

Building a positive culture at the New South Wales Bar

Chief of the Australian Army, Lt General David Morrison, delivered the following speech at the launch of the Bar Association's Best Practice Guidelines in the Common Room on 8 August 2014.



Lt Gen David Morrison, chief of the Australian Army, addresses those gathered to launch the Best Practice Guidelines. Photo: Murray Harris Photography

It is a pleasure to be invited to address you today at the launch of the New South Wales Bar Association's Best Practice Guidelines.

There are many who shared my time as a law student in the 1970s who would find it both ironic and incongruous that I here speaking with you today. I did not complete my degree, much to the relief of my lecturers. You can be assured that while I recently had the opportunity to speak to Australia's supreme and federal court judges about the impact of legislation and judicial interpretation of Chapter III of our Constitution on the application of military justice in the ADF, I will be staying well clear of anything that pertains to the exercise of civil law in NSW, or the nation for that matter. All that said, as someone who has religiously watched every episode of *Rake*, I feel I know my audience and I am ready to contribute!

I am delighted that the NSW Bar Association is committed to creating a better workplace. In that we have much in common. The acceptance and implementation of these guidelines can only increase the efficiency and cohesiveness of that workplace,

contributing as it will to building the morale and productivity of those who work in the legal profession, most especially of course the bar.

I am in the final year as the chief of the Australian Army. It has been a challenging and at times difficult appointment. In the last three years we have completed successful military commitments to Timor Leste and the Solomons and we are now drawing down our involvement in our longest war, Afghanistan, leaving behind a legacy that I trust will endure in supporting a secure and developing nation.

Your army is also well postured for what it will possibly have to face in the future. We are very well equipped and trained, peopled as we are with some of our finest Australians.

And yet, when most of my fellow citizens think of their army, it is increasingly focused on issues around culture and behaviour. I find it somewhat surreal that for all of my 36 plus years in the army it is a three minute video, encapsulating a message to my workforce about the treatment of women that will probably be most remembered.

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So in launching the Bar Association's Best Practice Guidelines, I thought it both opportune and hopefully of some value to you, to offer a perspective about culture and its importance to not just developing a profession, like the military or like the law, but how making tangible improvements to that culture and most particularly being seen to improve it, is critical to attracting the men and women who will be that profession's future.

Now I need to offer several caveats at the outset. I am no anthropologist. I have no sociological qualifications. Indeed, as an Anglo-Saxon, heterosexual male, raised in a liberal middle class family I have never been the victim of discrimination.

Nonetheless, I have been involved, as the leader of one of our great national institutions, in trying to come to grips with what constitutes our army culture, how it sustains us in the most dire of circumstances and yet how, in the hands of some, it can be used as a tool of exclusion to destroy careers and, in some cases, lives.

There was a start point for this – a Saul on the road to Damascus revelation if you like. I was asked early in my term, by none other than Australia's sex discrimination commissioner Elizabeth Broderick, what I drew from the many recommendations made in 13 separate reviews into Defence culture in the last 15 years and to the fact that despite all of our efforts the participation rate for women in our army had never risen above 10 per cent of our total workforce.

I had no ready answer, but the fact is that there is a unifying theme to these reviews, and for women's propensity to serve in our ranks – it was that there are systemic problems with our culture that cannot be ignored - indeed must be faced if real improvement is to take place.

That realisation was not achieved with a simple shrug of the shoulders. I have been in and around the army all of my life. My father joined in 1945, and his 36 year service overlapped mine briefly. Between us we have served the nation every day for almost 70 years. I have seen soldiers meet head-on the most daunting of challenges. I have seen the deadly consequences of sacrifice made in the nation's name and I have shared the pride that comes with wearing the slouch hat and the rising sun badge.

Yet, at the same time I was not comforted by the cliché that a 'few bad apples' were undermining the great work of the vast majority. We in the ADF occupy a special constitutional role. We train for mastery of military force and are entrusted and sanctioned by the government to employ extreme violence in support of national interests.

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That monopoly on violence and the particular place we occupy in our national psyche, demands that we must earn and maintain a high level of trust among our community. They are entitled to expect more of us than other institutions. This places a very great burden on us, which warrants zero tolerance towards those who violate that fragile community trust.

The army is part tribe, part family, but above all it is a reflection of our society. Those who are soldiers know they are contributing to one of the big stories in Australian life. They know that every small step they take can leave a footprint in our national history. All of us carry the weight of the achievements and sacrifice of those who have gone before. Indeed, for this reason, many feel drawn to our culture and our ethos of service long before they join us.

And so in determining that I needed to take a very public stance on matters that go to the heart of how we define ourselves as an institution, I was deeply conscious that my approach must be constructive, inclusive and focused on what improved us as an army. When you speak for generations of soldiers whose dedication and sacrifice have shaped Australia, and speak to the serving soldiers of today who have shown similar commitment to the ideals of service in places like Timor, Iraq and Afghanistan, you need to be very respectful and collegiate in order to help fashion the army of tomorrow.

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Because culture counts. I have been at the forefront of leading cultural change and I think I only now understand just how much it does. It shapes our perspective of who we are: as Australians, as members of a particular profession, as supporters of a sporting team. It is often intangible: a sense of identity, a shared but often unspoken alliance with others of our group. Indeed it is so intangible at times, it defies ready definition and wilts when examined forensically. When it is made tangible it is often through totems – a badge, a slouch hat, a barristers wig, a national flag. It is bolstered by the stories we tell each other and

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herein lies culture's great strength and weakness. Let me give you an example of what I mean.

The marking of the centenary of the Great War this week and the 100th anniversary of the Gallipoli landings next year will thrust Anzac, and what it ought to mean to us, into the foreground of our public debate. That may be a very good thing. Anzac looms large in the Australian psyche. For better or worse, and in this room I suspect there may be some who incline to 'worse', the Anzac story has become one of our dominant national foundation myths.

I choose the term myth deliberately. Myths perform vital roles in communities from tribes through to nations and associations like yours here today. The best of them contain enough truth to confer longevity if not immortality on them. Likewise, the best of them are a summons to live out noble universal human values. Anzac has this potential for our army. But the mythology that is so often entrenched around professions such as yours and mine was by definition created in a different era and often under different societal norms. The hyper-reality built up around the myth can in the hands of some exact a toll of exclusion rather than inclusion.

In that regard the Anzac legend – as admirable as it is – has become something of a double-edged sword.

For the army, the most pervasive distortion about what really happened in Turkey in 1915 is that many Australians now have an idealised image of the Australian soldier as a rough hewn country lad – hair gold, skin white – a larrikin who fights best with a hangover and who never salutes officers, especially the Poms. In the Australian psyche every soldier is Mel Gibson in *Gallipoli*.

This is a pantomime caricature, and frankly it undermines our recruitment from some segments of society and breeds a dangerous complacency about how professional and sophisticated soldiering really is.

Lest I be misinterpreted, be assured that I, like every single Australian soldier, am fiercely proud of Anzac. It defines our values of courage, teamwork, initiative and respect for one another.

But if Anzac is to fulfill its mythical role effectively we must seek to interpret it in an inclusive way. Those who use their service to bludgeon conformity to a narrow ideal of what an Australian, especially an Australian soldier, should be, deliver harm not homage to Anzac. I hope the Anzac myth can be

reinterpreted by modern Australians in a manner that means it offers intangible but utterly universal inspiration to all Australians.

I am unreservedly convinced that the culture of a team that is defined through the exclusion of any member of our society has to change. It has to stop for both altruistic and pragmatic reasons. I like to think I am as altruistic as the next person but my motives are essentially pragmatic. Organisations with high levels of what can be termed as 'social capital' are more effective, both in their performance and ability to retain their highly skilled personnel much longer.

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I have set tangible goals against which I am willing to be judged in this matter. Ultimately, though, true and enduring progress will only be achieved through the collaborative efforts of women and men. There is a need, in my view, for some men to be reminded by male leaders and champions of change that discrimination of any kind is never acceptable and that all their colleagues deserve their trust and respect.

That is why I stated to the Australian people that we have a systemic problem in our army culture. To pretend otherwise, after so many repeated scandals and so much adverse scrutiny, is simply dishonest and self-delusional. It takes courage for an organisation to engage in rigorous self-examination.

The Australian Army belongs to the nation. We are funded by their taxes. We recruit from their families and ultimately we prosper, or we wither away, dependant on their ongoing trust and support. That is integral to our contract with the nation.

We are also a national institution. Our ranks are open to every person whose allegiance is to Australia regardless of their race, their gender, their sexual preference or by what name they call their God.

Much like the NARS report was the catalyst for the NSW Bar Association development of Best Practice Guidelines,

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L to R: Megan Black, Julia Baird SC, Jane Needham SC, Lt Gen David Morrison, Fiona McLeod SC, Mary Walker, Kate Eastman SC. Photo: Murray Harris

we also sat down and completed a reassessment of our career management agencies and how their - conscious or unconscious - bias impacted on the career progression of women and other groups. The end result was a new, enhanced, career model that we continue to improve upon.

The new model remains gender neutral; provides greater choice and flexibility, calibrated to potential, to best enable merit progression. In doing so it places much more value on the broad range of skills a modern army needs; and indeed is expected to have. The new model delivers this through greater flexibility afforded to any officer or soldier in terms of the delivery and sequence of professional development, acknowledgement of broader experience and ensuring that there is no detriment to career progression due to breaks in service.

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Ultimately, those who do not meet the normal 'linear' career milestones, but who have commensurate experiences, now have the opportunity to compete for more senior and demanding appointments. Through the maintenance of the extant merit-based selection process, the model gives everyone a fair go but in no way sacrifices army's professional standards or breaches our contract with the nation.

The Australian Army understands that cultural change is a long term process that requires commitment, diligence and continual evaluation. We are in sight of concluding our commitment to the longest war we have ever fought, and we are scaling back after 14 years of uninterrupted operations in a number of theatres. This will present different, but in some ways more complex, challenges for the future. Certainly the competition for labour will be fierce. Much like yourselves, the army requires a diverse and inclusive group of strategic leaders with the skills necessary to lead army into this uncertain future.

Through these Best Practice Guidelines, the New South Wales Bar Association is also clearly looking to build and sustain a relevant, positive organisational culture into the future. The framework it lays out provides guidance and assistance on the prevention, management and resolution of matters such as harassment, discrimination, vilification and victimisation and ensures that you are keeping step with the expectation contemporary society levies on you.

It will embody the essence of your contract to the nation. It is guidelines such as these that will undoubtedly engender a mutual respect between your members and the people they serve. The guidelines will also offer an example to other institutions in the broader Australian society. To my eyes, it cements your status as a first class, modern association which has a clear view of the significant advantages that are accrued through an inclusive and diverse workforce. I salute you and wish you well.