
Changing the Conditions Underpinning Gendered Entitlement in Parliament as a Workplace

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Abstract Gendered entitlement underpins the bullying, harassment and assault which flourishes in places like the Australian Parliament, where power is concentrated in the hands of male politicians. This article identifies necessary steps to undercut it. Mitigation measures should include a robust complaints process independent of, and external to, Parliament; demonstrable and transparent consequences for offenders; and the use of regular, anonymous, publicly available surveys of MPs, political staffers and ancillary staff to track incidents relative to actual complaints, so the system can be adjusted to maximise effectiveness. These measures are necessary but not sufficient, given parliamentary offenders' amplified sense of entitlement that underpins the problem's resistance to change. Active measures must be taken to induce real diversity throughout the parliamentary ecosystem, beyond the current '50/50 gender equity focus', to disrupt current patterns of entitlement based on gender, race and class that make parliaments as workplaces less safe. Parallels with society as a whole need to be drawn, and comparable initiatives and approaches deployed community-wide to address the same pervasive problems.

INTRODUCTION

This article focuses on the interrelated sense of individual and group entitlement among the powerful as a critical factor in contemporary political dysfunction broadly defined, and identifies necessary steps to undercut it in the Australian Parliament. It deploys British feminist cultural critic Jacqueline Rose's insight that gendered entitlement runs deeper than privilege, and is 'more slippery to grasp', because it 'relies for its persistence on a refusal to acknowledge that it is even there', instead

‘hovering in the ether’.¹ ‘Shiftiness’ is ‘hardwired’ into the exercise of power by the entitled, Rose has argued, underpinning its ‘invincibility’ as it ‘hides its true nature from itself.’² Entitlement generates and perpetuates bullying, harassment and assault of a distinctly gendered kind, and conditions and reproduces patterns of power which see entitled offenders committing these crimes largely without, for them, consequences. Negligible to non-existent consequences for miscreance create a permissive environment in Parliament as a workplace, where wrongdoers correctly believe the odds are tilted towards little or no sanction for wrongdoing. The entitled expect their fellows to perpetuate the privilege they individually and collectively enjoy. Statistics on the low reporting rates, and even lower conviction rates, of offences show that expectation is usually fulfilled. There is a half-century long scholarly, policy and activist body of knowledge concerning its empirical, theoretical and practical dimensions. Yet the chronic record of bullying, harassment and assault by boys and men against each other, but to a vastly greater extent against women, girls, non-binary and trans- people, continues barely trammelled. This article addresses this phenomenon in Parliament as a workplace and, against the backdrop of gendered violence which has recently come to light in the Australian Parliament, draws conclusions about how it can be addressed.

THE POLITICAL CONTEXT

As is the case across society, the phenomenon of gendered violence is evident in the Australian Parliament as a workplace though largely out of public purview. Contemporary cases of bullying, harassment and assault occasionally come to public prominence and momentarily seize institutional and public attention. This was the case in relation to the Australian Parliament in a sequence of events beginning with the broadcast on 9 November 2020 of the ABC-TV *4 Corners* report, ‘Inside the Canberra Bubble’, by journalist Louise Milligan, which detailed sleazy, sexist behaviour by Morrison Government Cabinet Ministers Christian Porter and Alan Tudge.³ Aspects of

¹ Jacqueline Rose, ‘Damage: the silent forms of violence against women’. *Guardian*, 30 March 2021. Accessed at: <https://www.theguardian.com/news/2021/mar/30/damage-the-silent-forms-of-violence-against-women>. Jacqueline Rose, *On Violence and On Violence Against Women*. London: Farrar, Straus and Giroux, 2021.

² Rose, ‘Damage’.

³ Louise Milligan, ‘Inside the Canberra Bubble’, ABC-TV *4 Corners*, 9 November 2020. Accessed at: <https://www.abc.net.au/4corners/inside-the-canberra-bubble/12864676>.

Porter's recent and historical behaviour toward, and attitudes to women, were a particular focus.⁴ Several weeks later, on 25 January 2021, Prime Minister Scott Morrison announced Grace Tame as Australian of the Year.⁵ Tame's #LetHerSpeak campaign had led to reform of state government laws prohibiting victims of sexual violence from speaking about their assaults. Three weeks after that, on 15 February 2021, *news.com.au* journalist Samantha Maiden reported the alleged rape of former Morrison Government staffer Brittany Higgins by a fellow staffer while both worked for Defence Industry Minister, Senator Linda Reynolds in 2019. The alleged attack occurred on the couch in Reynolds' Parliament House office mere metres from the office of Prime Minister Morrison.⁶ Higgins had not previously spoken about the alleged rape but the image of the Prime Minister presenting the award to Grace Tame 'hardened her resolve' to do so: 'I was sick to my stomach. He's standing next to a woman who campaigned for 'Let Her Speak' and yet in my mind his government was complicit in silencing me. It was a betrayal. It was a lie'.⁷

Within days, another former Liberal staffer alleged in the *Weekend Australian* that she too had been raped by Higgins' assailant.⁸ Then a third victim, a Liberal campaign volunteer, alleged in the *Weekend Australian* that she too had been sexually assaulted

⁴ Louise Milligan, Peter Cronau and Lucy Carter, 'Christian Porter was Warned Over Public Behaviour with Young Female Staffer by Then-Prime Minister Malcolm Turnbull', ABC News, 9 November 2020. Accessed at: <https://www.abc.net.au/news/2020-11-09/four-corners-investigation-christian-porter-alan-tudge/12862632>; Milligan et al., 'Investigation Reveals History of Sexism and Inappropriate Behaviour by Attorney-General Christian Porter', ABC News, 10 November 2020. Accessed at: <https://www.abc.net.au/news/2020-11-10/four-corners-investigation-christian-porter-sexism-inappropriate/12862910>.

⁵ Announcement of Grace Tame as 2021 Australian of the Year, Canberra, 25 January 2021. Accessed at: <https://www.youtube.com/watch?v=giTvpwh1VDM>.

⁶ Samantha Maiden, 'Young Staffer Brittany Higgins Says She Was Raped at Parliament House', *news.com.au*, 15 February 2021. Accessed at: <https://www.news.com.au/national/politics/parliament-house-rocked-by-brittany-higgins-alleged-rape/news-story/fb02a5e95767ac306c51894fe2d63635>.

⁷ Samantha Maiden, 'Scott Morrison Image that Made Brittany Higgins Speak Out about Alleged Rape', *news.com.au*. Accessed at: <https://www.news.com.au/national/politics/scott-morrison-image-that-made-brittany-higgins-speak-out-about-alleged-rape/news-story/cd43fee050269e4d3f9dc0f17dfa7b38>.

⁸ Samantha Maiden and Natalie Brown, 'Second Woman Alleges Ex-Staffer of Rape', *news.com.au*, 20 February 2021. Accessed at: <https://www.news.com.au/national/politics/second-woman-accuses-exliberal-staffer-of-rape/news-story/d20d092ab1afd886b3d6093d3fe7766b>.

by the same man.⁹ A fourth woman, another former staffer, told *4 Corners'* Louise Milligan she had been startled and angered when, uninvited, the same man reached under a table and stroked her thigh.¹⁰ On 26 February 2021, eleven days after Maiden broke the story on Higgins' alleged rape, Milligan reported on *ABC News* that the Australian Federal Police had 'been notified of a letter sent to Morrison detailing an alleged historical rape by a Cabinet Minister in the federal government'.¹¹ Details of the Morrison Government's weak response to Higgins' internal representations at the time of the alleged attack; its inaction on the substance of the allegations after they were made public; backgrounding against Higgins by the Government in political damage control; and the allegation of historical rape against the Cabinet Minister who revealed himself to be Attorney-General Christian Porter, generated a popular outrage which culminated in 'March4Justice' rallies at Parliament House in Canberra and more than 40 cities around Australia.¹²

These events occurred against still recent memories of the bullying of female Liberal Party MPs by male colleagues during the leadership struggle in which Scott Morrison displaced Malcolm Turnbull as Prime Minister in 2018. Recounting this bullying in her memoir *Power Plays*, published in 2021, former Liberal MP Julia Banks further disclosed attempts at misogynistic manipulation by male colleagues, including Scott Morrison, as well as casual sexual harassment of her by male Liberal MPs, including a serving Cabinet

⁹ Stephanie Dalzell and Jack Snape, 'Third Woman Alleges She Was Sexually Assaulted by the Same Man Accused of Raping Brittany Higgins', *ABC News*, 22 February 2021. Accessed at: <https://www.abc.net.au/news/2021-02-22/third-woman-alleges-sexual-assault-same-man-as-brittany-higgins/13177536>.

¹⁰ Louise Milligan, 'Fourth Woman Makes Complaint about Former Staffer Who Allegedly Raped Brittany Higgins', *ABC News*, 22 February 2021. Accessed at: <https://www.abc.net.au/news/2021-02-22/fourth-woman-accuses-staffer-in-brittany-higgins-case/13178190>.

¹¹ Louise Milligan, 'Scott Morrison, Senators and AFP Told of Historical Rape Allegations against Cabinet Minister', *ABC News Online*, 26 February 2021. Accessed at: <https://www.abc.net.au/news/2021-02-26/pm-senators-afp-told-historical-rape-allegation-cabinet-minister/13197248>.

¹² Jewel Topsfield, 'A Tidal Wave' of Tears and Rage Sweeps the Nation as Tens of Thousands Rally', *Sydney Morning Herald*, 15 March 2021. Accessed at: <https://www.smh.com.au/national/a-tidal-wave-of-rage-protests-field-anger-at-women-s-long-fight-20210315-p57ayo.html>; 'Enough is enough': March4Justice Rallies – In Pictures', *Guardian*, 15 March 2021. Accessed at: <https://www.theguardian.com/australia-news/gallery/2021/mar/15/enough-is-enough-march-4-justice-rallies-in-pictures>; Yan Zhuang, 'Enough Is Enough': Thousands Across Australia March Against Sexual Violence', *New York Times*, 16 March 2021. Accessed at: <https://www.nytimes.com/2021/03/15/world/australia/australia-women-marches.html>.

Minister.¹³ The memoir of former Labor Minister Kate Ellis, *Sex, Lies and Question Time*, also published in 2021, recounted routine, gendered weaponisation of ‘sexual gossip’ by male MPs against women MPs.¹⁴ Current Labor MP Kate Thwaites and former Labor deputy-leader Jenny Macklin also published *Enough is Enough*, a reflection on cultural and structural aspects of the Australian Parliament ‘allowing’ sexual harassment, in 2021.¹⁵ ABC-TV journalist Annabel Crabb’s documentary series *Ms. Represented* aired on national television in July and August 2021, putting the experience of recently and currently serving women politicians into historical context.¹⁶ The period from the spring of 2020 through to winter 2021 saw the most intense focus on gendered violence in the Australian parliamentary workplace ever witnessed. Even as it unfolded, some warned that Government ‘stonewalling’ would likely see the issue recede from public consciousness as the news cycle saw it displaced unless ‘novel ways to keep the media engaged over time, ratcheting up pressure’ on the Government to act, were devised.¹⁷

There is longstanding scholarship and extensive, hard-acquired activist knowledge about the problem of male hegemony, including in parliaments as workplaces.¹⁸ Significant current scholarship was presented at the ‘Parliament as a gendered workplace: Towards a new code of conduct’ workshop at the Australian National University in July 2021, at which a broad consensus emerged that a robust independent complaints process, ensuring demonstrable and transparent consequences for offenders, was needed. Shortly after the workshop the ‘Review of the Parliamentary Workplace: Responding to Serious Incidents’ (the Foster Report), commissioned by

¹³ Julia Banks, *Power Play: Breaking through Bias, Barriers and Boys’ Clubs*, Melbourne: Hardie Grant, 2021.

¹⁴ Kate Ellis, *Sex, Lies and Question Time*. Melbourne: Hardie Grant, 2021.

¹⁵ Kate Thwaites and Jenny Macklin, *Enough is Enough*. Melbourne: Monash University Publishing, 2021.

¹⁶ *Ms Represented with Annabel Crabb*, 4 episodes, ABC-TV, July-August 2021. Accessed at: <https://iview.abc.net.au/show/ms-represented-with-annabel-crabb>.

¹⁷ Chris Wallace, ‘The Women’s March Was a Huge Success. Now Comes the Hard Part: How to Actually Get Something Done’. *The Conversation*, 17 March 2021. Accessed at: <https://theconversation.com/the-womens-march-was-a-huge-success-now-comes-the-hard-part-how-to-actually-get-something-done-157225>.

¹⁸ Marian Sawyer, ‘Dealing with Toxic Parliaments: Lessons from Elsewhere’. *Australasian Parliamentary Review* 36(1) 2021, pp. 7-22.

Morrison and chaired by Department of Prime Minister Cabinet Deputy-Secretary Stephanie Foster, was released.¹⁹

GOVERNMENT RESPONSE

The Foster Report recommended, and the Morrison Government accepted, the need for:

An independent complaints mechanism for serious incidents, including allegations of assault, sexual assault, sexual harassment, and serious and systemic bullying or harassment ... established under the Parliamentary Service Act 1999 (Cth) as a function of the Parliamentary Service Commissioner (PSC), with oversight by the Presiding Officers of the House of Representatives and the Senate'.²⁰

Brittany Higgins welcomed the Morrison Government's acceptance of the Foster Report's recommendations, including a complaints mechanism with the Parliament's presiding officers—the President of the Senate and the Speaker of the House of Representatives—rather than the Department of Finance as the responsible entities.²¹ Journalist Jenna Price drew attention to the limited improvement in independence the proposed new complaints mechanism represented, given Presidents and Speakers are routinely drawn from Government ranks and depend on continuing Government support for their tenure.²² Price's critique was endorsed by Julia Banks.²³ Banks advocated for a complaints mechanism fully independent from the Parliament, and

¹⁹ Stephanie Foster, *Review of the Parliamentary Workplace: Responding to Serious Incidents*. Canberra: Department of Prime Minister Cabinet, 2021. Accessed at: <https://pmc.gov.au/sites/default/files/publications/review-parliamentary-workplace-responding-serious-incidents-final.pdf>.

²⁰ Recommendation 4, Stephanie Foster, 'Review of the Parliamentary Workplace', p. 13.

²¹ Brittany Higgins, Tweet @BrittHiggins, 26 July 2021. Accessed at: https://twitter.com/BrittHiggins_/status/1419530476528619530.

²² Jenna Price, 'To Make It a Safe House, Take this Process Out of the House'. *Canberra Times*, 30 July 2021. Accessed at: <https://www.canberratimes.com.au/story/7363260/to-make-it-a-safe-house-take-this-process-out-of-the-house/>.

²³ Julia Banks, Tweet @juliabanks, 30 July 2021. Accessed at: <https://twitter.com/juliabanks/status/1420981598938296322>.

from federal government departments which report directly to Government Ministers, from the moment she resigned as a Liberal MP in 2018 and joined the crossbench over the bullying and harassment she experienced at the hands of Liberal Party colleagues, including the Prime Minister.²⁴ Still to come at the time of writing is Sex Discrimination Commissioner Kate Jenkins' Independent Review into Commonwealth Parliamentary Workplaces, commissioned by Morrison following the rape allegation of Brittany Higgins.²⁵ Banks has argued this additional review is superfluous because the 'outstanding and comprehensive' recommendations of Jenkins' earlier 2020 report, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces*, would have worked had they been adopted by the Morrison Government when the report was delivered to the then Attorney-General, Christian Porter, in January 2020.²⁶ Instead it languished in Porter's 'in tray' for over a year between then and Porter going on ministerial leave on 3 March 2021, after publicly disclosing he was the Cabinet Minister concerned in Louise Milligan's 26 February ABC News report of an historical rape allegation against a serving Cabinet Minister.²⁷

²⁴ 'There is ... a clear need for an independent whistleblower system, as found in many workplaces, to enable reporting of misconduct of those in power without fear of reprisal or retribution'. Commonwealth, *Parliamentary Debates*, House of Representatives, 27 November 2018, 11571, Julia Banks. 'She said she had been clear since 2018 that Parliament had an "entrenched anti-women workplace culture" and things would not change until there was "an independent whistleblower reporting system for workplace misconduct as is found in most good corporations"'. Katharine Murphy, "'Menacing Controlling Wallpaper": Julia Banks Says Her Three Months under Scott Morrison Were "Gut-Wrenching"'. *The Guardian*, 5 July 2021. Accessed at: <https://amp.theguardian.com/australia-news/2021/jul/05/menacing-controlling-wallpaper-julia-banks-says-her-three-months-under-scott-morrison-were-gut-wrenching>. 'Most importantly, all workplaces should have an independent investigative whistle-blower system. It should be embraced in federal law. And the lawmakers should ensure it applies to themselves as well'. Julia Banks, *Power Play*, p. 167.

²⁵ Kate Jenkins, Independent Review into Parliamentary Workplaces: Progress Update, July 2021. Accessed at: https://humanrights.gov.au/sites/default/files/document/publication/ahrc_progress_update_independent_review_cpw_2021.pdf.

²⁶ 'Banks ... said the government should have just got on with implementing the recommendations the sex discrimination commissioner had made in her "outstanding and comprehensive Respect@Work review"'. Murphy, "'Menacing controlling wallpaper"'.

²⁷ Louise Milligan, 'Scott Morrison, Senators and AFP Told'.

Morrison, along with Porter's successor as Attorney-General, Senator Michaelia Cash, finally responded to Respect@Work on 8 April 2021.²⁸ Morrison described it as a 'game changer'.²⁹ Subsequent analysis of the Government's response proved disappointing.³⁰ Five of the 55 recommendations were accepted only in principle, another nine merely noted and another only partly agreed. The key recommendation, that the *Sex Discrimination Act* be amended to positively charge employers with a duty to take reasonable measures to provide a safe workplace for women, was not adopted.

Morrison, meanwhile, defended Porter from sustained calls for an independent inquiry into Porter's fitness for high office. Porter lost his position as Leader of the House, in which he was responsible for the management of Government business and tactics on the floor of Parliament, but remained in Cabinet, merely moved sideways from the Attorney-General's portfolio into the comparably senior position of Industry Minister. In a costly misstep in terms of credibility and legal costs, Porter sued the ABC for defamation over Milligan's report, only to later settle out of court with no damages and Milligan's report remaining in the public domain without change. Nevertheless, at the earliest opportunity, when Porter's successor as Leader of the House, Peter Dutton, was confined to his home state of Queensland because of a COVID-19 lockdown, Morrison underlined his solidarity with Porter by appointing him to act in Dutton's place, usurping Deputy-Leader of the House, David Gillespie. This was 'a slap in the face of our entire nation,' Grace Tame declared, arguing 'it isn't just Porter's character that's in question here, it's the morality of our current leadership'.³¹

Morrison's other move in the reshuffle was to restore the number of women in the 23-person to Cabinet to seven, its level until the Nationals' Bridget McKenzie was dropped

²⁸ Australian Government, *A Roadmap for Respect: Preventing and Addressing Sexual Harassment in Australian Workplaces*, Canberra, 8 April 2021. Accessed at: <https://www.ag.gov.au/sites/default/files/2021-04/roadmap-respect-preventing-addressing-sexual-harassment-australian-workplaces.pdf>.

²⁹ 'Respect@Work "Is a Game Changer": PM Responds to Workplace Harassment Report'. [sky.news.com.au](https://www.skynews.com.au/australia-news/respectwork-is-a-game-changer-pm-responds-to-workplace-harrasment-report/video/a656799c9bc686e8c165780712c1dd6f), 8 April 2021. Accessed at: <https://www.skynews.com.au/australia-news/respectwork-is-a-game-changer-pm-responds-to-workplace-harrasment-report/video/a656799c9bc686e8c165780712c1dd6f>.

³⁰ Farrah Tomazin, "'A Bit Disappointing": Dismay at Government Response to Sex Harassment Report'. *Sydney Morning Herald*, 19 April 2021. Accessed at: <https://www.smh.com.au/national/a-bit-despairing-dismay-at-government-response-to-sex-harassment-report-20210416-p57ju0.html>.

³¹ Grace Tame, 'Porter's Elevation Betrays PM's Chilling Apathy towards Survivors'. *Sydney Morning Herald*, 4 August 2021. Accessed at: <https://www.smh.com.au/politics/federal/porter-s-elevation-betrays-pm-s-chilling-apathy-towards-survivors-20210803-p58feo.html>.

over her role in the ‘sports rorts’ scandal the previous year.³² However, the women promoted were at the conservative end of the Government’s ranks, including the notably right-wing Liberal Amanda Stoker. Morrison was criticised for describing Minister for Women Marise Payne as the ‘Prime Minister for Women’, interpreted widely as implying he was the Prime Minister for men. Even right-wing commentator Peta Credlin judged Morrison as having ‘made a bad situation worse’, making ‘fundamental mistakes on women’.³³ Nevertheless, the controversy blew over. As with previous elements in these execrable events, even after sustained periods of high political tension around Parliament as a gendered workplace, the news cycle moved on. The Prime Minister’s approval rating fell but remained positive in net terms, sagging into net negative territory only under the eventual weight of the Government’s faltering COVID-19 vaccination rollout in August 2021—and even then Morrison’s net approval rating was better than that of innocuous Labor Opposition Leader Anthony Albanese.³⁴

The ‘shiftiness’ Jacqueline Rose has argued is ‘hardwired’ into the exercise of power by the entitled—in this case, entitled conservative white male politicians—demonstrably underpinned an ‘invincibility’ of the privileged during the nine months following the broadcast of Milligan’s ‘Inside the Canberra Bubble’ story in November 2020. Having survived the furore following this and successive elements in the Australian parliament’s gendered violence crisis, Morrison was so emboldened he actively sought a way to symbolically stand with Porter: he temporarily restored Porter to leadership of the House, with negligible apparent political cost. The Liberal and National Coalition Government became more brazen in its disregard for Parliament as a safe and fair workplace for women during this period. This disregard reached its apogee with the restoration of Barnaby Joyce, who relinquished the office of Nationals leader and

³² Brett Worthington, ‘Scott Morrison Moves Christian Porter, Linda Reynolds and Peter Dutton in Cabinet Reshuffle’. ABC Online, 29 March 2021. Accessed at: <https://www.abc.net.au/news/2021-03-29/scott-morrison-reshuffles-Cabinet-reynolds-porter-dutton/100035484>.

³³ Matt Young, ‘Scott Morrison Faces Backlash from All Sides after Marise Payne “Prime Minister for Women” Comment’. news.com.au, 30 March 2021. Accessed at: <https://www.news.com.au/finance/work/leaders/scott-morrison-faces-backlash-from-all-sides-after-marise-payne-prime-minister-for-women-comment/news-story/205d43e80924724612c0d6e1214a84c0>.

³⁴ See successive Newspolls 2020-2021. Scott Morrison’s net approval rating did not become negative until the 8 August 2021 Newspoll. Simon Benson, ‘PM’s Newspoll Ratings Slump to Delta Low’. *The Australian*, 8 August 2021. Accessed at: <https://www.theaustralian.com.au/topics/newspoll>.

deputy-Prime Minister in a sexual harassment scandal in 2018, to his former leadership position.³⁵ An allegation in 2018 by senior figure in the Western Australian Nationals, Catherine Marriott, was investigated internally by former NSW Nationals state director Ross Cadell. After an eight-month inquiry, Cadell delivered a 'no-conclusion verdict' to the outrage of Marriott.³⁶ Three years later Cadell won the Nationals' top Senate ticket position in New South Wales, guaranteeing his election to federal Parliament at the next federal poll.³⁷ As part of the candidate vetting process, senior NSW Nationals learned Cadell's former wife had applied for an apprehended violence order (AVO) against him but did not rule him out of contention; nor did they disclose the AVO application to the party members who voted in the Senate preselection contest.³⁸

THE NATURE OF THE PROBLEM

This aggregation of events inexorably draws attention to what black British feminist writer Lola Olufemi in *Feminism, Interrupted: Disrupting Power* has called 'the sexist state'.³⁹ Olufemi has highlighted how 'the allocation of resources and the way oversight is carried out reinforces gendered oppression' through the absence of policies addressing women's economic precarity, inadequate 'safety net' provision,

³⁵ Michelle Grattan, 'Barnaby Joyce Succumbs to Pressure and Will Go to Backbench'. *The Conversation*, 23 February 2021. Accessed at: <https://theconversation.com/barnaby-joyce-succumbs-to-pressure-and-will-go-to-backbench-92353>; Finn McHugh and Anthony Piovesan, 'Barnaby Joyce Returns as Nationals Leader after Ousting Michael McCormack in Spill'. [news.com.au](https://www.news.com.au/finance/work/leaders/barnaby-joyce-says-no-prospect-of-spill-as-leadership-speculation-mounts/news-story/5ea9530665cc8c4189801b0a9e43673e), 21 June 2021. Accessed at: <https://www.news.com.au/finance/work/leaders/barnaby-joyce-says-no-prospect-of-spill-as-leadership-speculation-mounts/news-story/5ea9530665cc8c4189801b0a9e43673e>.

³⁶ Katharine Murphy, 'Barnaby Joyce Sexual Harassment Investigation Unable to Reach Conclusion'. *The Guardian*, 7 September 2018. Accessed at: <https://www.theguardian.com/australia-news/2018/sep/07/barnaby-joyce-sexual-harassment-investigation-unable-reach-determination>.

³⁷ Sarah Martin, 'Nationals' Top NSW Senate Pick Was Subject of Apprehended Violence Order Application'. *The Guardian*, 7 July 2021. Accessed at: <https://www.theguardian.com/australia-news/2021/jul/07/nationals-top-nsw-senate-pick-was-subject-of-apprehended-domestic-violence-order-application>.

³⁸ Sarah Martin, 'Nationals' Top NSW Senate Pick'.

³⁹ Lola Olufemi, *Feminism, Interrupted: Disrupting Power*. London: Pluto Press, 2020.

restrictions on voting rights, abortion, rights under marriage and property ownership. This ensures women remain ‘second-class citizens’.⁴⁰

Liberal feminism tells us that this was a long time ago and that times have changed. Things are generally better for women than they were 50 years ago. Because we are living in an age where ‘gender equality’ is a hot topic and public figures and politicians proudly state their feminist credentials, it is now harder to trace the legacy of this repression and to examine the ways that it continues to this day. The state has orchestrated a smokescreen. But what happens when we blow it away?⁴¹

Australian politics in the nine months between Milligan’s ‘Inside the Canberra Bubble’ going to air in the spring of 2020, and Morrison showing pointed solidarity with Christian Porter in the winter of 2021, revealed much about what lies behind the smokescreen. The bravery and persistence of individual, often young, women and their allies declaring their experiences in Parliament as a gendered workplace; the determination of a number of women journalists and their media organisations reporting that testimony; and the published accounts of a number of former and current women politicians, provided deep insights into the dynamics of Parliament as currently constituted. When the smokescreen was briefly blown away, several significant things became clear.

Firstly, the gendered privilege and entitlement in Parliament, and therefore sense of ‘invincibility’, as Jacqueline Rose puts it, of those possessing it, is robust, systemic and resistant to challenge. In this context, a code of conduct mitigating it is necessary but will not be sufficient, any more than the ministerial code of conduct has become in relation to the prevarications and pervasive conflicts of interest riddling the Morrison Government.⁴² That does not mean such a code of conduct is pointless, however, any more than it means the code of ministerial conduct is pointless in relation to the veracity and probity of Ministers. It means that a code of conduct must be linked to a complaints mechanism independent of Parliament, as urged by Banks and others, just as the ministerial code of conduct must be linked to an independent commission

⁴⁰ Olufemi, *Feminism, Interrupted*, p. 23.

⁴¹ Olufemi, *Feminism, Interrupted*.

⁴² ‘A dossier of lies and falsehoods: How Scott Morrison manipulates the truth’. *Crikey*, 2021. Accessed at: <https://www.crikey.com.au/dossier-of-lies-and-falsehoods/>.

charged with the investigation of official corruption, for which there is now widespread support.⁴³ That such codes must be linked to truly independent bodies capable of exacting consequences for miscreance is axiomatic. ‘Rapists know that rape is wrong and still commit it because of a sense of entitlement to someone else’s bodily autonomy,’ as Olufemi pointed out in relation to gendered violence. ‘This is not something that can be fixed by merely asking rapists not to rape; women have been making this plea for centuries to no avail’.⁴⁴ If entitlement is to be disrupted and eliminated, there must be real and visible consequences for its wrongful exercise. Regular anonymous, publicly-available surveys of MPs, political staffers and ancillary staff to track the frequency of perceived offences compared to the number of complaints made would reinforce transparency.

Secondly, the systemic nature of gendered violence in Parliament as a workplace needs to be perceived and acted upon in its wider context. Large power imbalances, employee ambition and/or significant need, late nights, isolation, alcohol and a range of other factors are common characteristics of Parliament and several other workplaces including, notably, those in the hospitality and entertainment industries. The consequences of gendered entitlement and privilege need to be addressed for everyone, not just those in Parliament. Given underreporting of gendered violence and negligible conviction rates among those actually charged, the ‘justice system’ as currently configured works better for offenders than victims, buttressing gendered entitlement and privilege. It requires urgent re-engineering. As Julia Banks has commented, ‘What’s needed is “zero tolerance of no accountability” for these issues’.⁴⁵ This demands national leadership and action in conjunction with the states and territories that have constitutional responsibility for it. The spotlight thrown by the precious ‘innocent until proven guilty’ principle of English law blinds us to the profound asymmetries in current ‘justice system’ outputs, even as the gendered nature of

⁴³ Finbar O’Mallon, ‘Federal ICAC Could Restore Faith: Labor’. *Canberra Times*, 28 January 2020. Accessed at: <https://www.canberratimes.com.au/story/6601206/federal-icac-could-restore-faith-labor/>; Josh Butler, ‘Pressure Mounts on Government to Pass Federal ICAC plan’. *New Daily*, 27 October 2020. Accessed at: <https://thenewdaily.com.au/news/2020/10/27/federal-icac-pressure/>; Katharine Murphy, ‘Eight-one Per Cent of Australians Want a Federal ICAC, Guardian Essential Poll Shows’. *The Guardian*, 3 November 2020. Accessed at: <https://www.theguardian.com/australia-news/2020/nov/03/eighty-one-per-cent-of-australian-voters-want-a-federal-icac-guardian-essential-poll-shows>.

⁴⁴ Olufemi, *Feminism Interrupted*, p. 97.

⁴⁵ Banks, *Power Play*, p. 168.

policing practices and ‘justice system’ outcomes has become known. It cannot be re-engineered effectively without considering it in the context of the ‘sexist state’. American philosopher Amia Srinivasan, considering the ‘politics of safety’, provides insights into a facet of this through the example of Englishwoman Sarah Everard’s murder in London on 3 March 2021 and subsequent events. On 13 March 2021, hundreds of women gathered peacefully at Clapham Common to mourn Everard’s murder and urge action on women’s safety in daily life.⁴⁶ The Metropolitan Police violently dispersed the women’s peaceful protest, in contrast to its permissive handling of other public gatherings before and since. British Prime Minister Boris Johnson described Everard’s murder as ‘horrific’ and proposed posting plainclothes police in bars as part of the Government’s policy response. Yet it was a serving Metropolitan Police officer, Wayne Couzens, who kidnapped, raped and murdered Everard. Srinivasan placed this in the context of 1,500 accusations of sexual misconduct against police officers in England and Wales between 2012 and 2018, and noted statistics showing male police officers in the United Kingdom and United States assault their partners at significantly higher rates than average. In Johnson’s policy response to Everard’s murder, and the Metropolitan Police’s response to women’s peaceful protests about it, the ‘sexist state’ can be seen in action, reinforcing systemic gendered entitlement and privilege, even in Johnson’s case while expressing concern and seeming to act upon it.

‘Safety is a real human good: we all need some significant measure of it in order to be able to go about our lives as free persons,’ according to Srinivasan.⁴⁷ The fate of the unprivileged and unentitled in Parliament as a workplace is part of a much wider issue concerning the distribution of safety in society at large. If anything but brittle, temporary fixes are to be achieved in Parliament as a gendered workplace, these must be addressed together with those in society as a whole, not separately. Srinivasan cites black feminist American scholar and activist Bernice Johnson Reagon’s argument that an effective politics for change must build coalitions across difference and forsake the notion of comfort in practising that politics. According to Reagon:

Coalition work is not work done in your home. Coalition work has to be done in the streets And you shouldn’t look for comfort. Some people

⁴⁶ Amia Srinivasan, ‘The Politics of Safety’. *Weekend FT* ‘Life and Arts’. Asia edition, 14-15 August 2021, pp. 1-2.

⁴⁷ Srinivasan, ‘The Politics of Safety’, p. 1.

will come to a coalition and they rate the success of the coalition on whether or not they feel good when they get there. They're not looking for a coalition; they're looking for a home! They're looking for a bottle with some milk in it and a nipple, which does not happen in a coalition.⁴⁸

This is relevant to the third thing that became clear in Australian politics between the spring of 2020 and the winter of 2021, against the backdrop of the earlier 2018 Liberal leadership struggle in which Morrison displaced Turnbull as Prime Minister. Women have featured significantly in reinforcing the 'invincibility' of male entitlement and privilege in Parliament as a workplace during this period. Julia Banks described Morrison, in his bullying of her after he became Prime Minister, as 'like a constant menacing background wallpaper, imperceptibly controlling his obliging intermediaries to do his work for him'.⁴⁹ Banks describes, too, what might be called 'wallpaper women': the women Liberal MPs Morrison and his allies enlisted in that bullying. In a key example, Banks cites an unnamed woman Liberal MP who made public attacks on Banks at the behest of a Liberal faction boss who threatened the MP's preselection for non-compliance; that woman is now a Cabinet Minister.⁵⁰ The various women Morrison featured in his March 2021 ministry reshuffle range from the usefully pliant Senator Marise Payne to the openly patriarchally-aligned like Amanda Stoker. The Nationals have their 'wallpaper women' too. One of the two key MPs who engineered the restoration of Barnaby Joyce to the Nationals leadership and deputy-Prime Ministership was a woman, Bridget McKenzie, who was returned to Cabinet as a result.

The significance of the 'wallpaper women' is that it is naïve to mobilise behind the idea that gender equality in Parliament is enough to disrupt and dispatch the current pattern of gendered entitlement and privilege. If gender equity in Parliament meant more 'wallpaper women' in Canberra reinforcing male entitlement and privilege—and that is one possible outcome—it would hardly represent progress. Quite the opposite. This is why gender equity in Parliament is a necessary part of the solution but is not in itself a solution. It is why, while a code of conduct is desirable, moves to disrupt and undercut gendered privilege in Parliament must be part of a much wider push for diversity and inclusion, situated in a commitment to changing gender, race and class

⁴⁸ Srinivasan, 'The Politics of Safety', p. 2.

⁴⁹ Banks, *Power Play*, p. 182.

⁵⁰ Banks, *Power Play*, pp. 115-117.

relations in society as a whole, not just at the top. In doing so, feminists and other equity activists need to shift from a '50/50' to a '40/40/20' diversity focus, which opens the way for a more complicated and complete pursuit of diversity. In Parliament this should achieve diversity not just in the ranks of MPs but among political staffers and the ancillary staff of Parliament too.

CONCLUSION

A code of conduct addressing gendered violence in Parliament as a workplace is desirable provided it is linked to an independent complaints body external to Parliament, with power to name and sanction offenders. It would be most effective if established in tandem with anonymous, annual, publicly-available surveys tracking the nature and incidence of gendered violence in Parliament, so the gap between incidents and action can be monitored, and policies and processes adjusted to close the gap between the two. This should occur as part of a parallel re-engineering of the 'justice system' overall which currently does more to protect gendered violence offenders than it does their victims. That wider 'justice system' re-engineering should include the same anonymous, annual, publicly-available surveys tracking the nature and incidence of gendered violence so the gap between incidents and action can be monitored in society as a whole, with policies and processes adjusted to close the gap between the two instead of routinely continuing to protect offenders more than victims as it does now.

Further, and crucially, gendered entitlement must be disrupted and eliminated through decisive collective efforts to achieve real diversity in positions of power, in Parliament and across society—the threshold task to ensure genuine inclusion. Among other things, this will require women recognising that women are as capable of being enlisted in the perpetuation of current patterns of entitlement as men, and acknowledging that that many—notably in conservative political parties—willingly do so for the individual rewards that brings. This realisation should spur a shift from the current '50/50' focus of gender parity activism in favour of '40/40/20' approaches with the inherent flexibility to achieve more complicated, contextually-appropriate, and therefore higher impact, improvements in diversity.

Olufemi challenges us to 'face up to the realities of the state's actions', and to take action.⁵¹ Srinivasan's 'politics of safety' charges us with understanding, and doing something about, how safety is actually distributed.⁵² Both demand our gaze widen to include people who are poor, people of colour, people of different genders, sexualities and abilities in our actions to disrupt and defeat current patterns of entitlement and privilege. Most of all, this demands collectivity. 'Collective organisation...requires us to work together towards common interests, an idea that is entirely antithetical to the individualism that underpins neo-liberal thinking,' according to Olufemi. 'Collective responses remind us that as much as it benefits the state to delink and isolate us, we need each other to survive'.⁵³ This necessitates the conscious embrace of a version of the uncomfortable coalition-building Bernice Johnson Reagon has argued for in the US, an approach to which Srinivasan has brought renewed attention. It will take a lot to defeat the 'shiftiness' inherent in the prevailing patterns of entitlement identified by Rose. It can only be done together, in a bigger and more complicated push for diversity than those pursued so far.

⁵¹ Olufemi, *Feminism, Interrupted*, p. 35.

⁵² Srinivasan, 'The politics of safety'.

⁵³ Olufemi, *Feminism, Interrupted*, 34.