabeth II to Canberra in October 2011.

While substantial inroads have been made—both in the ACT and nationally—towards greater gender equity in politics, there is still a long way to go in the Commonwealth, state and territory parliaments. Parliamentary Library recently produced a guide on the composition of Australian parliaments by party and gender (see Appendix A). This guide showed that despite some outliers such as the ACT and Tasmania, parliaments continue to be dominated by men— women hold only 33.9 percent (281) of the 829 seats across Australian parliaments.

The Australian Labor Party (ALP), the party to which I belong, has made considerable strides in achieving greater gender diversity with 44.6 percent of all seats it holds in parliaments across Australia being held by women. In the Assembly, seven of the 12 ALP MLAs that were elected at the 2016 election are women.

The ALP makes deliberate and concerted efforts to ensure the representative of women in Parliaments. It has achieved this through a number of strategies including, in the ACT, a party requirement that women must make up at least 40% of preselected candidates for public office and men must make up

40% of preselected candidates. In an ACT Election with an electorate of 5 members this means that 2 candidates must be women and 2 candidates must be men with a spot left open for either gender. Interestingly, and perhaps a sign of the importance of these requirements in ensuring womens representation, at the 2016 election this open spot went to a woman in only one of the five electorates.

The ACT Labor Party also holds regular workshops for women focusing on political skills. It is often said that men naturally pass on skills such as counting a proportional representation ballot, organising, and other political skills to other men. These workshops have been a great success in giving women the skills to participate in the internal mechanics of politics.

History of women in the Assembly

If the visibility of women in the public and political life of a polity is an important factor in encouraging other women to become involved, then the Assembly has a mixed record (see below table). From its low of 12 percent of women in the fourth Assembly, the trend has been broadly one of progress towards gender equality.

Percentage of women elected

Assembly	Number	Percentage
First Assembly	4/17	23.5%
Second Assembly	6/17	35%
Third Assembly	5/17	29% ⁵
Fourth Assembly	2/17	12%
Fifth Assembly	7/17	41%
Sixth Assembly	6/17	35%
Seventh Assembly	7/17	41%
Eighth Assembly	6/17	35%
Ninth Assembly	13/25	52% ⁶

Office holders

The story is slightly more encouraging when it comes to women holding senior offices in the parliament

⁵ This became 7/17 (41 percent) following the filling of a number of casual vacancies during the Third Assembly

⁶ This became 14/25 (56 percent) following the filling of a casual vacancy during the Ninth Assembly

and in government in the ACT.

Women holding the position of Chief Minister

On 11 May 1989—the first sitting day of the newly established Legislative Assembly—history was made when Rosemary Follett was elected⁷ the first ever female leader of a State or Territory (the states were not far behind—Carmen Lawrence was appointed Premier of Western Australia on 12 February 1990 and Joan Kirner was appointed Victorian Premier on 10 August 1990).

In its 29 year history, the Assembly has had seven Chief Ministers, and three of them have been women. Kate Carnell was elected Chief Minister in the Third and Fourth Assemblies and Katy Gallagher was elected Chief Minister in the Seventh and Eighth Assemblies (that is, four of the nine assemblies have elected a woman to be Chief Minister).

Women holding the position of Speaker

Since self-government, there have been seven Speakers and, of those, three speakerships have been held by women—Roberta McRae in the Second and Third Assemblies, Vicki Dunne in the Eighth Assembly and myself in the current (Ninth) Assembly (four of the nine Assemblies have been presided over by women). With the speakership playing such an important leadership role in the operations of the Assembly and the formation of the political culture as it plays out in proceedings, it is significant that women have featured so prominently in the role.

Women in Cabinet positions

There has been much discussion at the Federal level in recent years about the number of female positions within Cabinet—the central decision-making body of government. The first ever member of the federal cabinet was Dame Enid Lyons who was appointed in 1949. Unfortunately, neither of the major parties have a great track record in achieving gender balance around the Federal cabinet table. Under the final Rudd Government, 30 percent of the cabinet were women and under the current government just over 17 percent of the cabinet are women.

In contrast, the ACT had an auspicious start in 1989 with 50 percent of the cabinet positions going to women. In the current Assembly, 42 percent of cabinet positions are held by women.

⁷ The Chief Minister is determined by the Assembly electing a member to the position (there is no administrator or vice-regal function in the ACT system of government).

Factors that may have impacted on the female representation in the Assembly

The Hare-Clark system of proportional representation gives voters a substantial choice at the ballot box not only between candidates representing particular political parties but also between candidates within political parties. This choice can promote a more accurate reflection of the community in the composition of the Assembly. A candidate in a single member electorate cannot personally reflect the diversity of their electorate. Multi-member electorates can better reflect that diversity. More women get elected where voters are able to have direct input into the choice of candidate with their preferred political party. This is reflected in the Tasmanian and ACT experience, two Hare-Clarke voting systems which, in their most recent elections, returned female majority Parliaments.

Gender is a relevant consideration when an elector chooses where to preference a candidate within their preferred party's ticket if they choose to vote within a party ticket. There is evidence in the preference distributions from the 2016 ACT Election that suggests a voter that votes for or preferences a women is more likely to highly preference other women. For example in the ACT, in the Ginninderra electorate the first excluded ALP candidate in count 25 on 3755 votes was a woman. Of the votes going to other candidates in the ALP ticket (approx. 80% of the candidate's votes) 55% went to other women candidates. In the electorate of Murrumbidgee the second candidate from the ALP ticket to be excluded saw her votes remaining in the ticket (80%) split between the remaining ALP female and male candidates 57% to 43% respectively. The same situation can be seen again in Kurrajong where the second excluded ALP female candidate's vote within the ticket split 64% to 36% in favour of the remaining female candidate. The same situation can be seen in the Canberra Liberal column where the last excluded female candidate's preferences split 57% to 43% in favour of the non-incumbent female candidate against the incumbent male candidate. Of course a candidate's gender does not explain all the factors that go to a voters decision, there are a magnitude of considerations some of which are certainly given a greater consideration than the gender of the candidate such as performance as an elected representative or campaign commitments, but this brief analysis shows gender is certainly a factor where voters are given a choice of candidates within their preferred party. You can't be what you can't see, but once seen, the gender of a candidate is relevant to the decision

of a voter and may be one of the reasons why multi-member proportional electorates have recently returned more women to Parliament. Electors do choose women to represent them when given the chance.

Across elections in the ACT as the two major parties have increased the number of women they have preselected that has corresponded to larger number of women being elected to the Assembly. As the major parties have decreased the number of women they preselect so has the number of women elected to the Assembly fallen. The 2016 Election led to a majority of women in the Assembly for the first time. It was no co-incidence that it was also the election that had the highest number of women as a percentage of preselected candidates between the major parties.

Therefore, giving the electorate a broader choice of who they chose to elect to the Assembly will result in a more diverse Assembly. A more homogenous slate of candidates will lead to a less diverse Assembly.

The following factors might have also had some bearing on women's representation in the ACT Assembly:

- unlike many other jurisdictions, the ACT is geographically small and there aren't the onerous travel requirements that exist in some states and territories, which can militate against participation (for both men and women) where family and other commitments do not sit easily with long periods away from a parliamentarian's home;
- family friendly sitting hours, with most sittings concluded by 6 pm on Tuesdays and Thursdays, and 7 pm on Wednesdays;
- the ACT is a highly educated and progressive community that has a track record of embracing social and political change on a number of different issues (for example, the ACT recorded the largest 'yes' vote in the same-sex marriage survey (74%) and was the only state or territory to vote 'yes' in the referendum on a republic);

Like other parliaments, the Assembly has also taken steps to ensure that its procedural, administrative and inter-party arrangements cater for those with caring responsibilities.

- Through an amendment to standing order 210, an exception to the prohibition against

strangers being admitted on the floor of the chamber was included whereby a nursing infant being breastfed by a member is permitted on to the floor.

- The Assembly has introduced a carers' room at the Assembly building to provide, amongst other things, a space for breastfeeding mothers.
- The ALP, Canberra Liberals and the ACT Greens have agreed to protocols to enable pairs to be given to an MLA with a caring responsibility.

Conclusion

You can't be what you can't see. The debates over the effectiveness or necessity of quotas for women for positions in Parliaments, on boards, or in other fora have proven to be controversial. A definitive answer to that question is beyond the scope of this paper. However the ACT experience suggests that the more women that become candidates for public office, the more it is considered normal and the more women eventually find a seat in Parliament. When given the choice, the electorate will elect a diverse Parliament that better reflects the community the Parliament represents rather than when they are given a more limited choice, especially in the case of single member electorates. This paper has discussed some of the measures that my party takes to ensure women are seen, and has outlined steps the ACT Assembly has taken to ensure women are able to work effectively in the Parliament, balancing their work and family life. The higher percentages of women that are becoming visible in our political system is leading to increasing numbers of women in our Parliaments. It will not be long before all Australian Parliaments are truly gender balanced, however first they must remove the roadblocks to women participating from the outset.

Table 2: Composition of Australian parliaments by party and gender (by chamber), as at 18 May 2018
(includes any by-election results and any casual vacancies filled since the most recent general election in each jurisdiction)

	Cth (2.7.16)			NSW (28.3.15)			Vic. (29.11.14)			Qld (25.11.17)			WA (11.3.17)			SA (17.3.18)			Tas. (3.3.18)			ACT (15.10.16)			NT (27.8.16)			Total		
	M	F	%F	M	F	%F	M	F	%F	M	F	%F	M	F	%F	M	F	%F	M	F	%F	M	F	%F	M	F	%F	M	F	%F
Total Parliament																														
ALP	48	42	46.7	29	17	37.0	33	26	44.1	25	23	47.9	32	22	40.7	18	9	33.3	5	9	64.3	5	7	58.3	9	9	50.0	204	164	44.6
LIB	65	20	23.5	39	11	22.0	32	12	27.3				19	3	13.6	28	6	17.6	9	6	40.0	5	6	54.5				197	64	24.5
NATS	18	2	10.0	18	5	21.7	6	3	33.3				7	2	22.2													49	12	19.7
LNP										33	6	15.4																33	6	15.4
CLP	1		0.0																					1	1	50.0	2	1	33.3	
GRN	6	4	40.0	4	4	50.0	1	7	87.5	1		0.0	2	2	50.0	1	1	50.0	2	100.0		1	1	50.0				16	21	56.8
AC	1		0.0				1	100.0																				1	1	50.0
AJP				1		0.0																						1		0.0
ASA																1		0.0										1		0.0
CA	2		0.0																									2		0.0
CDP				2		0.0																						2		0.0
DHJP	1		0.0																									1		0.0
KAP	1		0.0							3		0.0																4		0.0
LDP	1		0.0										1		0.0													2		0.0
PHON	2	1	33.3							1		0.0	3		0.0													6	1	14.3
RV							1	100.0																				1	100.0	
SAB																1	1	50.0										1	1	50.0
SFF				3		0.0	2		0.0				1		0.0													6		0.0
V1LJ							1	0.0																				1		0.0
IND	4	1	20.0	2		0.0	2	1	33.3		1	100.0				2	1	33.3	6	3	33.3				3	2	40.0	19	9	32.1
Total	150	70	31.8	98	37	27.4	77	51	39.8	63	30	32.3	65	29	30.9	51	18	26.1	20	20	50.0	11	14	56.0	13	12	48.0	548	281	33.9

Politics and Public Administration Section, Commonwealth Parliamentary Library.
Compiled using data from state and territory parliament and electoral commission websites.

NOTES

- (1) Date shown beside each jurisdiction is for the latest general election.
- (2) Queensland, the Australian Capital Territory and the Northern Territory do not have an Upper House.
- (3) The Commonwealth figures include five vacancies in the House of Representatives following the resignations of Tim Hammond (ALP, Perth, WA), Justine Keay (ALP, Braddon, Tas.), Susan Lamb (ALP, Longman, Qld), Rebekha Sharkie (CA, Mayo, SA) and Josh Wilson (ALP, Fremantle, WA); and one vacancy in the Senate after the High Court ruled that the election of Katy Gallagher (ALP, ACT) was void under section 44 of the Constitution.
- (4) The figures for Western Australia include one vacancy in the Legislative Assembly following the resignation of Barry Urban (IND, Darling Range).

LEGEND

ALP - Australian Labor Party; LIB - Liberal Party; NATS - Nationals; LNP - Liberal National Party (Qld); CLP - Country Liberal Party; GRN - Greens;
IND - independents (various); AC - Australian Conservatives; AJP - Animal Justice Party; ASA - Advance SA; CA - Centre Alliance; CDP - Christian Democratic Party;
DHJP - Derryn Hinch's Justice Party; KAP - Katter's Australian Party; LDP - Liberal Democratic Party; PHON - Pauline Hanson's One Nation; RV - Reason Victoria;
SAB - SA Best; SFF - Shooters, Fishers and Farmers Party; V1LJ - Vote 1 Local Jobs.