The Australian Women's Register

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Wade, Jan Louise Murray

(1937 -)

Nationality	Australian
Born	8 July, 1937, Sydney New South Wales Australia
Occupation	Attorney General, Barrister, Commissioner, Lawyer, Legal academic, Minister, Parliamentarian, Public servant, So

Summary

A member of the Liberal Party of Australia, Jan Wade served as the member for Kew in the Legislative Assembly of the Parliament of the State of Victoria from 1988-99. As a Minister in the Liberal Government from 1992-99, she held the portfolios of Attorney General, Fair Trading and Women's Affairs.

Educated at Sydney Girls' High School, Firbank Church of England Girls' Grammar School and the University of Melbourne, Jan Wade worked as a solicitor in private practice (1964-67), in the Parliamentary Counsel's office from 1970-79 and as president of the Equal Opportunity Board (1985-88) before entering parliament in 1988.

Go to 'Details' below to read a reflective essay written by Jan Wade for the Trailblazing Women and the Law Project.

Details

The following additional information was provided by Jan Wade and is reproduced with permission in its entirety.

Looking back on my life I cannot imagine a more interesting and satisfactory career. However in many ways it also illustrates some of the problems encountered by women lawyers in the period 1960 to 2000. While they are minor compared to those encountered by the pioneering women lawyers of the earlier 20th century, I have included some of my experiences in this regard for the record.

My own attitudes to a legal career contributed to my slow start in the profession. Although I enjoyed the challenges of legal education, I tended to perceive my future as being a wife and mother. Fate intervened at various times to tempt me forward in my career.

I was born in 1937 in Sydney. I attended Rose Bay Public School where I was Dux of the school in 1949 and moved on to Sydney Girls' High School.

My father died in 1952 and our mother decided to return to her family in Melbourne resulting in new schools for my brother Michael and me. It also meant a significant down grading in accommodation and comfort as we moved into a very small flat where I shared a bedroom with my mother until I left home after I finished my articles in 1959. Looking back I believe my mother had many more grounds for complaint than I did.

My new school was Firbank and I was there for two years. I was lucky enough to get a Commonwealth Scholarship that not only paid my University fees but also paid a small living allowance. University had not seemed to be an option so I had no plans but I recalled my father saying that I should consider law.

I enjoyed the Law School at Melbourne University and found subjects for both my law and arts degrees interesting and not particularly difficult. However, I did not see myself as a solicitor and did no more work than was necessary. I completed my legal studies in 1958 with a fairly average degree. I then did my articles with Weigall & Crowther.

In early 1960, like many of my contemporaries, I left for a couple of years in London. With nothing but a return ticket in my pocket, as required by my mother, I embarked on the ss. Orcades. Once there I found that female lawyers were not in demand but unqualified schoolteachers were paid quite well and not required to pay tax.

I taught in a series of schools in North East London for two years. My first school in Islington (pre gentrification) was a Secondary School described as a "sink school" – a school that took pupils rejected by all other schools in the district. It was a girls' school but no safer for that. The girls wore extremely short navy skirts and beehive hair. I was told that the previous teacher of my class had been carried out on a stretcher. The last game of netball I ever played was a staff versus student match of extreme ferocity.

In co-educational schools removal of knives and other weapons was an everyday occurrence and teachers were advised never to stay on the school premises after hours and never to walk to the train station alone.

On entering Parliament in 1988 I realized that my teaching career had taught me quite a lot about the behaviour I was to encounter there, such as speaking notwithstanding a barrage of rude and defamatory comment and continuing to work in a threatening atmosphere.

Forgetting my return fare was already paid, I travelled home overland to South India in a Land Rover encountering a number of character building experiences such as an attack by youths when camping on the outskirts of Teheran and being saved by the Pakistani Army from possibly having my throat cut by Pathans.

On my return in 1963 I endeavoured to commence my legal career only to be advised by many solicitors' firms that, as I was married and could be having children, I was not a suitable employee. I regret to say, at that time, I thought their attitude was quite understandable.

After short periods in the toy department at Myers and at a Secondary School in Preston, Zelman Cowan was kind enough to give me a job as a tutor in the Melbourne Law School. He was also very supportive when I had to confess after a few months that I was pregnant and agreed that I could continue until the baby was born in November and correct exam papers in hospital. While this is not unusual now, it seemed no one had previously seen an obviously pregnant woman teaching then. I continued to tutor on a part time basis the following year. I then had another two children and opened a solicitor's practice at home.

In 1967 I decided that academia was the way forward with working hours possibly compatible with family responsibilities. I applied successfully to be a tutor at Monash University but this did not start until February 1968 so I had a few months to wait. A friend said that the Victorian Crown Law Department was short of legal staff and may be prepared to employ a married woman on a temporary basis.

I applied in order to test my capacity to work full time and to test my then part time babysitter's capacity to also work full time. My application, which was still on the departmental file when I became Attorney General, states that I knew that, as a married woman, I could only be employed on a temporary basis and that, as a woman, I would be paid less than a man doing the same job. I said that this was acceptable to me. It was not enough however to persuade the Crown Solicitor who responded by saying he would not employ women lawyers.

I was told that the Chief Parliamentary Counsel took a different view. I re-applied and succeeded. John Finemore, the Chief

Parliamentary Counsel, was one of the most brilliant lawyers I have met. It was at this point my life as a lawyer changed.

I was good at drafting legislation and I loved it. For the first year I kept my options open and also tutored at Monash part time. This was the end of my half-hearted approach to the law.

I stayed in the Parliamentary Counsels' Office for 12 years having one more child in 1970. My pregnancy caused some consternation. As I was still employed on a temporary basis I would normally have been asked to leave but the office was short staffed and I was permitted to stay but told that I should not attend Parliament, once it was obvious I was pregnant, as it might disturb the members. I took no notice and nobody complained.

Parliamentary Counsel are traditionally members of the Bar in England and that tradition continued here. I signed the Bar Roll in 1971 and was the 13th woman to do so. As John Finemore wanted us to get the best possible understanding of the way the legal system worked he encouraged us to read at the Bar. The Justice Department gave us paid leave to do so. I read with John D. Phillips. At that time you were allowed to take briefs straight away. I got briefs to write opinions from people who knew me and briefs in the Magistrates' Court and for fairly basic applications, such as adjournments, in the other Courts. Members of the Bar were very helpful in many ways. I did not have a wig or gown and had no trouble borrowing them from smaller members such as Gordon Spence. Ken Hayne who was in Chambers nearby gave me a word for word briefing on what to say in the first of a number of appearances for women seeking maintenance from their husbands.

The only women I saw at the Bar at that time were Joan Rosanove and Molly Kingston. I don't think they noticed me. The then Chairman of the Bar Council did notice me the first time I was at the Bar dining room for lunch and sent someone to check whether someone had smuggled in his wife.

While I enjoyed being at the Bar I don't think I did as well as I could have because I had a number of things in my life like four children, some moonlighting for the Parliamentary Counsel and eventually pneumonia. Also I found that I missed the problem solving and creative law opportunities of the Parliamentary Counsels' Chambers so I returned to drafting.

I left the Parliamentary Counsels' Office when I was appointed Commissioner for Corporate Affairs in 1979.
Initially this new appointment to head an office with a few hundred staff proved to be a greater challenge than anyone anticipated.

"Woman appointed to head Corporate Affairs" was the headline on the front page of the Age. The business community was surprised, the accountants were astonished and the stock exchange was wary but supportive. More than half my professional staff refused to work for a woman. My deputies had applied for the position. One of them locked the door between his office and mine and the other returned any request for assistance annotated "if you're so clever do it yourself". However, after a stand off period, we found we could work together. We brought some very successful cases in the Supreme Court. I began to enjoy every minute of running a very efficient office and contributing to the National Companies and Securities Legislation.

In 1984 I gave advice to the Cain government about problems with the regulation of financial institutions and the investigation of failed companies. This was not appreciated and I was removed from office. The then Attorney General Jim Kennan issued a press release stating "the moves were part of the Government's plans to bring the Corporate Affairs Commission closer to the private sector". It took a few years for the impact of these moves to be seen with several spectacular collapses, including the State Bank.

I was transferred to become President of the Equal Opportunity Tribunal. While this was a demotion in public service terms, it proved to be very educational for me in areas involving discrimination on the grounds of gender, race and disability.

In 1987 I was approached by members of the Liberal Party to stand for pre-selection. Although I was not a member of the Party, they thought my experience would be useful after the 1988 election that they expected to win. I had not had any experience in a political party and, having been persuaded to stand, I was surprised to find that 26 people were standing for pre-selection for the seat of Kew. However within 3 months of joining the party I was sitting in Parliament, as the member for Kew, after a close win in a by-election. We did not win the 1988 election so I was introduced to life as a frontbencher in Opposition where I had various shadow portfolios.

In 1992 we won Government and I became the first woman to be appointed Attorney General in Australia. I was also Minister for Women and Minister for Fair Trading. I held all these portfolios until I retired at the end of 1999.

As Attorney General I gave the highest priority to creating a criminal justice system that would have the confidence of the public. In Opposition I had attended many public meetings where it was clear that people were disillusioned by the system and particularly by sentences for serious crime. This was not about revenge but was because they felt the impact of crime on the community was not appreciated. Victims of violent crime, especially women, considered sentences were so low that they indicated the terrible ordeals they had been through were of no concern to the justice system and that they themselves were not valued.

Legislation I introduced with a view to restoring the confidence of the public in the justice system included:

The introduction of victim impact statements;
The abolition of unsworn evidence;
The creation of a new offence of intentionally infecting someone with the HIV virus;
Increasing sentences for serious sexual and violent offenders and for sexual offences involving children;

Introducing indefinite sentences for offenders who are a danger to the community;
Introducing majority verdicts in criminal cases with a view to avoiding traumatic repetition of trials for victims of sexual assault;
Changes to the Crimes and Evidence Acts to give victims of sexual assault alternative ways of giving evidence and the installation of video and other changes in courtrooms;
The creation of a DNA database of offenders convicted of sexual offences;
The creation of a new offence of stalking;
The introduction of indefinite intervention orders against violent spouses;
Reform of the law relating to female genital mutilation;
Reform of the Governor's Pleasure system to impose safeguards on the release of detainees who have been found not guilty on the ground of mental illness.

I was criticized by the opposition in Parliament and by the media for almost all of these changes but to the best of my knowledge they are all still in force, although not always being interpreted as intended. I started out with high hopes but I did not succeed in restoring public confidence in the criminal justice system. This will require a major change of approach, whether voluntary or imposed, by a profession that to date does not seem to understand that there is a problem.

As the ability to see what legislation was required was my area of expertise and, as I had responsibility for Women and Fair Trading as well as being Attorney General, I probably hold the record for the most legislation ever introduced by one member of Parliament. This is not to say that I believe in an ever expanding Statute Book. I do not. However, I do believe that our Acts of Parliament and our Courts and tribunals should be of the highest quality and should meet the needs of all members of the community. I formed the view that the needs of some members of the community, including women, had been overlooked. I will not try the patience of readers by listing all of the changes I introduced however I will mention some, unrelated to crime, that I think illustrate this:

The appointment of a number of women to the Supreme and County Courts. There were no women judges in Victoria when I became Attorney General;
The creation of the Victorian Court of Appeal to provide a first class appellate system;
A new Equal Opportunity Act extending protection to people discriminated against on the grounds of age, lawful sexual activity, personal appearance, industrial activity, personal association, pregnancy and status as a carer;
The amalgamation of a number of existing tribunals to create the Victorian Civil and Administrative Tribunal which also had an overlapping jurisdiction with some aspects of the court system giving an option on forum and type of hearing for parties to a dispute;
A new Building Act revising laws and procedures regarding building requirements with disputes being heard by the Tribunal;
A new Estate Agents Act separating policy and administrative and judicial functions;
A new Residential Tenancies Act covering residential property, caravan parks and rooming houses and establishing a Bond Authority to overcome problems and disputes between landlords and tenants;
A new Fund Raising Appeals Act requiring charities, for the first time, to maintain appropriate records and to provide information to the public about expenditure.

In addition I was responsible for several pieces of legislation drafted in Victoria and to be adopted in all States such as the Consumer Credit Code, a new Co-operatives Act and a new Friendly Societies Act.

In the Women's portfolio the Office of Women's Affairs participated in reforms throughout government and in particular in education and health. There was a lot of work done recognizing the social and economic costs for women carers and the value of their work to the community.
Strategies were established to assist Koori women, rural women and older women and funding was provided for a number of initiatives. The remaining tower of the Queen Victoria Hospital was refurbished and became the Queen Victoria Women's Centre

I am not sure how many of these changes are still in place or whether they have been altered in any significant ways. It may be that there have been further improvements. I am satisfied that I did my best at the time. However, the community is always changing and things do not always work as one expects. For example, I thought the publicly available information available under the Fund Raising Act would allow the media to expose charities whose funds were being spent other than on their stated purpose. This has not happened.

I retired from Parliament at the end of 1999 after 5 years in Opposition and 7 years in Government and then spent 3 years as a Distinguished Visiting Professor at Victoria University.

To assist me in writing this outline of my career I obtained some press clippings of a biographical nature from the Library of the

Victorian Parliament. Links are provided to some of them and to an interview with Juliette Brodsky in 2009 for the Women Barristers' Association.

Reading the press clippings after so long was disturbing. I was reminded of how often I was described as shy, diffident, cautious, hesitant, nervous and with the 'softest of voices". While I do not have a loud voice and I sometimes have a hesitant manner because I am careful in what I say, these comments seemed exaggerated and overly repetitive. I wondered if my portrayal in the media could be due to inadequacy on my part or an attack on a woman in a position previously always held by a man. After some thought, I now see it as a sign of success.

Policy is important, getting the support of your Party and the Parliament for policies is important and implementing your legislation is important. In three challenging portfolios I succeeded in these aims. In seven years I gave hundreds of speeches and attended conferences and meetings, including large public meetings, where I was questioned at length. A newspaper clipping records that, in government, only two other Cabinet Ministers and the Premier spoke more often in Parliament than I did. My performance is for others to assess but, on reflection, I do not consider I was attacked because of my gender or my personality. I think the problem was my success in putting forward and implementing policies that some in the media and elsewhere did not support. The criticism I received does not indicate that women should aim to be more like men, rather the reverse. It says success comes in many forms.

Recently I was thanked by a Shadow Minister who said advice, I had given her at a training session for potential M.P.s, had proved to be very valuable. The advice was not to raise her voice when being shouted at in Parliament but to continue to speak at the same level and she would find the shouting would stop so the shouters could hear what was being said.

Things have improved in ways unimaginable since my early days in the law but they have not changed enough. Women will succeed more frequently. But why is "merit" still raised so often in relation to women entering Parliament or obtaining senior positions? How do some not particularly outstanding men find their way into so many of these positions without "merit" being mentioned?

Writing this has reminded me of many great times and many challenges. It has also reminded me of how much of my career has been assisted or informed by many lawyers, public servants and people whose careers or interests overlapped mine. Always more important to me than my career are my children and my stepdaughter and now their families. My husband who shares many of my interests has been my greatest supporter both at work and at home.

Published resources

Resource
Trove, National Library of Australia, 2009

Edited Book
Who's Who in Australia 1998, Neto, Maryanne (researcher), 1997

Book
Victorian Parliamentary Handbook / prepared by direction of the President of the Legislative Council and the Speaker of the Legislative Assembly, 1989

Pamphlet
Tribunals in the Department of Justice : a principled approach : discussion paper, Wade, Jan, 1996

Site Exhibition
Carrying on the Fight: Women Candidates in Victorian Parliamentary Elections, Australian Women's Archives Project, 2008,
http://www.womenaustralia.info/exhib/cws/home.html

Australian Women Lawyers as Active Citizens, Trailblazing Women Lawyers Project Team, 2016,
http://www.womenaustralia.info/lawyers

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