

The Honourable Dame Roma Mitchell

National History Challenge 2018

How has Dame Roma Mitchell created a turning point in Australian history?

During an inspirational legal career with many 'firsts' Dame Roma Mitchell paved the way for future generations of Australian women to meaningfully contribute to Australian society. From her early student life, she worked to eliminate gender barriers for women studying law through to her work as Australia's first female judge culminating in her appointment as Governor of South Australia, Dame Roma Mitchell broke cultural stereotypes and helped create a more inclusive community. Dame Roma Mitchell lived through a period of significant social change spanning from the First World War up until her death in 2000 where she was responsible for shifting attitudes towards providing greater opportunities to all Australians.¹ As a leading figure shaping the way women were valued within Australian society her role in the Australian legal system represented a turning point in the recognition of women in the workforce and the broadening of traditional gender roles. The legacy created by Dame Roma Mitchell continues to provide opportunities to the disadvantaged across Australia today whilst furthering her efforts to create a more equal and inclusive Australia.

Dame Roma Mitchell's life contributed to substantial societal change influencing the role of women in the legal profession reflected in a change in attitudes within Australia. At the forefront of such change was her work in the judicial system which has been in part responsible for current opportunities afforded to women today. The inability of modern Australian women to comprehend past inequalities is indicative of the shift in society and cultural norms created by Dame Roma Mitchell. Upon graduation from Saint Aloysius College, Adelaide as Dux, Roma Mitchell won a bursary to study law at the University of Adelaide and graduated in 1934 with the 'David Murray Scholarship for most brilliant student' a feat that already defied expectations for women to succeed.² As one of only 30 women studying law in her year compared to 200 men, Roma Mitchell was already pushing boundaries in pursuit of a tertiary education in a field where women were grossly underrepresented and challenged preconceived notions she faced.³ Aware of the disadvantage faced by her and female students due to the University of Adelaide's Law Students Society ban on women she was instrumental in the formation of the Women's Law Students Society that provided women with social and academic opportunities to excel.⁴ Unacceptable today this ban was not lifted until 1957 but Roma Mitchell's work in advocating for better integration of women helped change attitudes contributing to the end of this ban.

Conscious of her unique position as a woman in legal system Roma Mitchell refrained from practising criminal law because she believed that whilst women were not permitted to serve on juries her presence may be detrimental to her clients. The lack of female representation on juries was key to Roma Mitchell's work with the National Council of Women where she was chosen to successfully present the argument for change to South Australian Premier Thomas Playford in 1962.⁵ Her ability to present a detailed and persuasive argument was valued throughout her career and influential in her ability to bring change. Roma Mitchell became Australia's first female Queens Counsel in 1962 and describing it as 'her proudest achievement'.⁶ The honorific title for 'Her Majesty's counsel learned in the law' was a mark of distinction and respect reflecting the social change she had created. A significant first for Australia women, Roma Mitchell desired to see a time when 'such an appointment received no more publicity than the appointment of a man'. The appointment of Dame Roma Mitchell to the Supreme Court was a distinct turning point in Australian history changing the nation's legal system irrevocably and ending a cultural presumption. As Australia's first female judge aged 52 she said 'if you don't do a first in something then

¹ Magarey, S & Round, K 2007, *Roma the First*, Wakefield Press, Kent Town, South Australia.

ORDER OF AUSTRALIA n.d., Australian Government, accessed 26 August 2018,

² *Dame Roma Mitchell* 2013, Adeladia, accessed 26 August 2018, <<http://adelaidia.sa.gov.au/people/dame-roma-mitchell-ac-dbe-cvo-qc>>.

³ *Dame Roma, glimpses of a glorious life* 2002, Axiom Publishing, Adelaide.

⁴ *Dame Roma, glimpses of a glorious life* 2002, Axiom Publishing, Adelaide.

⁵ *Women and Politics in South Australia* 2001, State Library, accessed 26 August 2018,

⁶ *Dame Roma, glimpses of a glorious life* 2002, Axiom Publishing, Adelaide.

there's no follow on'.⁷ Much like when Edith Cowan became the first woman elected to Australian parliament, Roma Mitchell set a precedent that defied the socially acceptable.⁸

In 1983 Dame Roma Mitchell became the first female Chancellor of an Australian University after her 60-year association with the University of Adelaide. As Chancellor and in a position of authority she was able to generate and change whilst continuing to challenge stereotypes that women were incapable of holding such significant positions. In 1991 Roma Mitchell was appointed Australia's first female Governor as Governor of South Australia. This appointment was significant as it demonstrated a change in attitudes that allowed a woman to hold the position of the Queen's highest state representative. Today an Australian woman has held the position of Governor in every state following on from Roma Mitchell and her work to create of an environment today where women are judged on merit rather than gender.⁹

Dame Roma Mitchell may be most notable as Australia's first female judge but this should not overshadow the substantial contribution she has made to the legal community as a barrister and judge. Immediately on completion of university where she finished in four years rather than five, Roma Mitchell began a successful legal career at Nelligan and Angas Parsons. Quickly becoming a partner after only six months she specialised in family law representing many women in domestic violence matters where she gained the respect of her colleagues leading her to new heights in a male dominated profession.¹⁰ Roma Mitchell had developed an interest in law from an early age and the affects of living through the Great Depression weighed heavily on her belief that she could help people through law. Immensely significant during a time when most women gave up law on completion of university studies or when they married, Roma Mitchell's success was founded in her desire to challenge these stereotypes and achieve her full potential. It was for her services to law that she was appointed Commander of the Order of the British Empire in 1971.

An indication of the male dominance within the legal profession and broader Australian professional culture was the controversy caused by Roma Mitchell's appointment to the bench. This appointment caused great debate on the correct procedure for addressing Judge Roma Mitchell. Customary of the time judges were referred to as 'Mr Justice' but in light of Roma Mitchell's appointment it was mandated by the Chief Justice that all judges be referred to as Justice, the current procedure for Australian courts.¹¹ Roma Mitchell's entry forced a traditional legal system to adapt, aligning itself with changing attitudes. Len King AC QC who served as Chief Justice during Roma Mitchell's 18-year career in the Supreme Court noted Justice Mitchell's belief in "applying the law in a dispassionate and impartial manner and that she did not allow her judgements to be influenced by her gender"¹². Her 'insistence on strict observance of legal requirements' is evident in the case *Drage v Drage* when she refused to sustain a magistrates' finding of adultery without a corroborated admission and 'was not prepared to play the game'.¹³ Her conduct was pivotal in displaying and exemplifying the ability of women to work effectively and professionally contributing to many 'turning points' in her professional career, each one advancing causes she believed in.

From 1974 to 1981 Roma Mitchell chaired the Criminal Law and Penal Methods Reform Committee of South Australia which came to be know as the Mitchell Committee and produced a series of reports recommending 907 reforms, many of which have been implemented today notably in the areas of rape, suicide, bail, protection of the rights of the accused and compensation for victims of crime.¹⁴ Remembered as a 'practical and down to earth

⁷ *Dame Roma Mitchell* n.d., Australian Biography, accessed 26 August 2018, <<http://www.australianbiography.gov.au/subjects/mitchell/interview7.html>>.

⁸ *Defining Moments in Australian History* n.d., National Museum Australia, accessed 26 August 2018, <http://www.nma.gov.au/online_features/defining_moments/featured/women_in_parliament>.

⁹ *Dame Roma Mitchell* 2018, SA History Hub, accessed 26 August 2018, <<http://sahistoryhub.com.au/people/dame-roma-mitchell-ac-dbe-cvo-qc>>.

¹⁰ *Dame Roma, glimpses of a glorious life* 2002, Axiom Publishing, Adelaide.

¹¹ *Dame Roma, glimpses of a glorious life* 2002, Axiom Publishing, Adelaide.

¹² King, L n.d., *DAME ROMA MITCHELL: A VALEDICTORY TRIBUTE*, pdf, accessed 26 August 2018, <<http://www.austlii.edu.au/au/journals/AdelLawRw/2000/1.pdf>>.

¹³ *Dame Roma, glimpses of a glorious life* 2002, Axiom Publishing, Adelaide.

¹⁴ *Dame Roma Mitchell* 2018, SA History Hub, accessed 26 August 2018, <<http://sahistoryhub.com.au/people/dame-roma-mitchell-ac-dbe-cvo-qc>>

judge' her decisiveness, efficiency and reliability as a pioneer in her field allowed her to process cases of political and social importance without ever raising any questions of her ability or her gender.¹⁵

As a long term advocate for the rights of marginalised communities Dame Roma Mitchell's sphere of influence exceeded the female legal community. Dame Roma Mitchell worked consistently throughout her career supporting social justice causes. Working both internationally and in the local community, Roma Mitchell benefited the lives of those around her. Her career has been distinguished with her many anti discrimination laws particularly involving Indigenous Australians. Roma Mitchell was a founding figure in the formation of the Australian Human Rights Commission in 1981 and its first Chairperson. During this time, she focused on indigenous rights and regularly met with indigenous Australians to continue her work in providing equal opportunities for all Australians. Known as a 'campaigner of international acclaim' Dame Roma Mitchell called her work with the Australian Human Rights Commission and passing of the human rights commission act the 'most important committee she served on'.^{16 17} Today the South Australian Government awards Roma Mitchell scholarships to disadvantaged Aboriginal children in memory of Roma Mitchell and her legacy.¹⁸

Former South Australian Premier John Bannon recognised the social impact and legacy left by Roma Mitchell explaining that "she epitomised Australia in the 20th Century. She was in the van of social legislation changes throughout the second half of the century. She wouldn't shirk from being a standard bearer".¹⁹ Roma Mitchell's social work was also seen at a local level, a regular Meals on Wheels volunteer Roma Mitchell interacted with the community at a personal level providing relief to those in need. Whilst fighting in the legal system to implement policies like 'equal pay for equal work' she took a hands on approach, unusual to most public servants and judges. Famous for her work to help those in need despite the political implications for herself she had a simple goal in life, to help those she could.²⁰ Dame Roma Mitchell was also known for her contribution to other aspects of society such as the arts where the variety of her influence is indicative of the turning points in multiple aspects of Australian culture she created.

In 1982 Roma Mitchell became a Dame Commander of the British Empire and in 1991 received the highest civilian honour in Australia 'for services to the law, to learning, and to the community' as a Companion of the Order of Australia.²¹ Dame Roma Mitchell was also a member of the council for the Order of Australia recognising the service of other Australians to Australian society. When Roma Mitchell 'retired' in 1996 she dedicated herself to charity work which she continued until her death in March 2000. On the 1st January 2000 Dame Roma Mitchell was appointed commander of the Royal Victorian Order by then Governor General Sir William Deane.²² The impact of Dame Roma Mitchell's work was valued at the highest levels as evident through her numerous titles and honours that highlight the respect Dame Roma Mitchell received throughout Australia.

Today the South Australian Government runs grants, scholarships, trusts, and a secondary school while courts and the Roma Mitchell legal centre remain as a legacy of the significance of the work of Roma Mitchell and the influence she has had on Australian society. From her work to change the laws to hand delivering meals, Roma Mitchell never shied away from those in need and provided help in every way she could. Dame Roma Mitchell recognised inequalities and injustice when she saw it and actively sought to make changes. As a consequence,

¹⁵ King, L n.d., *DAME ROMA MITCHELL: A VALEDICTORY TRIBUTE*, pdf, accessed 26 August 2018, <<http://www.austlii.edu.au/au/journals/AdelLawRw/2000/1.pdf>>.

¹⁶ *Dame Roma Mitchell* 2013, Adeladia, accessed 26 August 2018, <<http://adelaidia.sa.gov.au/people/dame-roma-mitchell-ac-dbe-cvo-qc>>.

¹⁷ *Dame Roma Mitchell* 2013, Adeladia, accessed 26 August 2018, <<http://adelaidia.sa.gov.au/people/dame-roma-mitchell-ac-dbe-cvo-qc>>.

¹⁸ *Dame Roma Mitchell Grants* 2018, SA Government, accessed 26 August 2018, <<https://www.sa.gov.au/topics/education-and-learning/financial-help-scholarships-and-grants/dame-roma-mitchell-grants>>.

¹⁹ *Dame Roma, glimpses of a glorious life* 2002, Axiom Publishing, Adelaide.

²⁰ Magarey, S & Round, K 2007, *Roma the First*, Wakefield Press, Kent Town, South Australia.

ORDER OF AUSTRALIA n.d., Australian Government, accessed 26 August 2018,

²¹ *Roma Mitchell* 2018, Wikipedia, accessed 24 August 2018, <https://en.wikipedia.org/wiki/Roma_Mitchell>.

²² *Dame Roma, glimpses of a glorious life* 2002, Axiom Publishing, Adelaide.

Dame Roma Mitchell generated 'turning points' for herself but more importantly for South Australia and Australian women, Indigenous Australians and other marginalised communities seeking justice.

Dame Roma Mitchell AC DBE CVO QC led a life that vastly altered history. She challenged preconceived notions on the limits of women, fought for equality in and out of the courtroom and served her community as a leader in multiple fields. Unwavering in her desire to create a positive change she regularly disregarded engrained attitudes to change the Australian psyche influencing modern Australia. Today the statue of Dame Roma Mitchell stands in prominence on North Terrace as a symbol of the change she created and the legacy she left that continues to inspire Australians to work towards a better Australia.

Bibliography

A List of Governors of New South Wales n.d., Parliament of New South Wales, accessed 26 August 2018, <<https://www.parliament.nsw.gov.au/about/Pages/A-List-of-Governors-of-New-South-Wales.aspx>>.

This source was useful in researching the past governors of New South Wales and the representation of women. As an official New South Wales government website the information provided is accurate and was effective in supporting the argument of the progress of female governors. Providing information on previous governors it gave me a reference point to compare the work of other female governors to Dame Roma Mitchell.

A list of Victorian Governors. 2018, Governor of Victoria, accessed 26 August 2018, <<https://governor.vic.gov.au/history/governors-victoria>>.

A Victorian government website this source was useful in enforcing the point made in this essay about the significance of Dame Roma Mitchell's appointment as governor and proves that she was in fact the first female governor in Australia.

Australian Women Lawyers as ACTIVE CITIZENS 2016, Women Australia, accessed 26 August 2018, <<http://www.womenaustralia.info/lawyers/biogs/IMP0002b.htm>>.

Part of the Australian Women's archive project this website was useful in providing an overview of the work of Dame Roma Mitchell. It was useful in not only gaining an understanding of her work but how she is viewed by others and her place in history. It was evidence that she was an 'active citizen'.

Cheong, P n.d., *Dame Roma Mitchell*, Law Society Northern Territory, pdf, accessed 26 August 2018, <<http://www.austlii.edu.au/au/journals/BalJINTLawSoc/2012/4.pdf>>.

As part of an article, this pdf was focused on the legal career of Dame Roma Mitchell and her work for Aboriginal People. This article provided many quotes that were able to provide personal evidence on the ideas of Dame Roma Mitchell.

Dame Roma Mitchell 2013, Adeladia, accessed 26 August 2018, <<http://adelaidia.sa.gov.au/people/dame-roma-mitchell-ac-dbe-cvo-qc>>.

As an Adelaide based website this source discusses the importance and life of Dame Roma Mitchell in South Australia. It discusses the honours received by Dame Roma Mitchell and provides a timeline to these events. As an Adelaide based source references to South Australia landmarks and her SA legacy provided detailed opinions on her importance in state history.

Dame Roma Mitchell 2018, SA History Hub, accessed 26 August 2018, <<http://sahistoryhub.com.au/people/dame-roma-mitchell-ac-dbe-cvo-qc>>.

This source focuses on the early life of Dame Roma Mitchell and provides insight into the motivates behind her successful career. It also connects to her work at university and beginning her work into equal rights for women.

Dame Roma Mitchell Grants 2018, SA Government, accessed 26 August 2018, <<https://www.sa.gov.au/topics/education-and-learning/financial-help-scholarships-and-grants/dame-roma-mitchell-grants>>.

A government website, this source shows the true extent of the legacy left by Dame Roma Mitchell and her ongoing contribution to South Australia through grants for Indigenous Children in her name in recognition of her work for Aboriginal rights.

Dame Roma Mitchell n.d., Australian Biography, accessed 26 August 2018, <<http://www.australianbiography.gov.au/subjects/mitchell/interview7.html>>.

As part of the Australian Biography Dame Roma Mitchell was interviewed and the transcripts of these interviews span many hours. Recorded near the end of her life this source was extremely useful in understanding the work of Dame Roma Mitchell from her perspective. It provided an opportunity to back up her achievements with personal quotes that help use understand her motivation.

Dame Roma, glimpses of a glorious life 2002, Axiom Publishing, Adelaide.

This book, distributed by the University of Adelaide Law society was most helpful in providing a detailed account of the long legal career of Dame Roma Mitchell. A biography with multiple chapters written by influential people

such as former supreme court chief justice. This book focus on her legal career was useful as it references individual cases.

Defining Moments in Australian History n.d., National Museum Australia, accessed 26 August 2018, <http://www.nma.gov.au/online_features/defining_moments/featured/women_in_parliament>.

This source was about Edith Cowan who was Australia's first woman in parliament and was used to compare her 'firsts' with those of Dame Roma Mitchell and how they had both contributed to turning points in Australian History.

Former Governors 2018, Government House Western Australia, accessed 26 August 2018, <<https://www.govhouse.wa.gov.au/the-governor/about-the-governor/former-governors/>>.

This is a government website about all the governors of Western Australia. It supports the argument that Dame Roma Mitchell's appointment as state governor was a significant first for women. Western Australian currently has a female governor but she was not appointed to 2014, long after Dame Roma Mitchell.

Heimans, F 1994, *Dame Roma Mitchell*, pdf, accessed 26 August 2018, <http://australianbiography.s3.amazonaws.com/study/4593_ausbiomitchell.pdf>.

Written for students studying Dame Roma Mitchell this pdf was useful as it posed questions that could be answered within this essay and provide information into the life of Roma Mitchell.

Jordan, D 2000, *Obituary: The Honourable Dame Roma Mitchell*, pdf, accessed 26 August 2018, <<https://www.tandfonline.com/doi/pdf/10.1080/713611978>>.

Dame Roma Mitchell's obituary was useful and provided information that summed up her life from a personal view. Her obituary highlights her life's work and the influence she has created useful in this essay.

King, L n.d., *DAME ROMA MITCHELL: A VALEDICTORY TRIBUTE*, pdf, accessed 26 August 2018, <<http://www.austlii.edu.au/au/journals/AdelLawRw/2000/1.pdf>>.

The Honourable Len King wrote this tribute to Dame Roma Mitchell and uses his expertise to evaluate the legal career of Dame Roma Mitchell. Very useful in providing an argument for why her career created so much change.

Magarey, S & Round, K 2007, *Roma the First*, Wakefield Press, Kent Town, South Australia.

ORDER OF AUSTRALIA n.d., Australian Government, accessed 26 August 2018,

<<https://www.pmc.gov.au/government/its-honour/awards/order-australia>>.

This book was a biography about Roma Mitchell and detailed her many 'firsts' and their respective impact on society. Written from a less personal opinion this book for useful to find facts and and gather a timeline to her life.

Previous Governors and Lieutenant-Governors of Tasmania n.d., The Governor of Tasmania, accessed 26 August 2018, <<https://www.govhouse.tas.gov.au/governor/previous-governors-and-lieutenant-governors-tasmania-old>>.

An official source of the Governor of Tasmania this source was useful in researching past governors of Tasmania and when they first had a woman as governor. This could then be compared against Dame Roma Mitchell's earlier success.

Queensland Governors 2017, Queensland Government, accessed 26 August 2018, <<https://www.qld.gov.au/about/about-queensland/history/governors>>.

A Queensland government source useful in finding what date the first female Governor of Queensland was appointed.

Roma Mitchell 2018, Wikipedia, accessed 24 August 2018, <https://en.wikipedia.org/wiki/Roma_Mitchell>.

This was a useful source at the beginning to gain an understanding on the person and what they had achieved. It provided a summary and full list of post nominal used to research the reasons behind.

5 reasons South Australia is a champion for women's rights 2016, Brand South Australia, accessed 26 August 2018, <<https://brandsanews.com.au/5-reasons-south-australia-is-a-champion-for-womens-rights/>>.

A largely irrelevant source this new article talks of the significance of having a South Australian woman as first supreme court judge.

South Australians mourn Dame Roma Mitchell 2000, ABC, accessed 26 August 2018,
<<http://www.abc.net.au/pm/stories/s109516.htm>>.

This is a transcript of an ABC show and gives a summary of the life and achievements of Dame Roma Mitchell and their significance.

Women and Politics in South Australia 2001, State Library, accessed 26 August 2018,
<http://www.slsa.sa.gov.au/women_and_politics/polit7.htm>.

An extremely detailed source despite the length and inclusion of irrelevant information this source remained useful as it provided information on a topic that was hard to find information on. It provided information on Dame Roma Mitchell efforts to have women serve on juries.

Zinn, C 2000, 'Dame Roma Mitchell', *The Guardian*, 10 March, accessed 26 August 2018,
<<https://www.theguardian.com/news/2000/mar/10/guardianobituaries2>>.

This is a news article by the Guardian that was in response to the death of Dame Roma Mitchell. The time of publication is important as it gives insight into a time before I was born and how the Death of Dame Roma Mitchell influenced the community.