



"...we have seen progress towards equality...
I had always been optimistic, even confident,
that this was a revolution that was unstoppable
and irreversible." Summers 2004



PORTIA ANNUAL 2010 COMMITTEE

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LOUISA TRAVERS

LIVIA WEI TING WONG



FRONT COVER

'SUFFRAGE IS UNSTOPPABLE'

2010 digital print by Fern Smith



Fern Smith's artwork is humanist and feminist, drawing from the influences of myriad twentieth century art and social movements. Fern has extensive experience in working in collaboration with various community organisations. Her contribution in multimedia and visual art has had an impact both nationally and internationally.

Fern has developed partnerships with the Victorian Hepatitis C Council and the Department of Health (2004-2005) with the aim of debunking stereotypes and highlighting the exclusions that HCV presents within the community. 'Conversations and The Art of Suffrage' (2006-2009) celebrated 100 years of women voting in Victoria and was both a partnership and a collaboration with RMIT University School of Industrial Design, WELVIC, League of Women voters Victoria, Office of Women, Gasworks Arts Park, Moreland City council, artist Ursula Dutkiewicz and composer Cathy Conner.

To find out more about Fern's work, please visit <http://www.fernartz.com> or sign up to the soiree and exhibition mailing list at: fern@fernartz.com.

Victorian Women Lawyers sincerely thanks Fern Smith for her beautiful artwork.

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Our Objectives:

- (a) to provide a common meeting ground for women lawyers.
- (b) to foster the continuing education and development of women lawyers in all matters of legal interest.
- (c) to encourage and provide for the entry of women into the legal profession and their advancement within the legal profession.
- (d) to work towards the reform of the law.
- (e) to participate as a body in matters of interest to the legal profession.
- (f) to promote the understanding and support of women's legal and human rights.
- (g) such other objectives as the Association may in General Meeting decide.

The Association also adopts the objectives of the Australian Women Lawyers and is a Recognised Organisation of that Association:

- (a) achieve justice and equality for all women.
- (b) further understanding of and support for the legal rights of all women.
- (c) identify, highlight and eradicate discrimination against women in law and in the legal system.
- (d) advance equality for women in the legal profession.
- (e) create and enhance awareness of women's contribution to the practise and development of the law.
- (f) provide a professional and social network for women lawyers.

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LIZA POWDERLY

Diversity in 2010 and beyond

"Be the change you want to see in the world" or various iterations of Gandhi's famous quotation is often the start or end point of well intentioned magazine reports, graduation speeches, and lectures. Maybe the quotation has become somewhat diminished by repetition, or bruised by the context in which the words are delivered, but I truly love it. It inspires one to believe and champion the notion that one person's actions are significant, and that each person's conduct can influence the wider community.

VWL will celebrate its 15th birthday in 2011, and I've been fortunate enough to have met many of the women and men who have devoted their time and effort into supporting the organisation over these years. These people have recognised that change in societal attitudes was needed and they have done something personal to contribute towards change, as gradual as it has been. Equality is everyone's issue and I know that there are many champions among VWL members and supporters who have talked, campaigned, written and battled for getting the message of gender equality heard in our small corner of society, the legal profession.

Individuals have been responsible for VWL's progress in 2010, which has included an expansion of our core committees, and a record number of events. The year's theme has been 'diversity'. VWL tries to promote diversity always, but this year it has been a particular focus of ours. So many of you come from different backgrounds, and you are doing different things and contributing in different ways. We all face different challenges along the way, and I hope that VWL, even in some small way, can encourage you to overcome these hurdles and reach your potential. In this year's *Portia* we have tried to capture a snapshot of the different things people do with a law background by profiling a number of interesting women. I hope you find it inspiring to read what others are doing, and it might even prompt you to think about what things you might otherwise be doing with yourself.

VWL's work is the result of a commitment to bring events and seminars that continue to promote the Association's objectives of advancing women in the profession and contributing to the promotion of women's rights in the wider community.

The Editor of *Portia*, Liza Powderly, and the Communications Committee have brought together this impressive edition of *Portia*. Well done Liza and team – it's our best ever edition. It is a wonderful read, and I encourage you to return to it often to reflect on 2010, and be inspired by the efforts of all of our members. Let's all continue to work towards building a profession that respects and promotes diversity.



The Year in Review

Thank you to all who attended VWL events over the year's busy calendar, and thank you to the organisations we partnered with. Here are some of the events VWL hosted in 2010:

- **January** – Legal Laneway Breakfast in support of the Victoria Law Foundation, Women's Legal Service, and others.
- **February** – Sponsor firm dinner at The Italian.
- **March** – Dame Roma Mitchell Memorial Luncheon with guest speaker Clare Martin, CEO of the Australian Council of Social Services (ACOSS), with the Law Institute of Victoria.
- **April** – VWL hosted a cocktail function with Monahan + Rowell Lawyers to congratulate Justice Dodds-Streeton on her appointment to the Federal Court and hear about her Honour's experiences in the law.
- **April** – Launch of the annual VWL/Women Barristers Association (WBA) Law Student Mentoring Program at Middletons with the support of The Hon. Justice Neave AO.
- **May** – Pro Bono and Community Work Forum, moderated by Fiona McLean, CEO of the Public Interest Law Clearing House (PILCH) at Blake Dawson Waldron.
- **May** – Law Week seminar 'Hear Me Roar' – a joint event with Lawyers for Animals highlighting the links between equality rights and animal rights.

Continues next page

- **May** – Women Lawyers Achievement Awards at Chapter House hosted with WBA, with (the Hon. Justice) Pamela Tate SC. Jane Dixon SC received an award for excellence, and Simone Cusack was named 'Rising Star.' Fatoum Souki was awarded the Community Justice award. The Hon. President of the Court of Appeal, Justice Maxwell, presented the awards, with guest speaker Liz Jackson of Four Corners providing the keynote address.
- **August** – Australian Women Lawyers' Conference in Brisbane. VWL is a constituent body of AWL, and we support this biennial conference. VWL sponsored the attendance of 8 of its members to attend this conference, including members from regional Victoria and regional Western Australia.
- **August** – Sexual Assault Forum in Mildura with a number of partners including Victoria Police and the Aboriginal Family Violence and Prevention Legal Service.
- **August** – Mildura Networking Dinner.
- **August** – Lunch with the Chief Justice at Mallesons Stephen Jaques - a frank discussion about the advancement and development of women in private law firms.
- **August** – Members' and Guests' Night at The Apartment, with comedian Denise Scott providing entertainment.
- **September** – Lesbia Harford Oration in collaboration with PILCH. The Oration was delivered in a panel format addressing the topic *Do We Measure Up? How Australia fares in the international women's rights context*.
- **September** – Sexual Assault Forum in conjunction with the Medical Women's Society of Victoria.
- **October** – Women's Business in the Law, a breakfast event to celebrate and encourage Indigenous women's participation in the legal profession. This event was hosted by VWL in conjunction with Tarwirri and Maurice Blackburn Lawyers.
- **October** – 'Coming to the Bar' drinks and seminar session in conjunction with the Women Barristers Association.
- **October** – Launch of *Do You Manage? A Guide for managing lawyers with flexible work arrangements*. Elizabeth Broderick, the Sex Discrimination Commissioner launched the report, with the support of the LIV, our principal sponsor.
- **November** – Launch of the Women Lawyers in Government Network, with guest speaker the Hon. Justice Emerton.
- **November** – AGM and Christmas party, with entertainment provided by the Women's Circus, and the event hosted by Minter Ellison Lawyers.

In addition to the events hosted, each committee has been working hard over the year to provide comment and submissions in relevant areas, such as a response to the Law Council of Australia/AWL Gender Appearance Survey, and a submission to the Victorian Attorney-General in relation to judicial appointments. Committees have also been working hard on projects such as the Women Migrants' Legal Information Project, and a membership survey into gaps in networking. VWL has many projects on the burn, including a future Pathways to Partnerships seminar, further research into attrition of women lawyers in the profession, and joint events with Women in Finance and the Australian Corporate Lawyers Association (ACLA). There are many ideas that are in the process of being cultivated in response to member feedback.

VWL is also fortunate to host two student interns provided to us by the Victoria Law Foundation, who are working on various VWL projects.

Thank you to the executive committee and hard-working members of all VWL committees who have devoted their time to organise these wonderful events, and be the voice of VWL throughout the legal profession. I would also like to thank our Patron the Hon. Chief Justice Marilyn Warren, who has provided support and guidance to VWL over many years, and is a keen advocate of women's advancement in the law. Thank you especially to our generous major sponsors, Maurice Blackburn, Middletons, Corrs Chambers Westgarth, DLA Phillips Fox, Clayton Utz, Mallesons Stephen Jaques, Minter Ellison, Allens Arthur Robinson, Blake Dawson, Maddocks, and our principal sponsor, the Law Institute of Victoria. Such support is vital for VWL and its ongoing work.

Astrid Haban-Beer

Convenor

The Honourable Chief Justice French has referred to cultural diversity and the way it impacts on the administration of justice. His Honour said that it was:

Essential.... that people involved in the work of the courts are educated to an awareness of difference that transcends their own experiences of life. For those experiences and the world views that go with them are necessarily culturally conditioned.

Drawing on the example of the *Mabo* decision, Justice French proceeded to make the argument central to his article – that cultural awareness is a requisite part of the proper administration of justice. The soundness of this proposition requires no testing; the only question that remains is, how best to achieve greater cultural awareness within the justice system. The answer is, through promoting a diverse work culture, one that is representative of the society we live in. This brings us to the second main objective of diversity in the workplace: that of eliminating discrimination based on gender, sexual orientation, cultural or ethnic background.

Diversity in the legal profession is a topic that is receiving increased attention in Australia. In a recent policy statement entitled, 'Indigenous Australians and the Legal Profession', the Law Council of Australia committed to, among other things, providing support to Indigenous law students, promoting the participation of Indigenous Australians in the legal profession, and encouraging members of the legal profession to embrace Indigenous cultural education and training. Many Australian firms are also developing their own diversity policies, focusing specifically on the hiring and promotion of women. These efforts are highly commendable, however there is still work to be done.

There are many factors influencing diversity in the legal profession. Part-time and flexible working arrangements are amongst them. Women lawyers must continue to press for these arrangements. We must continue to promote and increase the representation of women in the law and vigilantly work toward a truly diverse and integrated profession.

The Honourable Marilyn Warren AC

Chief Justice of the Supreme Court of Victoria



MESSAGE FROM THE PRESIDENT OF THE LIV
STEVEN STEVENS**Diversity is more than acknowledging difference**

The Law Institute of Victoria (LIV) recognises that diversity is more than acknowledging difference.

We all accept that our community is diverse - diverse culturally, linguistically, ethnically, and in ability, capacity, gender and sexual identity, family responsibility, class and social mobility, age, religious belief or otherwise. The fact that Victorians originate from over 230 countries and speak over 200 languages is evidence of this diversity (2006 Census).

As administrators of justice, privilege and power attach to the legal profession, and with that, responsibility. Barriers and inequality still exist in society, and the legal profession has an important role to play in shaping social policy and law reform in order to overcome these hurdles. To do this, we must be representative of the community we serve. Different perspectives, histories and experiences make us stronger as a profession, and more responsive to the needs and interests of our clients and community.

Diversity in the legal profession means more than celebrating society's differences. It is understanding, respecting and adopting equal opportunity and anti-discrimination principles, inclusion and tolerance. Diversity means the search for merit wherever it can be found.

LIV Diversity Policy

As the peak legal professional body in Victoria, the LIV aims to lead by example and set dynamic and innovative standards for the profession. The LIV recognises and is committed to promoting the benefits to our community of a diverse profession.

Recognising that great minds think differently, the LIV is committed to breaking down the barriers that prevent a diverse range of lawyers from entering and succeeding in the profession. The goal of the LIV is to cultivate diversity within all levels of the legal community and to foster a profession in which every lawyer has the opportunity to achieve. In order to promote these goals, the LIV has committed to developing a diversity policy statement.

The policy statement will reflect the LIV's commitment to diversity in the profession and to making space for, recognising contributions by, and supporting the careers of a diverse range of lawyers.



Over the last few years, the LIV has launched several diversity initiatives relating to women, lawyers with disabilities and Indigenous lawyers. In addition, the Young Lawyers' Section (YLS), including the Later Lawyers Network, focused on promoting diversity in 2010. The YLS focus on diversity sought to address issues of inclusion, highlight young lawyers' contributions to the profession and the community, and the benefits of having a truly representative legal profession.

Poor representation of women at the top

It has now been well documented that despite the majority of graduates from law schools being female, women are still not equally represented at the senior level in law firms, the Bar or the judiciary. Pay parity also remains an issue, with a woman briefed in a litigation matter in Victoria's higher courts likely to receive only 75 per cent of a male barrister's fee. Private firms are briefing women in only 12 per cent of cases.

LIV supporting development of women in the profession

To redress these inequalities, the LIV is working collaboratively with several organisations to promote women in the law. In conjunction with the Victorian Bar, VWL, and other potential partners, the LIV is developing a "Return to Law" series for 2011, which includes sessions for women returning to work, updating their professional and personal skills, as well as how to have difficult conversations about flexible work practices. The LIV is VWL's principal sponsor and has strongly supported VWL's report "Do You Manage? A Guide to Managing Lawyers with Flexible Work Arrangements", launched by Elizabeth Broderick at the LIV on 25 October 2010.

The LIV is also focusing on encouraging and supporting more women in leadership through several initiatives. The LIV offered a CPD entitled "Breaking the Glass Ceiling" to address the barriers to women's success in law. Importantly, the Women in Leadership Lunch, co-hosted by the LIV, Australian Institute of Management and the Financial Services Institute of Australasia, saw three female executives discuss what it takes to move up the corporate ladder, focusing on issues relating to competition in the workplace.

Inspiration should be taken from the fact that for the first time Australia's two top jobs are held by women: Prime Minister Julia Gillard and Governor-General Quentin Bryce. As these examples demonstrate, real progress is being made. However, challenges for women in the legal profession persist and the LIV is committed to working with the profession to change the prevailing culture and to equip women with tools to overcome these hurdles

One in 5 Australians will suffer from a disability

Despite people with disabilities making up a significant proportion of the Australian working age population, they are vastly under-represented in the workforce. The Australian Bureau of Statistics notes that 20% of Australians have some form of temporary or permanent disability. According to a report by the Organisation for Economic Cooperation and Development (OECD), Australia's rate of workforce participation for people with a disability is lower than for most other developed countries.

The barriers to employment for people with disabilities are numerous with many being external to a person's impairment. Despite being - in most cases - readily and inexpensively addressed, physical accessibility continues to be a substantial impediment to employment. However, the most significant barrier is not physical, but attitudinal. Believing that the representation of persons with a disability in the legal profession is vital in order for the profession to truly represent and respond to the needs of the diverse community we serve, the LIV has introduced a number of initiatives.

LIV Lawyers with disAbilities Committee

The Lawyers with disAbilities Committee was established in early 2010 to consider the needs of lawyers and law students with disabilities, the barriers they face in employment and progression in the law, and initiatives to promote equal opportunity. A number of the committee members were featured in a special May 2010 edition of the Law Institute Journal (LIJ): "Lawyers with Disabilities: Ready, Willing and Able". Vision Australia, whose services are used by the LIV President, now uses the LIJ on their radio station, reading out the content for vision impaired listeners.

The Lawyers with disAbilities Committee has identified that employment for law graduates with a disability is a priority issue. Adam Lewis Jones, a Committee member, has said that old-fashioned attitudes were stopping many lawyers with disabilities from being employed. Despite overcoming considerable obstacles to earn their law degrees, lawyers with disabilities often find that their greatest battle is securing employment. Adam says lawyers with disabilities have a lot to offer, and invites potential employers to look at their resilience and say: "it is so impressive that these lawyers have broken through numerous barriers, they must be committed and experienced problem-solvers." An example is Pauline Bernard, Committee member, who, with macular dystrophy, made her way through law school by listening to law texts that volunteers read aloud onto cassettes for her.

In order to understand the challenges for students and graduates with disabilities in the current legal environment and develop an employment strategy to assist, the LIV has initiated a series of round table discussions. The first discussion gauged the opinions of law students and graduates with disabilities on the barriers to employment in the legal profession. The second discussion, to be held in 2011, will include discussions with law firms and other employers to consider solutions to these barriers. The LIV is also developing an internal Disability Action Plan and will be encouraging the wider profession to do the same on its journey to becoming 'disability confident'.

There is also growing awareness of the significant issue of mental health in the legal profession. Studies continue to evidence that lawyers are prone to stress, anxiety and depression, sometimes with devastating consequences. The LIV has responded with training including Mental Health First Aid and a Mindfulness course. The LIV also offers a free counselling service to members through Law Care and a mentoring program. The YLS has been quick to respond to evidence that lawyers in the early stages of their careers are much more likely to suffer from depression than more senior lawyers. In July 2010, the YLS held a seminar on understanding and combating depression, stress and anxiety, and further CPDs will be available to all members in 2011.

The LIV also recently made a submission to the National Legal Profession Reform Taskforce, raising concerns that the current Victorian regulatory requirements, including provisions of the Legal Profession Act 2004 (Vic) and policies and procedures of the Board of Examiners and Legal Services Board that require disclosure of health information, do not encourage a therapeutic approach to mental illness and may in fact be a disincentive to lawyers seeking help or treatment for fear of alerting regulatory authorities to

an impairment of mental capacity, which may or may not affect their ability to practise law. The LIV has initiated a Taskforce, with representatives of the Legal Services Board, Board of Examiners and Victorian Bar, to develop a proposal for a therapeutic approach to mental capacity and regulation in Victoria.

Victoria leads the nation with only five Indigenous barristers

Aboriginal and Torres Strait Islander Australians continue to be the most disadvantaged people in Australia and are massively under-represented in the Australian legal profession. There continue to be substantial barriers to Aboriginal and Torres Strait Islander people seeking to study and practice law, with an estimated 1% of practising lawyers nationally being Indigenous, despite making up more than 2% of the Australian population.¹ Tarwirri, the Indigenous Law Students and Lawyers Association of Victoria, notes that there are an estimated 24 Indigenous solicitors practising in Victoria, with the number of Indigenous students at law schools also being low. It has been estimated that the attrition rate for Indigenous law students is around 75 per cent.

Since Patricia O'Shane became Australia's first Aboriginal barrister in 1976, the numbers have not increased appropriately, with Victoria leading the nation with only five Aboriginal and Torres Strait Islander Australians enrolled at the Bar. Mick Dodson, Victoria's first Aboriginal barrister and Australian of the Year in 2009, joined the Bar in 1981, but left shortly after. Munya Andrews, who signed the Victorian Bar Roll in 2008 knows that she is an important role model for young Indigenous people, and says; "...heads turn when they have seen me walk into court with my wig and robe on... I just love wearing that wig and gown because it symbolises what I have struggled to achieve." Munya highlights, "it's important to have a black face there in the courts... even just to have that presence... does amazing things."²

LIV action towards reconciliation

The LIV has worked to redress the under-representation of Indigenous Australians in the profession. In 2006, the LIV established the Indigenous Issues and Aboriginal Reconciliation Committee and issued a Policy Statement on Indigenous Australians in the Legal Profession and Justice System. In 2008, the LIV announced an annual scholarship awarded to an Indigenous law student to fund their PLT. Last year, in conjunction with the Victorian Bar, the LIV introduced Australia's first equal opportunity briefing policy for Indigenous barristers.

The LIV has also commenced initial consultations with Victorian Traditional Owners and other key Aboriginal stakeholder groups about how the LIV could develop a Reconciliation Action Plan to help "close the gap". A Reconciliation Action Plan will focus on actions within the LIV's sphere of influence to develop more equal relationships between Aboriginal and Torres Strait Islander and other Australians through fostering respect, forging meaningful relationships and providing employment and business opportunities.

A Reconciliation Action Plan will formally commit the LIV to its goal of incorporating Aboriginal and Torres Strait Islander content and perspectives into LIV policies and services. The aim of such a Plan is also to increase the number of Aboriginal and Torres Strait Islander lawyers, making use of the LIV's influence as Victoria's peak professional body.

Greater diversity means greater access to justice

The legal profession has come a long way with respect to introducing and fostering diversity, but there is still much to be done. All lawyers, including those with diverse backgrounds, must be supported through the legal profession throughout their careers, with the profession and community ultimately sharing in the benefits of their success.

The LIV is the dynamic leader and innovator of the Victorian legal profession, and that puts us in a unique position to promote, assist, coordinate and set an example for Victorian law firms. We will work to ensure that the legal profession adopts, embraces and fosters diversity in the profession. The LIV commits to taking on this challenge wholeheartedly and with passion, dedication and enthusiasm. We encourage you all to do the same.

Some of the most interesting changes in the law over the next decade will be driven by the demographics in our profession. As we know from examples such as the *Mabo* and *Toonen* cases, changes in the law can have profound impacts on the shape of our society. The LIV envisages a future with Aboriginal judges, equal pay for women and a profession benefiting from a diverse range of lawyers, including those with disabilities. Recognising the legal profession's role in forging Australia's future, the LIV calls for greater diversity in order for different perspectives, histories and experiences to allow a richer interpretation and application of the laws for the benefit of our whole community.

Authors: Steven Stevens, LIV President, and Julie Fraser, LIV Young Lawyers' Section President

1. For more information on the number of Aboriginal and Torres Strait Islander lawyers, barristers and law students, see the Law Council of Australia Background Paper 'Indigenous Australians and the Legal Profession', February 2010, pages 9 and 10.

2. Law Institute Journal, August 2008, p. 31.

**Attorney-General's address on Portia's theme this year:
Diversity**

It's no secret that this Government believes firmly in the value of diversity in the law. All Victorians benefit when the breadth of the community is both represented *and* understood in the legal system, as well as when we recognise that 'merit' means more than homogeneity or convention – that our judiciary and legal profession ought be drawn from all sectors of the population, male *and* female, all backgrounds and experiences.

Obviously, until quite recently, men from a particular socio-economic background dominated the legal system. That's why we have been determined to cast the net wide and draw from the *whole* pool of talent and experience available, rather than just a small corner. As a result, for the first time in Australia, a state has a female Chief Justice of the Supreme Court, former Solicitor-General (recently appointed to the Court of Appeal) former Chief Commissioner of Police, Secretary of the Department of Justice, Equal Opportunity Commissioner, State Coroner, Privacy Commissioner and Public Advocate.

It's sobering to realise, however, that in 1999 when the Labor Government first came to office, there had only ever been two women appointed as Supreme Court Judges, while we have appointed nine women to the Supreme Court (including the Chief Justice) and four women to the Court of Appeal. In fact, in 1999, 6% of Supreme Court Judges were women, whereas they currently represent around 25%. The County Court Bench now comprises 40% women, as opposed to 18% in 1999. Meanwhile, the Magistrates' Court Bench has just over 50% women, as opposed to 25% in 1999.

The judiciary is, of course, just one part of the spectrum. That's why this Government has promoted equal opportunity in the legal profession by requiring law firms performing Government legal work to demonstrate equal opportunity briefing practices and work distribution within firms. That's also why this Government advocated for an increase in the number of women appointed to corporate Boards, fuelling change to ASX reporting requirements.

Beyond that, the Government has also promoted equal opportunity in the wider community by:

- Including breastfeeding, gender identity and sexual orientation as prohibited discrimination under the Equal Opportunity Act;
- Amending over 70 pieces of legislation to recognise the rights of same sex couples;



- Banning employers from placing workers under surveillance in workplace toilets, bathrooms, change rooms and breastfeeding rooms;
- Amending the Equal Opportunity Act to protect employees from discrimination if they request flexible working conditions;
- Introducing a Relationships Register to facilitate better access to legal rights for same sex and heterosexual de facto couples;
- Reforming the law to allow same sex couples and single women access to assisted reproductive technology and allowing the female partner of the biological mother of the child to be recognised as a parent;
- Introducing the Charter of Rights and Responsibilities; and
- Further reforming Equal Opportunity law to address systemic discrimination.

We've taken these steps because we see it as Government's responsibility to remove barriers that prevent Victorians from seizing economic or social opportunity - because *all* Victorians benefit when every member of the community participates fully. Amidst all this, however, we need to recognise that a Government's role can only go so far – that the participation of women at the forefront of the law is just as much the responsibility of every man and woman in the profession as it is of Government.

This means women encouraging women *and* men; men encouraging men *and* women - to seize opportunities, to gain experience, and to put themselves forward for consideration. It means acknowledging that, just because more women are now being considered for judicial appointment, this does not mean that men should be excluded. It means recognising that diversity of cultural, linguistic and economic backgrounds, or perhaps of physical ability, sexual orientation, or even professional experience, is just as vital to a properly functioning legal system as is diversity of gender.

I also believe, however, that no matter how diverse the legal profession or judiciary, every member has in common a level of privilege – purely by virtue of their vocation – which the vast majority of Victorians do not share.

Well, with privilege comes responsibility – a responsibility to see beyond the concerns of our own experience to the opportunity that the law offers us to make a difference to the lives of others.

Of particular importance, to my mind, the law offers us an opportunity to improve the experience of women who, as victims of violence, seek its assistance. That's why, as well as the reforms mentioned above, this Government has made sweeping reforms to laws and procedures relating to family violence and sexual assault, as well as to the legal system's response to victims of crime in general. From new legislation that allows police to remove perpetrators of family violence from the home in crisis situations, to specialist Sexual Offence Units in the Office of Public Prosecutions, to increased compensation and support for victims of crime, the legal system of 2010 is a very different landscape from that of ten years ago.

There remain more opportunities, however, to use the law to respect, represent and understand the rich diversity of the Victorian population and what they, in turn, can offer the operation of the law. In just one example, the Government recently released a Discussion Paper regarding judicial appointments that we hope will lead to an even more transparent process, and more diverse results.

We must keep the momentum going, and, with the help of organisations like Victorian Women Lawyers, we can continue to ensure that the state's legal system – and its laws and procedures - is the diverse, robust and questioning environment that every Victorian deserves.



“Justice for All”

On 6 August 2010, over one hundred women lawyers from across the country converged on sunny Brisbane for the Third Annual Australian Women Lawyers Conference. With an emphasis on access to justice and gender discrimination, practitioners, academics, politicians, barristers and judges shared their wisdom and insights on topics as varied and far-reaching as reform of the legal profession, the ALRC’s family violence inquiry, and the long term effects of the GFC.

Highlights included a step-by-step guide to dealing with family violence cases from barrister and solicitor Mary-Anne Ryan, and a keynote address from the Honourable Chief Justice Bryant of the Family Court. The Chief Justice spoke about the need to improve the mediation process in family law disputes and reminded delegates that despite the growing numerical significance of women in the public sphere, gendered views about women’s place in society are still pervasive.

High tea with Her Excellency Ms Quentin Bryce AC was an elegant affair. Amidst elaborately frosted cakes, towering croquembouche and flashing cameras, Her Excellency launched a new book edited by Patricia Easteal, *Women and the Law in Australia*. Her Excellency spoke of the law’s “capacity to influence lives and whole societies” and praised the authors for urging us to re-examine gender bias present in legal processes.

One of the speakers whose words resonated most strongly with me was Dr Fiona Hum. Dr Hum presented a paper titled ‘Teaching Gender, Accessing Justice and Transforming Legal Culture’ and dealt with an issue very close to my heart: the inadequate coverage of issues involving discrimination, gender bias and access to justice in law schools’ core curricula. In Dr Hum’s words, “Legal education has remained largely conservative and no real priority is given to considering the legal services to disadvantaged groups.”

While at university I was amazed that students could sail through law school and barely touch upon, let alone grapple with, issues of social justice. The impression I got from other students was that subjects such as Feminist Legal Theory (which failed to run in my final year due to inadequate interest) were considered ‘soft’, and ‘irrelevant’, in contrast to the ‘hard’, ‘more practical’ commercial and international law subjects. Yet as Dr Hum powerfully stated, “There is nothing soft in the practical realities the disadvantaged meet in their interaction with the justice system and there is nothing impractical in seeking to reform a system to be a benefit for all.”

Dr Hum explained that the commercialisation of the legal profession without further thought impacts on access to justice for the most marginalised groups. For example, pro bono and legal aid work is often unsustainable due to its lack of commercial viability. Dr Hum argued that students should be made to reflect on such issues, and obtain a broader understanding of the way in which the law operates in society. They should graduate with more than a knowledge of black letter law, and law subjects should not be taught in isolation from political, social and economic contexts.

I left Brisbane feeling elated and inspired. While a recurring theme for a number of the speakers was the continued prevalence of systemic discrimination against women, the general tone was uplifting. The Conference was a reminder that there are many talented and passionate women lawyers who are committed to pursuing justice for all, and for those of us just starting out, many encouraging words were offered. Dr Hum acknowledged the presence of many great leaders in the room and concluded by saying, “I hope one day it will not be just one room that is filled.”

Alexia Staker

In regional western Victoria, networking and development opportunities for the legal profession are few and far between. Scarcer still are local events for women in the law.

The Third Annual Australian Women Lawyers Conference was a rare chance for this country law graduate to hear first-hand from Australia’s leading female lawyers. I am currently undertaking my traineeship at Hunter Newns, a firm in Hamilton practising principally in property, estates, civil litigation and commercial and family law. Hamilton is approximately 300km from Melbourne, and twice a week I complete the 250km round trip to my rural hometown of Horsham to visit family and friends.

While I have had the benefit of guidance and mentorship from several excellent lawyers in western Victoria, it is fair to say that the vast majority are neither of my gender nor my generation. At the AWL Conference, I was far from any sense of being in the minority. In the company of so many ambitious peers and successful leaders, any and all things suddenly seemed within reach for a small-town almost-lawyer. I found myself conversing with members of the judiciary, barristers, academics, solicitors of all backgrounds, even other graduates. I was heartened by the impact that many of those in the room had managed to make at a personal, professional and policy level.

The Conference speakers were high calibre across the board. Clichéd though it is to speak of “inspiration”, I struggle to otherwise describe the poised, passionate speech delivered by Her Excellency Ms Quentin Bryce AC on women and law. Her Excellency’s path to success especially resonates with me; she too had roots in rural Australia. Victorian barrister Fiona McLeod SC was also a standout, warning delegates that “superwoman is not saving us”, and lamenting that the legal profession is “still waiting for the surge” of women in its upper ranks. Another noteworthy address came from Justice Jane Matthews AO, Acting Judge of the Supreme Court of New South Wales. Justice Matthews grew up in the regional city of Wollongong, then, like many of her contemporaries, spent the 1960s onwards marching through every career barrier known to womankind.

I doubt I am alone in appreciating what these women, along with many others, have done to blaze the trail that I now embark upon. I am certainly not alone amongst my country colleagues.

The legal profession in rural Australia has few female contributors. There are women lawyers about and among them are excellent practitioners and professional leaders, but their head count is still dwarfed by the high proportion of male lawyers in country areas. Precious little time exists in any driven lawyer’s schedule to allow for mentoring and developing the next generation, let alone a driven women lawyer practising in a male-dominated environment. But female law students, graduates and newly qualified lawyers need and indeed thrive on support from those women who have trodden the path before us. The AWL Conference drove this home for me. I was unprepared for the collegial and inclusive atmosphere fostered by the experienced women lawyers present. It was surprising to see how ready those senior, heavy-hitting practitioners were to offer assistance and advice.

The social calendar of the Conference was a real and valuable networking opportunity in itself. Saturday night’s Gala Dinner saw me arrive late and flustered in the opening minutes of a welcome speech by AWL then-President Olivia Perkiss. I hastily parked myself at the nearest table and, as my luck would have it, Olivia’s speech immediately moved to acknowledging the Queensland barristers who were attending our dinner as special guests. I must have flushed a new shade of red as the eyes of the room turned to acknowledge the table full of special guests, upon whom I had unwittingly imposed myself. I muttered to the person beside me that I’d evidently sat at the “wrong table”. My neighbour introduced herself as Rebecca Lee, and reassured me that she too was an “interloper”, being from Western Australia. It was only later I found out Rebecca’s status not only as a barrister but also as AWL’s Secretary (now Vice-President) and

a Conference organiser to boot. Although I did quietly vacate that reserved table at the next appropriate interval, this simple expression of empathy was enough to spare me from feeling any real embarrassment. It is revealing to discover just how welcoming and approachable this profession can be when it is populated by such supportive and helpful individuals, such as those found among the AWL delegates.

As the Gala Dinner progressed it became clear that, though the crowd was large and many of its constituents high-flying, we were all there for a common purpose. Introductions flowed naturally and camaraderie was the order of the day. Champagne glasses were all but table decorations as delegates eagerly traded histories with newfound connections.

Experienced lawyers spoke candidly about their work-life balance choices and offered advice to up-and-coming female lawyers. Being still only in my mid-twenties, family and children have not yet become a burning ultimatum for me. Still, over the next decade or so I plan on working hard to hone my lawyering skills. It’s very difficult to imagine how family life could fit around what feels like a crucial career stage. It can be intimidating to picture how the competing demands of work and home life might be managed, side by side. But delegates at the Conference, successful female professionals, had myriad tales of how they did just that: managed. Almost every woman in the room had a different approach, different circumstances and nevertheless had achieved their various successes. The consensus? It seems that success is down to the individual; make choices, work hard and expect challenges.

Despite the common purpose throughout the room, it is still amazing how insulated we can all come to feel in relation to important women’s issues. One of the last presentations, on the final day of the Conference, presented me with a surprise statistic that felt like it was directed squarely at me, and then repeated and reiterated for the benefit of no other person in the room.

Before I started working in the law, and long before I joined up as a VWL member, I have to admit to being something of a self-proclaimed sceptic on all things feminist. I look back now rather sheepishly on that long-held opinion that “feminist” equalled “bra-burner”. It’s not that I didn’t believe in equity between the sexes, rather that I went through primary, secondary and tertiary education alongside boys and young men without ever having any notion of discrimination or gender imbalance between us. I simply did not believe that women faced disadvantage other than that of their own making. For my part, I intended never to let gender stereotypes stop me from besting my male counterparts.



AWL Conference Opening evening, from left: Astrid Haban-Beer, Anna Forsyth, Patricia Anastasiadis, Christine Melis and Carmella Ben-Simon.



AWL Conference Opening evening, from left: Kate Ashmor, Christine Melis, Astrid Haban-Beer and Patricia Anastasiadis.



From left: the Governor-General Quentin Bryce and Patricia Anastasiadis.

Of course, since starting on my path to becoming a lawyer, I've learned anecdotally and experientially that the real world is not quite so simple (yet).

The revelation I have alluded to was one highlighted by Fiona McLeod SC, putting whatever lingering scepticism I might have had completely to bed. It is simple – pay inequity begins in the very early stages of lawyers' careers. Women are paid less, by several thousand dollars, right from the get-go. In the first few years of practice, I cannot see how family responsibilities could skew those figures so significantly. I certainly cannot subscribe to the view that women are simply poorer performers across the board. Fiona brought home the undeniable conclusion that is drawn from these figures: in many contexts, women are paid less simply because we are women.

It is fortunate therefore that a collective of industry leaders had the bright idea of forming VWL and AWL in the mid-90s, thus providing women lawyers with a united voice. The AWL Conference in Brisbane was a glittering tribute to the power of that voice and the role of women in the future of our profession. I hope that all the great work being done will permeate through to my backyard, where women may just be the key to increasing legal services in rural areas.

Despite concerns for the future of country practice, I could never part with the lifestyle. I love my grassroots football-netball club, my Border Collie dog, the wide open spaces and that sense of community that comes from acting for clients that you know from "around the traps". Occasionally, I wonder what it must be like to work in a firm where the professional ranks are female-dominated, as Noor Blumer described when speaking of her practice in Canberra. I hope and suspect that the proportion of current female law graduates may just bring that very unique experience to my back door one day.

At present, many female lawyers in the country have family connections tying them to the area, or have stuck it out long enough to grow their own roots. A sense of connection with the local community is vital here; the people you encounter in your everyday life constitute most of the clientele pool. As a young lawyer, being part of the rural community is vital, both for one's practice and sanity. Professional life has the potential to be isolating where peers are few and female peers are all but non-existent. I know that women in the broader profession comprehend the same notion of community because I felt its mirror image in the collegiality exhibited by delegates at the AWL Conference.

The speakers on offer at the Conference were magnificent, and so they had to be to distract everyone from the Stamford Plaza's stunning views over Brisbane River. Queensland certainly turned on its trademark perfection for us; it was blue skies and sunshine all weekend long. Unfortunately, Victoria did not get the memo and as I disembarked the plane in Melbourne I was immediately reminded that August is not a summer month here!

Still, I have memories akin to a weekend summer dream. The AWL Conference agitated many of the issues affecting women in the past and present – discrimination, the need for flexible work practices, family violence and continuing pay inequity in the profession. Despite all of these hurdles, I have good reason to hope that my path will be smoother than those before me. Not only that, I have good reason to hope that whatever challenges I may face as a female lawyer, I will not be the first and I will not be alone.

The theme of the Conference was "Justice for all" and Australia's remote, rural and regional areas are all too familiar with the importance of that concept. Over the coming decades, senior legal practitioners in country areas will march *en masse* towards retirement. The rural legal profession will be flush with opportunities for those prepared to strive and lead. If current graduation figures are to be believed, then I hope to see a healthy western Victorian constituency for VWL before the decade is out. Our regional communities are counting on it.

NB: A special thanks to VWL Executive Committee members Astrid Haban-Beer, Kate Ashmor, Patricia Athanasiadis and Christine Melis for their warm welcome and assistance over the course of the Conference weekend.

Jacqueline Parker

On 6 August, I escaped the cold Melbourne winter for sunny Brisbane, being one of the lucky delegates funded by VWL to attend the Third Annual Australian Women Lawyers Conference. This year's conference theme was "Justice for All." It was an eagerly anticipated weekend focusing on the substantive and procedural law's effects on women, as well as women's participation in the legal profession. The conference did not disappoint!

The weekend kicked off on Friday night with Justice Paul de Jersey AC, Chief Justice of Queensland, who officially welcomed conference delegates and spoke of the continuing contributions that women lawyers make to the legal profession. Things then shifted into full gear over the weekend, starting with the keynote



The AWL Conference Book Launch, from left: Astrid Haban-Beer, Kate Ashmor, the Governor-General Quentin Bryce and Patricia Anastasiadis.



AWL Conference Gala Dinner, from left: Kim Knights (Victorian Bar), Patricia Anastasiadis (VWL) and Christine Melis (VWL and AWL).

address by Chief Justice Diana Bryant of the Family Court of Australia. Her Honour spoke of how "access to justice" does not equate to mere numerical equality between the sexes, and gave a timely warning to guard against regression in the standards and principles of women's equality.

Other highlights include a discussion of the key issues emerging from the Australian Law Reform Commission's current Family Violence Inquiry led by Professor Rosalind Croucher, President of the ALRC. Professor Croucher emphasised the convoluted nature of today's family violence legal regime, and noted that family law is an area fraught with competing rights and interests. There was further analysis of the law reform process when Justice Roslyn Atkinson of the Supreme Court of Queensland, Zoe Rathus of Griffith Law School and The Honourable Cameron Dick MP, Attorney-General for the State of Queensland, led

an extremely thought-provoking discussion on various topics including the partial defence of killing in an abusive relationship. Her Honour Atkinson's anecdotes of victims of crime cases that she had presided over were particularly insightful. Other sessions included an analysis of women's participation and status in the legal profession by Fiona McLeod SC, and a cross-jurisdictional discussion of the corporate regulatory problems raised by the GFC, conducted by Justice Berna Collier of the Federal Court, Dr David Goldman from Norton Rose and Bronwyn Carr, in-house counsel for American Express.

The weekend would not have been the same without the stately presence of the Governor General, Her Excellency Quentin Bryce, who joined the delegates over a scrumptious high tea to launch Patricia Easta's new book, *Women and the Law in Australia*. Her Excellency discussed the interactions of women and the law as analysed in the book, and also gave us a taste of her warmth and sense of humour. I am confident that her attendance was a highlight for many conference delegates.

The theme "Justice for All" was certainly one of broad relevance given the many hours of pro bono and policy reform work done by the legal profession. On a personal level, the theme certainly resonated with the years I spent volunteering at a community legal centre as a student and my current involvement in my firm's pro bono work, both activities which aim to improve access to the legal system for those otherwise excluded. The conference speakers provided valuable insights into how the legal system can better serve women disadvantaged in contexts such as family violence, as well as what still needs to be done to ensure that women *within* the legal profession are afforded the same opportunities and successes as their male counterparts. The conference also provided an invaluable opportunity to meet an eclectic array of the national legal profession, including other trainees, lawyers, academics and members of the judiciary.

I congratulate AWL on a wonderful event, and once again thank VWL for the opportunity to attend what will no doubt become a highly-anticipated event each year.

Dakshinee Kodituwakku

In early August, women lawyers from around Australia attended the Third Annual Australian Women Lawyers Conference at the Stamford Plaza in Brisbane. A rich diversity of presenters discussed issues including the ALRC Family Violence Inquiry, access to justice, gender discrimination, corporate insolvency and the state of the profession.



From left: VWL Convenor Astrid Haban-Beer and Assistant Convenor Kate Ashmor.

As one of a handful of lucky delegates sponsored by the VWL to attend the conference, I arrived on Friday evening in time for the opening address from the Honourable Chief Justice Paul de Jersey AC, Chief Justice of Queensland. The Chief Justice's speech was a pertinent reminder of many of the issues faced specifically by women lawyers — issues that I had, perhaps naively, thought my mother's generation had already dealt with.

His Honour spoke of the continued pay disparity, particularly at junior levels, between male and female barristers, citing recorded differences being as high as \$18,000 pa, and the unexplained shortage of women in senior positions throughout the profession. In the UK, only 8% of the judiciary is comprised of women, whilst the US Supreme Court has only recently appointed its fourth female member. Comparing the figures in population and representation for men and women, it remains abundantly clear that we are a long way from a balanced system — we are making significant progress, but there is still a long way to go. Statistics indicate that women will dominate the profession. The fact that more than half of graduates commencing law in Australia are women would seem a clear affirmation of this prediction, however only a few years after entering the work force, women start to slowly 'trickle out'.

Victorian barrister Fiona McLeod SC revisited this discussion on Saturday afternoon, presenting some of the most concerning statistics on legal practice for Australian women. The good news is that nearly 56% of legal practitioners under 40 years of age are women. However, after 40, the numbers drop considerably with only 23% of practitioners between 40 and 50 being women, whilst a mere 340 women throughout Australia, or 12%, are still practising after 50. When it comes to solicitors, the number of women making it to partnership level is 18.4% — those making it to equity partnership are the exception, not the rule. For barristers, the statistics are equally concerning with a grand total of 23% of the Victorian Bar being composed of women, whilst Tasmania has no women at the Bar.

Saturday was a busy day. The Honourable Chief Justice Diana Bryant, Chief Justice of the Family Court of Australia, provided a keynote address on the topic 'Justice for All'. Her Honour commented on the need for a continued commitment to change, and to find innovative options to improve both access to justice and gender equality. Achieving formal and substantive gender equality is a constant battle. Even maintaining the status quo requires continued commitment and vigilance as progress is easily eroded. As indicative as statistics are, they are not always a meaningful way in which to assess access to justice or gender equality.



VWL sponsored delegates, from left: Annabelle Parsons, Alexia Staker, Jacqueline Parker, Dakshinee Kodituwakku.



VWL delegates, from left: Annabelle Parsons, Alexia Staker, Kate Ashmor, Astrid Haban-Beer, Christine Melis, Jacqueline Parker, Dakshinee Kodituwakku.

The Honourable Justice Jane Mathews AO of the Supreme Court of New South Wales, Susan Booth, Senior Member of the QCAT, and Dr Rae Kaspiew from the Australian Institute of Family Studies also broached this discussion, noting the notoriously difficult process of 'pinning it down'. Her Honour Justice Mathews noted the deep endemic nature of gender inequality and the very different manners in which the genders practice law — from the obvious differences in our conflict resolution methods, to the more subtle differences in types of 'access to information' men and women receive. Her Honour noted that, to date, there are two central issues that need to be dealt with before we can progress much further. Firstly, ensuring that the law deals with gender issues appropriately, and secondly, that women are treated fairly within the justice system.

A highlight for most delegates was the launch of Professor Patricia Easteal's new book *Women and the Law in Australia* by Her Excellency, Ms Quentin Bryce AC, Governor-General of Australia. The book is an insightful work on a huge array of issues specifically faced by women practitioners, both generally, and specifically within their practice areas. Her Excellency spoke not only on the book, but also briefly on her time practising in the law and her career to date. Her Excellency is an undeniable role model for all women and it was a great honour to meet with her.

The conference was closed with a discussion on legal professional reform and the 'where to from here' for Australia's women practitioners. Mr John Briton, the Queensland Legal Services Commissioner and one of a very limited number of men in attendance, presented on the topic with Geraldine Neal, a workplace consultant, mediator and visitor at the Queensland University of Technology, and Dr Fiona Hum, a senior lecturer at Monash University. Dr Hum spoke of the way forward to reform and commented that although a holistic approach utilising political and social activity is necessary, it is ultimately just as important as a focus in legal education on the exploration of gender inequality issues, and the factors that perpetuate it. However, in reform we must also remain conscious of the changing goals of women practitioners, a fact which perhaps underscores the low numbers of women in senior positions, as highlighted in the statistics. In a research project conducted by Ms Neal, it has been found that there is an increasing difference in aspirational purpose between male and female legal practitioners – for many female practitioners, partnership and senior counsel are no longer the 'holy grail' of legal practice.

Undoubtedly, on this final note, delegates are now eagerly anticipating the next conference in Melbourne in 2012.

Annabelle Parsons

WOMEN LAWYERS ACHIEVEMENT AWARDS CLAIRE CARRUCAN & VERITY SHEPHERDSON

The Women Lawyers Achievement Awards (Victoria) 2010 presentation dinner was held on Wednesday 26 May 2010 at The Chapter House, at St Paul's Cathedral, Melbourne. The dinner was attended by approximately 170 guests, including all nominees, numerous members of the judiciary, and many other high profile men and women from the legal profession.

The event was kindly sponsored by Paul Holmes Barristers Clerk and Delta Partners Legal & Executive Search.

The awards

The Women Lawyers Achievement Awards (Victoria) honours outstanding women lawyers who have achieved professional excellence and have paved the way to success for other women lawyers. The awards are a joint initiative of Victorian Women Lawyers (VWL) and the Women Barristers Association (WBA).

There are three awards: two for experienced lawyers and one for a 'rising star' within the profession. The awards are decided on the basis of:

- 1 the nominee's professional excellence in her field, AND
- 2(a) how the nominee has influenced other women to pursue legal careers, OR
- 2(b) how the nominee has opened doors for women lawyers in settings or positions that historically were closed to them, OR
- 2(c) how the nominee has advanced opportunities for women within a practice area or segment of the profession.



The Chapter House

Nominees

The judging panel had a very difficult task, as an impressive group of nominations was received by VWL and WBA. The following women were nominated for awards:

- Catherine Aird - Victorian Civil and Administrative Tribunal
- Elizabeth Bennett - Victorian Bar
- Simone Cusack - Public Interest Law Clearing House (PILCH)
- Jane Dixon SC – Victorian Bar
- Rachel Doyle SC, Melinda Richards, and Lisa Nichols (joint nomination) – Victorian Bar
- Louise Johnson – Department of Health & Department of Human Services
- Amanda Jones – Clayton Utz
- Katie Miller – Victorian Government Solicitor
- Rachel Nicolson – Allens Arthur Robinson
- Susan Pryde – Australian Government Solicitor
- Natalie Sheridan-Smith – Victorian Bar
- Pamela Tate SC, Solicitor-General for the State of Victoria (now The Honourable Justice Tate)
- Belinda Thompson – Allens Arthur Robinson
- Kris Walker – Victorian Bar
- Rachel Walsh – DLA Phillips Fox

The awards dinner

The Chapter House, resplendent in purple and gold, provided an impressive setting for the presentation of the awards.

Before the presentation, attendees were entertained by the ABC *Four Corners* investigative journalist and former lawyer, Liz Jackson. Liz commenced work with the ABC in 1986, and became a member of the *Four Corners* team in 1994. In 2005, she had a year away from *Four Corners*, hosting the media criticism program *Media Watch*. She has been awarded seven Walkley Awards and two United Nations Media Peace Prizes. Liz has also received three Logie Awards. These are outstanding achievements.

In light of her impressive background, guests were not surprised to find that Liz was an eloquent and insightful presenter. She spoke about her career as a lawyer, and the fact that her interest in the law was driven by a desire to work for social justice. Liz's decision to study law was sparked by seeing a docudrama about the Chicago Seven, who were charged with various offences following anti-war protests in Chicago at the time of the 1968 Democratic National Convention. Liz told guests of her admiration for one of the defence attorneys in the trial, William Kunstler, and her desire to be the female Kunstler.

Although Liz grew up in Melbourne, she studied law in the United Kingdom (and was disappointed to find there were few aspiring Kunstlers among the student body. One student in the year above her actually wore a monocle!). Liz then spent three years working at a community legal centre in Brixton, in the time leading up to the Brixton riots. Not long after the riots, Liz returned to Australia. After some time working for the New South Wales Government, she began working as a journalist.

Liz spoke passionately about her work in journalism, and the parallels and ties between journalism and the legal profession in bringing about social change. She also expressed a desire that lawyers and the media work together more often as a bulwark against injustice.

The winners

The awards were presented by The Honourable Mr Justice Christopher Maxwell, President of the Court of Appeal. Justice Maxwell was a very entertaining and thoughtful presenter, who shared his strong views on the important role of women in the law, and proudly called himself a feminist.

The awards were presented to:

- Pamela Tate SC, Solicitor-General for the State of Victoria (now the Honourable Justice Tate)
- Jane Dixon SC
- Simone Cusack (Rising Star award)

Each of the winners gave interesting and insightful speeches of thanks.

Victorian Women Lawyers Community Justice Award

Victorian Women Lawyers also presented its 2009–2010 Community Justice Award at the dinner. VWL Convenor, Astrid Haban-Beer, presented the award to Fatoum Souki in recognition of her exemplary work in the community for women and justice. A short profile of Fatoum can be found below.

The Community Justice Award is awarded in recognition of a student or recently admitted lawyer who, on a pro bono or volunteer basis, demonstrates a commitment to issues related to women and justice through pro bono or volunteer work. The work does not have to fall strictly within the definition of legal advice or representation. For example, it may be contributions towards causes such as advocacy or work to improve access to justice for marginalized women in the community. The award consisted of a prize of \$1000, of which \$500 was donated to Fatoum's nominating organisation, the Western Suburbs Legal Service.



Guests arrive at the venue



From L-R: Simone Cusack (rear), The Hon Justice Pamela Tate (front), Jane Dixon SC, The Hon Mr Justice Christopher Maxwell, Fatoum Souki, Astrid Haban-Beer (VWL Convenor), and Joye Elleray (WBA Convenor)



The Honourable Justice Christopher Maxwell, President of the Court of Appeal



Liz Jackson



Sarah Mansfield (Victorian Bar)



Joye Ellera (WBA Convenor) and Jennifer Taylor (Office of Public Prosecutions)



Justice Jennifer Davies, Justice Christopher Maxwell and Liz Jackson



Melanie Hodge (Department of Justice, VWL Executive), Dana Kaddour and Fatoum Souki (both Western Suburbs Legal Service) and Tammy Leane (Victorian Bar)



Merrin Mason (Victorian Law Reform Commission)

Profiles of nominees for Women Lawyers Achievement Awards (Victoria) 2010

Catherine Aird - Deputy President, Victorian Civil and Administrative Tribunal

Catherine Aird graduated from Monash University, receiving a Bachelor of Economics degree in 1974 and Bachelor of Laws degree in 1976. Catherine completed her Articles with a suburban law firm, before spending some time working in England. On her return to Australia, she worked part time for AV Jennings Homes as their corporate lawyer.

In 1996, Catherine was appointed as one of the inaugural members and mediators of the Domestic Building Tribunal. In July 1998, she became an inaugural member of VCAT. Since 2004, Catherine has been the Deputy President of VCAT in charge of the Domestic Building List, and in 2009 the Retail Tenancy and Real Property Lists were added to her responsibilities.



Award nominee Catherine Aird (VCAT) and Marj Lothian (Department of Justice)

Catherine leads by example in advancing opportunities for women within what is traditionally a male dominated area of practice. Her nominator wrote that whilst Catherine would not say that she opens doors for women, she would say that she nurtures able people whose sex is irrelevant.

Elizabeth Bennett - Victorian Bar

Elizabeth Bennett was admitted to practise on 26 April 2005 and signed the Victorian Bar Roll on 21 May 2009. Prior to coming to the Bar, Elizabeth was a senior associate in litigation and dispute resolution at Allens Arthur Robinson, where she was involved in all stages of proceedings in the Federal Court of Australia and the Supreme Court of Victoria.

In 2006, Elizabeth undertook an Associateship with Justice Neave in the Victorian Court of Appeal. This enabled her to gain a valuable and important insight into the operation of courts in Victoria in a range of criminal and civil appellate matters.

As a barrister, Elizabeth has undertaken significant pro bono work for the Human Rights Law Resource Centre, including in relation to the rights of people with disabilities, the right to a fair hearing, and gender and sexual orientation equality.

Elizabeth is also an active member of the Victorian Bar's Indigenous Lawyers Committee and has made a significant contribution to access to justice through her pro bono work, her commitment to the Victorian Bar Pro Bono Scheme and the Public Interest Law Clearing House, and her promotion and advancement of women in the legal profession.

Simone Cusack - Public Interest Law Clearing House (PILCH) – Winner Rising Star Award

Simone Cusack is a lawyer, advocate and author with expertise in women's rights, equality and non-discrimination law, gender stereotyping, and international and domestic human rights law, including treaty body mechanisms.

Simone studied at Monash University where she obtained Bachelor of Arts and Bachelor of Laws (Hons) degrees. In 2004 she attended the York University Osgood Hall Law School (Canada) on exchange. In 2006 and 2007 Simone attended the University of Toronto Faculty of Law, where she completed her Masters of Laws. Her Masters thesis was entitled *Addressing Gender Stereotyping under the Convention on the Elimination of all Forms of Discrimination against Women: The Case of Ciudad Juarez*.



Simone Cusack and the Honourable Justice Maxwell

Since 2008, Simone has been an independent consultant to the World Health Organization and Strategic Policy Coordinator for PILCH. She is the winner of numerous academic scholarships and

awards at Monash University, Massey College, the University of Toronto, and in 2009 was awarded the La Trobe University/PILCH scholarship to study the subject, Issues in Public Interest Law at La Trobe University.

Simone co-wrote with Rebecca J Cook, *Gender Stereotyping: Transnational Legal Perspectives*, published in 2010. She has also written numerous articles with Rebecca J Cook and others.

Jane Dixon SC – Victorian Bar - Winner

Jane Dixon SC commenced employment in 1984 at Galbally & O'Brien, where she was articulated to Frank Galbally CBE AO. Jane was admitted to practise in 1985 and was the first female to practise in criminal law at Galbally & O'Brien. Jane instructed in several high profile criminal cases including *Zecevic v R*, the Russell St bombing case, and the Turkish embassy bombing case.

Jane then decided to join the Bar, and read with Lillian Lieder QC and Dyson Hore-Lacy SC. She signed the Bar Roll on 24 November 1988. In 2006, Jane was appointed Senior Counsel.



Jane Dixon SC

Jane spent many months appearing as junior counsel in the long-running Kew Residential Services Fire Inquest, acting on behalf of the families of the intellectually disabled residents. Jane was also heavily involved in the establishment of Bushfire Legal Help and coordinated the Victorian Bar's pro bono assistance to individuals wanting to participate in the 2009 Bushfire Royal Commission.

Jane is an active member of the Bar Council and assisted in the establishment of a committee to encourage indigenous people to see the Bar as a possible career. Jane remains an active member of the Indigenous Lawyers Committee and is a trustee of the Indigenous Barristers' Fund. She is also a long time member of the Women Barristers Association, a member of Liberty Victoria and the Australian Conservation Foundation.

Joint Nomination: Rachel Doyle SC, Melinda Richards and Lisa Nichols as Counsel Assisting the Bushfires Royal Commission, Victorian Bar

Rachel Doyle SC – Victorian Bar

Rachel Doyle SC was admitted to practise on 8 February 1995, signing the Bar Roll on 23 May 1996. On 23 November 2009 she was appointed Senior Counsel. From 1994 to 1996, Rachel was Associate to Sir Daryl Dawson, Justice of the High Court.

Rachel has extensive trial and appellate advocacy experience in the Federal Court, Supreme Court and High Court and has appeared regularly in the Australian Industrial Relations Commission and at VCAT.

Rachel regularly lectures on industrial and employment law for the Law Institute of Victoria Workplace Relations Section and, among other publications, is a contributing author to the High Court section in *Federal Civil Litigation Precedents*, edited by Lindgren and Branson and published by Butterworths.

Melinda Richards – Victorian Bar

Melinda Richards was admitted to practise on 1 March 1993, signing the Bar Roll on 23 May 1996. Prior to coming to the Bar, Melinda was a solicitor with Holding Redlich.

Melinda's early practice involved industrial, employment and equal opportunity law, and more recently has expanded to include some personal injury work, mainly in relation to asbestos, medical negligence and sexual assault matters.

Melinda's recent highlights include acting as junior counsel for the AEU in *Australian Education Union v Lawler* (2008) and acting as junior counsel for the Department of Human Services as contradictor in *Kracke v Mental Health Review Board*, a case which involves the interaction between the Mental Health Act and the Victorian Charter of Human Rights and Responsibilities.

Lisa Nichols – Victorian Bar

Lisa Nichols was admitted to practise on 4 May 1998 and signed the Bar Roll on 22 November 2007. Prior to signing the Bar Roll, Lisa was a commercial litigator for 10 years and, from 2001, a partner at Slater & Gordon and head of its commercial litigation practice in Melbourne. During that time, Lisa ran numerous commercial matters and class actions (including the Longford Gas class action) and acted for Rolah McCabe against British American Tobacco.

Lisa has a diverse commercial practice with a strong focus on trade practices, insurance, professional negligence, and intellectual property, and has frequently acted for the ACCC.

Louise Johnson – Department of Health & Department of Human Services

Louise Johnson's 33 year career in government, law and policy has covered 11 federal and state government bodies across the breadth of government services to the community. These include health, housing, water, environment and planning law, industrial relations and corporations law policy.

Louise currently heads the legal branches of two of the largest government departments in Australia, providing critical legal advice in an environment of high political sensitivity and importance to the community.

It is in Louise's most recent roles that she has particularly demonstrated her commitment to supporting women legal practitioners, with her teams leading the profession in utilising flexible work practices, promoting women to leadership positions and generally encouraging women in the law. In Louise's team, the percentage of management level positions held by women is above 85%.

Amanda Jones – Clayton Utz

Amanda Jones was admitted to practise in April 2003 and is a Senior Associate in the Corporate Advisory, Mergers & Acquisitions department of Clayton Utz. Amanda has been the Pro Bono Projects Coordinator at Clayton Utz since February 2006, and in October 2007 was appointed a director of the Public Interest Law Clearing House.

Amanda's nominators wrote that Amanda has a long-standing commitment to providing pro bono legal assistance to marginalised and disadvantaged persons, including as Clayton Utz's team leader for the PILCH Homeless Persons' Legal Clinic and in coordinating Clayton Utz's response to the 2009 Victoria bushfires. Amanda's robust commitment to the PILCH Board of Directors has served as a source of inspiration to PILCH, including particularly its female lawyers, secondees and volunteer students.

In addition, Amanda has demonstrated a strong commitment to helping young women join the boards of community organisations, through the provision of training on behalf of PILCH which is aimed at clarifying the roles and responsibilities of board members.

Katie Miller – Victorian Government Solicitor

Katie Miller completed her Articles with the Australian Government Solicitor in early 2005 and was admitted to practise in April 2005. Her nominators wrote that since that time Katie has developed an impressive reputation as one of AGS's leading administrative law experts, with a strong Commonwealth client following. In 2008, Katie was promoted to the role of Senior Lawyer.



Matt Thomas (husband of nominee, Katie Miller), Katie Miller, Melissa Gangemi and Melissa Boswell (both Australian Government Solicitor)

After only a relatively short period with AGS, and while advancing her own career, Katie helped establish and design a professional skills program for junior lawyers at AGS Melbourne, aimed at giving young lawyers a wide range of skills and litigation experience. In particular, Katie acted as a role model, encouraging and supporting young female lawyers to embrace this training and experience. As noted by her nominators, she has been a wonderful role model for junior female lawyers and has always been available to encourage and support the lawyers working within her team.

Rachel Nicolson – Allens Arthur Robinson

Rachel Nicolson is a Senior Associate at Allens Arthur Robinson, practising in its Commercial Litigation and Dispute Resolution and Corporate Responsibility Groups. Rachel's work has focused on corporate responsibility and the law, including anti-bribery, corporate human rights obligations, community/landowners relations and responsible investment.

Rachel has been instrumental in the establishment and work of the Corporate Responsibility Group, including its extensive pro bono work on behalf of the UN Special Representative on Business and Human Rights, and its work in relation to the Victorian Charter of Human Rights and Responsibilities. Rachel's work in this regard has included providing advice to members of disadvantaged groups such as prisoners, persons experiencing homelessness, and persons suffering health issues.

Rachel is highly regarded as an outstanding legal practitioner and mentor for women lawyers and law students. In Rachel's role at Allens Arthur Robinson she has involved women lawyers in emerging areas of legal practice in corporate responsibility, including in relation to anti-bribery, corporations and human rights, and community/landowner issues.

Susan Pryde – Australian Government Solicitor

Susan Pryde completed her Articles at DLA Phillips Fox in 1986 and was admitted to practise in 1987. Susan commenced work with the Australian Government Solicitor in 1990 and has been a Senior Executive with AGS since 1996. Susan was appointed Trade Practices and Enforcement Team Leader, Melbourne in 2004 and was the Acting Director Adelaide/Darwin between August and October 2005.

Susan commenced her legal career as a mature-age law student and single mother, and has provided a strong example for women looking to pursue a legal career in sometimes challenging circumstances.



Bob Alexander (ACCC), Susan Pryde, Ally McCallum, Emma O'Neill and David Ablett (all from Australian Government Solicitor)

Susan has taken a leading role in VWL over the past decade through her work on the Networking Committee and Executive, creating fantastic opportunities for women lawyers to exchange ideas and share experiences. Susan motivates women lawyers to pursue their interests within and outside the law and is a constant supporter of her female contemporaries in their advancement to the senior levels of the profession, whether at AGS, the Bar or with client agencies.

Natalie Sheridan-Smith – Victorian Bar

Natalie Sheridan-Smith was admitted to practise in 2002 and since that time has practised in Victoria, New South Wales, Queensland and the Northern Territory.

Natalie was employed for five years as a solicitor advocate, progressing rapidly to Senior Legal Officer with the Commonwealth Director of Public Prosecutions in Queensland and the Northern Territory. Natalie then spent 6 months with the Office of the Director of Public Prosecutions in the Northern Territory on secondment to Police Prosecutions, appearing daily in the Magistrates' Court.



Natallia Kogan and Lucy Padula (Berry Family Lawyers) and Natalie Sheridan-Smith

Natalie moved to Melbourne in 2006, accepting a position as a Senior Associate with a city-based specialist criminal law firm, appearing daily as a solicitor advocate on behalf of defendants. Natalie then established and managed the Prosecutions Unit within the Legal Services Branch of the Department of Sustainability and Environment, predominately providing advice and prosecuting environmental regulatory crime. Natalie is also a Specialist Legal Officer with the Royal Australian Air Force Reserve and joined the Victorian Bar in November 2008.

As her nominator wrote, as a female representing people charged with very serious crimes on a weekly basis, Natalie inspires the females around her to be unafraid and walk, with their heads held high, "into the 'battlefield'."

Justice Pamela Tate (formerly Solicitor-General for the State of Victoria) - Winner

Justice Tate was, at the time of nomination, the Solicitor-General for Victoria, having been appointed in 2003 for a term of 10 years. Justice Tate was the first female Solicitor-General and regularly appeared in Supreme and High Court cases of national importance with women juniors including Dr Karen Emerton SC (now Justice), Kristen Walker and Dr Sue McNicol.

Born in Dunedin, New Zealand, Justice Tate obtained a philosophy degree with first class honours from Otago University and studied postgraduate philosophy at Oxford University (on a Commonwealth

scholarship). Justice Tate later obtained her law degree with first class honours from Monash University. Justice Tate was an Associate to High Court Justice Sir Daryl Dawson, was called to the Bar in 1991, and appointed Senior Counsel in 2002.



The Honourable Justice Tate and the Honourable Justice Maxwell

Justice Tate was appointed Special Counsel to the Human Rights Consultation Committee in Victoria in 2005. That Committee recommended the enactment of the Charter of Human Rights and Responsibilities. She has also appeared for the Attorney-General in human rights cases. Prior to being appointed to the Bench, Justice Tate also appeared in a number of significant cases across constitutional, human rights and discrimination, administrative and planning law.

Justice Tate was the Convener of the Women Barristers Association in 1999 and during her tenure worked tirelessly to implement the findings of the landmark Victorian Bar Equality of Opportunity for Women Report. Justice Tate accepts many invitations to speak about human rights and to women lawyers in formal and informal settings, and in 2006 she delivered the 10th Ethel Benjamin Commemorative Address to women lawyers in New Zealand.

Belinda Thompson – Allens Arthur Robinson

Belinda Thompson completed her Articles with Allens Arthur Robinson in 1995 and was admitted to practise in 1996. Belinda is a Partner in Allen Arthur Robinson's Litigation and Intellectual Property Department and has extensive experience and expertise in the conduct of large-scale litigation, including class actions.

Allens Arthur Robinson has an expansive pro bono practice and Belinda is committed to contributing her time to pro bono matters, recently having the carriage of two matters on behalf of the Human Rights & Legal Resources Centre in relation to the Charter of Human Rights and Responsibilities Act 2006 (Vic).

Belinda's nominators wrote that, as a female leader in a relatively male dominated firm, Belinda is a clear role model to other women who have high aspirations and are seeking to develop their legal careers. Belinda's open door policy and encouragement of women to do it their own way have been key drivers in assisting others to assess, evaluate and re-frame their approach to balancing their career and other commitments.

Kristen Walker – Victorian Bar

Kristen Walker was admitted to practise in 1993 and signed the Bar Roll in 2004. Prior to coming to the Bar, Kristen completed her articles with Arthur Robinson & Hedderwicks, before becoming an Associate to Sir Anthony Mason, then Chief Justice of the High Court.

After completing her Associateship, Kristen moved to the University of Melbourne Law School, where she is currently an Associate Professor. Kristen has also taught human rights law at Columbia University and the University of Arizona.

Kristen has published widely in constitutional law, administrative law, international law, human rights law and refugee law. Kristen has appeared in many constitutional law cases in the High Court and in other jurisdictions and has also appeared in several cases concerning the Victorian Charter of Human Rights and Responsibilities, and within this context has undertaken a considerable amount of pro bono work.

Kristen's nominators wrote that she has had a considerable influence on the many female students she has mentored over the years as an academic, bridging the sometime considerable gap between academia and legal practice with notable ease.

Rachel Walsh – DLA Phillips Fox

Rachel Walsh is a partner in the Government and Regulatory Team in the Melbourne office of DLA Phillips Fox, having completed her articles with DLA Phillips Fox and being admitted to practise in 1994. Rachel advises public and private sector clients in relation to a broad range of administrative law and regulatory compliance issues, and risk and crisis management.

Rachel runs training for clients on a number of topics and also ran training sessions for public sector clients on the Charter of Human Rights and Responsibilities when it was first introduced in Victoria. Rachel previously held the position as the Pro Bono Manager of the Melbourne office of DLA Phillips Fox.

In 2009, Rachel worked with the Federation of Community Legal Centres in establishing the Prisoner Legal Service, Inside Access, which supports women in prison dealing with mental health issues, and is now the supervising lawyer for Inside Access.

Rachel is a long term member of Reprieve Australia and in 2002-2003 took a three month leave of absence to volunteer with a pro bono attorney at the Gulf Region Advocacy Centre in Houston, Texas, representing defendants facing the death penalty.

Rachel manages a team comprised mainly of women and actively champions the development of team members, including significantly assisting in establishing the profile of her team's junior lawyers within the firm and externally.

Fatoum Souki

Fatoum Souki was admitted to practise in October 2008 and works for the Financial Ombudsman Service. Fatoum has been involved with the Western Suburbs Legal Service in a number of capacities since 2006 and in 2008 joined the Committee of Management of the Western Suburbs Legal Service.



Fatoum Souki

Currently, Fatoum volunteers as a solicitor at the Western Suburbs Legal Service and prior to volunteering as a solicitor Fatoum volunteered in a paralegal capacity.

Fatoum is also involved in a number of other organisations which demonstrate her similar commitment to the community. These include participating in a community development initiative through the Australian Federal Police to encourage and promote positive relations between the Australian Federal Police and Muslim women and youth, and being the elected voluntary relations officer for the Australian Arabic Women's Group. Fatoum is also a member of the Muslim Legal Network which works to create a centralised organisation for Muslim professionals and students.

Claire Carrucan and Verity Shepherdson

All photos by Peter Glenane

***"Some Australians are much less equal than others:
 What's happening in Australia's social security system?"***

On 11 March 2010, Victorian Women Lawyers and the Law Institute of Victoria co-hosted this annual luncheon to celebrate International Women's Day and to recognise the achievements and incredible life of Dame Roma Mitchell. IWD is held annually to recognise the contribution and achievements of women all over the world, but also to remind the world that women remain disadvantaged in terms of health, access to education, equal rights, and equal pay, and remain underrepresented in public life and professional industries. IWD is an important reminder of the duties we all have as lawyers and as human beings to facilitate and encourage justice, and to be just ourselves. Justice and equality for women was certainly championed by Dame Roma Mitchell.

Dame Roma was born in Adelaide in 1913. She was the first woman to be appointed Queen's Counsel, the first woman to be made a Judge of a Superior Court in Australia, the first woman University Chancellor and the first woman Governor of an Australian State (SA). Dame Roma championed for reform, especially where it affected women's rights - for example, she was instrumental in seeing women included on juries. In an interview transcript I read recently, Dame Roma was asked about being a woman in her profession, and without wishing to place her out of context, I think what she said provides food for thought when we think about women in the law. Dame Roma said:

I've never believed that women have the monopoly of certain qualities and that men have the monopoly of other qualities. I think women can be considerate and compassionate but so can men. And women can be tough and hard-hearted and so can men.



From L-R: Justice Neave, Cathy Gale & Caroline Counsel



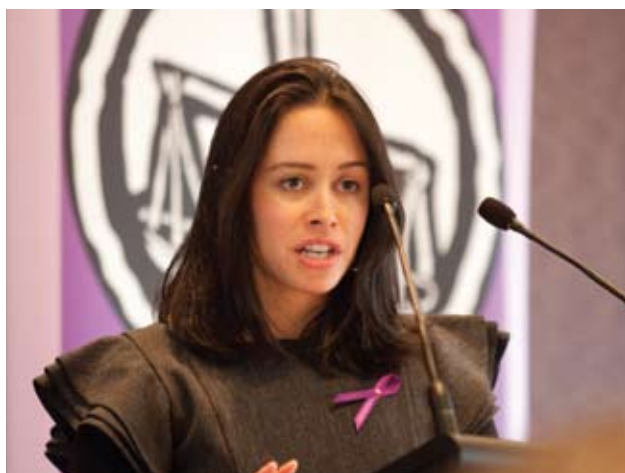
From L-R: Astrid Haban-Beer (VWL Convenor), Justice Neave, Clare Martin (ACOSS, guest speaker), the Chief Justice & Steven Stevens (LIV President)



Steven Stevens, President, Law Institute of Victoria



Attendees (incl. Laura Helm LIV & Julie Fraser AGS)



Astrid Haban-Beer, VWL Convenor



Clare Martin, ACOSS – Guest Speaker

We were pleased to welcome our guest speaker Clare Martin, CEO of the Australian Council of Social Service (ACOSS) to speak at the luncheon on the topic "Some Australians are much less equal than others: What's happening in Australia's social security system?" Clare reminded of us the great inequality that exists in Australia - inequality that is often perpetuated by policy. While we celebrate important achievements such as the progress of women in the law through events like the Dame Roma Mitchell Memorial Luncheon and International Women's Day, it is integral that we never stop thinking about the way our world works and how it might be improved - perhaps by our own efforts. The luncheon was well attended by LIV and VWL members and members of the judiciary, including our Patron, the Chief Justice of the Supreme Court of Victoria, the Hon. Chief Justice Warren.

The event raised money for the Hutt Street Centre, a frontline agency for homeless and disadvantaged people.

Astrid Haban-Beer

LESBIA HARFORD ORATION 2010*

Do we measure up? Protecting women's rights in Australia

Victorian Women Lawyers successfully collaborated with the Public Interest Law Clearing House (PILCH) this year to host the biennial Lesbia Harford Oration.

The topic was, *Do We Measure Up? Protecting Women's Rights in Australia*. The panel of speakers was as broad as the topic itself. Joining us on 8 September 2010 at the boardrooms of Blake Dawson, who proudly supported the event, were:



From left: Dr. Cassandra Goldie - CEO of the Australian Council of Social Service, Sally Moyle - Women's Branch Manager at the Australian Government Office for Women, Chris Melis - Victorian Representative of AWL, Astrid Haban-Beer - Convenor VWL, Simone Cusack - PILCH, Michelle Deshong, NGO delegate to the review of Australia's compliance with CEDAW, Andrew Byrnes, Professor of Law at the University of New South Wales and Chair of the Australian Human Rights Centre.

- Dr. Cassandra Goldie, CEO of the Australian Council of Social Service.
- Andrew Byrnes, Professor of Law at the University of New South Wales and Chair of the Australian Human Rights Centre.
- Michelle Deshong, NGO delegate to the review of Australia's compliance with CEDAW.
- Jill McCabe, Office for Women, Victorian Government.

The panellists explored whether or not Australia is meeting its domestic and international obligations to respect, protect, and fulfil women's rights. The discussion was informed by the reviews of Australia's human rights obligations by the UN Committee on the Elimination of Discrimination against Women (CEDAW) and the UN Human Rights Council. The discussion was ably moderated by Simone Cusack of PILCH.

The panel answered questions on notice from the audience and questions from the floor. The discussion covered pay equity, amendments to the *Sex Discrimination Act*, the pros and cons of moving to a National Equality Act, domestic violence in indigenous communities, superannuation & women, balancing work and family, whether Australia should move to a quota system to get more women on Boards, and the effects of stereotyping in our society.



Attendees

The stimulating and thought provoking discussion left the audience with much to discuss over a drink and canapé afterwards. Issues affecting women's rights to equality and to enjoy a life free of violence and social, political, economical and cultural disadvantage, remain prevalent in our country. Discussions like this bring an awareness and open up a dialogue which needs to continue if we are to see change.

*Lesbia Harford is recognised as a pioneer of women in the legal profession and was a champion of workers' rights. The Lesbia Harford Oration honours her achievements with a presentation by eminent speakers on issues of importance for women. The next Oration will be held in 2012.

In Australia, approximately 1 woman in 3 will experience some form of sexual violence over her lifetime. Clinical evidence and research shows that the harm resulting from sexual violence goes well beyond the initial trauma and impacts women and men in wide-ranging, substantial and quotidian ways over the long-term.

On 14 September 2010, the Australian Women's Coalition (AWC), the Australian Federation of Medical Women (AFMW), the Victorian Medical Women's Society (VMWS) and VWL co-hosted a sexual assault forum in the ANZ Building in Docklands. The forum was run in a panel-style format, with speakers from varied professions.

Carolyn Worth, a social worker with SECASA provided an historical overview of the treatment of women victims of sexual violence in Victoria. Detective Tom Nairn spoke of the inroads made by the sexual assault multi-disciplinary centres currently being piloted in Mildura and in Frankston, which had improved clients' experiences of dealing with the police and justice systems.

Dr Angela Williams from the Victorian Institute of Forensic Medicine drew from her experiences as a forensic physician working with victims of sexual offences to highlight gaps in the medical system for treating survivors. Interestingly, Dr Williams spoke of the medical profession's fear of the courts and the legal system as a reason for doctors disowning sexual assault as 'their' problem, something which lawyers should be working to address.

Dr Viv Waller, VWL's ever-dependable fount of knowledge for sexual assault forums, discussed VOCAT, the *Sentencing Act*, common law remedies and the systems which needed to be put in place in institutions such as schools, hospitals and churches to prevent sexual abuse.

Dr Caroline Taylor rounded up the evening by discussing the findings from the research which showed that change in sexual assault medical and legal frameworks was imperative. Dr Taylor pointed to research showing that over 40% of survivors reported sexual violence to the police 10 years after the incident. A long-term framework dealing with the reality of sexual violence is therefore crucial in order to adequately approach survivors' needs.

Launched at the Forum was the Consultation Report, 'Happy, Health Women, Not Just Survivors'. Produced by a partnership between the AWC, AFMW and VMWS and in consultation with community, professional, academic and survivor groups,

the Report advocates a long-term model of care for survivors of sexual violence, and challenges professionals in the public, private and community sectors to develop a holistic model of care that will meet the needs of survivors. The Report identifies a number of key areas where developments need to occur in order for this model to be possible, ranging from change in community attitudes towards sexual violence to change in health care services and the legal framework governing survivors' access to remedies.

Libby Lloyd AM, Chair of the Violence Against Women Advisory Group, launched the Report, lauding its writers and researchers for using an evidence-based approach to highlight the long-term health consequences faced by survivors. Associate Professor Jan Coles, a member of the Executive Committee supervising the production of the Report, acted as moderator.

Whilst a grim topic, the passion and knowledge of the speakers ensured that it was an inspiring forum where doctors, lawyers and other professionals could share and gain knowledge of one of the most pressing public health and human rights issues in Australia today. On a lighter note, it was also a fantastic opportunity for members of VWL to meet with members of VMWS. Representatives of both organisations declared their willingness to collaborate with the other organisation for mutually beneficial issues, over glasses of champagne and canapes.

The initiative shown by women professionals in assisting to produce the Report demonstrates a positive example of female leadership on a key issue affecting women of all backgrounds in Australia. While many of the VWL lawyers who attended did not work in sexual assault related practice areas, the salience of the talk was in raising consciousness of the seriousness of the impact of sexual assault and the role that social, medical and legal frameworks can play in assisting survivors to get on with their lives. Stimulating and challenging, the Sexual Assault Forum provided VWL members with food for thought and a foundation on which to build a strong and productive relationship with another group of highly motivated and energetic women professionals.

AN EVENING WITH THE HONOURABLE JUSTICE DODDS-STREETON KATE ASHMOR

It was in an intimate setting on 24 March 2010, during which her Honour Justice Dodds-Streeton spoke to a gathering of avidly listening female lawyers about the progression of her career, including some very practical and amusing anecdotes about life at the Bar.

Her Honour has been appointed to the Supreme Court, the Court of Appeal and most recently, the Federal Court. It is rare to have the opportunity to listen to an honest and genuine account of the career of one of our most prominent and celebrated Victorian female lawyers. The evening with Justice Dodds-Streeton inspired attendees and gave them valuable insights into the challenges faced by women in the legal profession, especially if they aspire to join the judiciary.



From left: Monahan + Rowell Senior Partner Patrick Monahan, her Honour Justice Dodds-Streeton, Monahan + Rowell Partner Mary Edquist and VWL Convenor Astrid Haban-Beer.

VWL thanks Monahan + Rowell for its generous and gracious hosting of this event and we look forward to future collaborations.

LAW STUDENT MENTORING PROGRAM 2010 LAUNCH KATE ASHMOR

Dozens of mentors and students met for the first time on Thursday 15 April at the launch of VWL's 2010 Law Student Mentoring Program.



From left: Astrid Haban-Beer, Christine Melis, Sophie Lefebvre, The Hon Justice Marcia Neave AO, Melanie Hodge, Nachama Zwier and Kate Ashmor.

Middletons graciously hosted the event and the Hon Justice Marcia Neave AO once again this year inspired attendees to make the most of their mentoring experiences and to value the opportunity to learn from each other. Two pairs from the 2009 Program, barrister Christine Melis and Deakin University student Sophie Lefebvre, and Department of Justice Civil Policy Lawyer Melanie Hodge and Monash University student Nechama Zwier, shared insights into their own experiences.

This is the third year VWL has been running the Law Student Mentoring Program, with 145 pairs participating. The Program aims to connect female law students with female legal practitioners, in order for the students to gain valuable insights into life as a female lawyer. All five Victorian law schools are represented among student participants and mentors of all ages are drawn from private practice firms (from large to small) and both the government and corporate sectors. Many barristers also participate as mentors. The Program has grown from around 80 participating pairs in 2008 and many mentors have generously continued to donate their time, year after year.

VWL gratefully acknowledges Her Honour Justice Neave's ongoing support of the Program. We also thank Middletons for their generous assistance with the Launch and the Women Barristers Association for encouraging the participation of women barristers as mentors. And, of course, a very big thank you to all the VWL members who participated in the Program this year.

For any queries regarding VWL's Law Student Mentoring Program, please contact Assistant Convenor Kate Ashmor via kate@kateashmor.com.

MEMBERS' AND GUESTS' NIGHT CLAIRE CARRUCAN & VERITY SHEPHERDSON

The annual VWL Members' and Guests' Night was held on Wednesday 25 August 2010 at The Apartment, 401 Little Bourke Street. The event was attended by approximately 200 people, both VWL members and a large number of their non-member guests. As in previous years, The Apartment provided a fabulous setting for the event.

The Members' and Guests' Night is an important opportunity for members to get together to network, and to celebrate the important achievements of VWL in a relaxed and informal setting. It is also a great opportunity for members to introduce non-members to our organisation. We hope that the event inspired non-member guests to join VWL, and that it encouraged members – old, new and prospective – to become involved with the work of VWL and its Committees.

Attendees were entertained by well-known comedian, writer, broadcaster and actor, Denise Scott. Denise is a favourite guest on many of Australia's most popular TV shows, such as *Spicks and Specks*, *The 7PM Project*, *Talkin' 'bout Your Generation* and *Good News Week*. Given her 30 years of experience in the entertainment industry, it's no wonder that Denise had everyone laughing.

After Denise's performance, members gathered around for door prizes to be drawn, which included two \$100 David Jones vouchers kindly donated by Sigma Executive, a gift pack kindly donated by Aesop, and a VWL membership. Congratulations to all our lucky winners!



Guests mingle at The Apartment



Michelle Florenini from the VWL Networking Committee thanks Denise Scott for her performance



Selected members of the VWL Executive:

Front: Anna Tang (Treasurer), Noosheen Mogadam (Co-Chair Women Migrants' Legal Information Project Committee), Astrid Haban-Beer (Convenor), Patricia Athanasiadis (Co-Chair Justice Committee), Jackie Gillies (general member and Sponsorship Officer), Beth Hilton-Thorp (Secretary and Membership Officer)

Back: Emilia Michael (Co-Chair Women Migrants Legal Information Project Committee), Christine Melis (Australian Women Lawyers Representative), Kate Ashmor (Assistant Convenor), Claire Carrucan (Co-Chair Networking Committee), Susan Pryde (general member)



Astrid Haban-Beer (VWL Convenor), Noosheen Mogadam (Co-Chair Women Migrants' Legal Information Project Committee) and Anna Tang (VWL Treasurer)



Astrid Haban-Beer (VWL Convenor)



Denise Scott performs



The crowd enjoys Denise Scott's performance

Sex Discrimination Commissioner Elizabeth Broderick launched the Gender Equality Blueprint 2010 at the National Press Club on 23 June 2010. Commissioner Broderick stated that the Gender Equality Blueprint 2010 is the next stage of reform after the introduction of the paid parental leave scheme. Commissioner Broderick declared that there is a risk that gender equality will be considered a “finished business” given that paid parental leave has been introduced. The Gender Equality Blueprint 2010 is the result of nine major national reviews that considered how to improve gender equality in Australia. The reviews showed that there remains a considerable and disturbing gap in equality between men and women in Australia. The Gender Equality Blueprint 2010 sets the following five priority areas and 15 recommendations:

1. Balancing paid work and family and caring responsibilities

- **Recommendation One:** At the two year review of the *Paid Parental Leave Act 2010*, the following should be introduced:
 - Superannuation on paid leave. Minimum of two weeks paid leave for fathers and other supporting parents.
 - A full year of paid parental leave that can be shared between parents.
 - Leave paid at the rate of at least two-thirds of income so that more families can afford to take leave.
- **Recommendation Two:**
 - Amend the National Employment Standards and the *Sex Discrimination Act (Cth) 1984* to provide comprehensive protection from discrimination on the grounds of family and carer responsibilities in all areas of employment for men and women and to place a positive duty on employer to reasonably accommodate a worker's family and carer responsibilities.
- **Recommendation Three:**
 - Provide greater child care options for families for non-standard hours of care.
 - Provide greater accessibility, etc.

2. Ensuring women's lifetime economic security

- **Recommendation Four:**
 - Develop a National Pay Equity Strategy.
 - The wage setting body of Fair Work Australia should develop a specialist unit to deal with pay equity.
 - Measures should be put in place to promote greater transparency in relation to pay rates, including individual contracts.
- **Recommendation Five:**
 - Superannuation co-contribution scheme should be extended.
 - A gendered analysis of the findings of the Henry Review should take place to ensure that the changes to the tax system help close the gap in economic security of men and women.
 - An independent inquiry should be launched into recognising unpaid caring work within the superannuation and pension schemes.
- **Recommendation Six:**
 - Ensure all women can access safe, secure and affordable housing.

3. Promoting women in leadership

- **Recommendation Seven:**
 - A minimum target should be set of 40% representation of each gender on all Australian Government Boards within three years.
 - All publicly listed companies providing goods or services to the Australian Government should be certified under the Equal Opportunity in the Workplace Agency.
- **Recommendation Eight:**
 - To support women's organisations in decision-making processes.
 - To engage in meaningful consultation with grassroots communities.

4. Preventing violence against women and sexual harassment

- **Recommendation Nine:**
 - Reduce incidence of violence against women and ensure women who have experienced violence have access to adequate support.

- **Recommendation Ten:**

- The *Sex Discrimination Act (Cth) 1984* should be amended to provide greater protection from sexual harassment for students and workers.
- The Sex Discrimination Commissioner should be given the power to initiate investigations into workplaces without requiring an individual complaint.
- A national Sexual Harassment Prevention Strategy should be developed and implemented.

5. Strengthening national gender equality laws, agencies and monitoring

- **Recommendation Eleven:**

- Ensure that the Federal Office for Women is adequately funded and has influence at the highest level of government.
- Concrete measures such as the setting of targets should be considered to increase the proportion of women running for election and entering both houses of federal parliament.

- **Recommendation Twelve:**

- The *Sex Discrimination Act* should be amended to implement the Australian Government's response to the Senate Legal and Constitutional Committee's *Report into the Effectiveness of the Sex Discrimination Act (Cth) 1984*.
- Insert a function for the Sex Discrimination Commissioner to commence self-initiated investigations for alleged breaches of the *Sex Discrimination Act* without requiring an individual complaint.

- **Recommendation Thirteen:**

- The *Equal Opportunity for Women in the Workplace Act 1999* should be amended to include pay equity as a separate "employment matter".

- **Recommendation Fourteen:**

- The *Sex Discrimination Act (Cth) 1984* should be amended to require the Sex Discrimination Commissioner to monitor progress towards eliminating sex discrimination and achieving gender equality and report to Parliament every two years.
- The Australian Bureau of Statistics should be resourced and required to generate gender-disaggregated data and analysis to enable independent monitoring of progress towards gender equality.

- **Recommendation Fifteen:**

- A process of constitutional reform to protect the principle of equality for all people in Australia should be commenced.

Victorian Women Lawyers supports the 15 recommendations in the Gender Equality Blueprint 2010, and is keen to see those recommendations implemented.

**New Courts Act Project
Courts and Tribunals Unit
Department of Justice
GPO Box 4356
Melbourne Vic 3001
By Email newcourtsact@justice.vic.gov.au**

31 August 2010

Dear Attorney-General,

Reviewing the Judicial Appointments Process in Victoria – Submission on Discussion Paper

Thank you for the opportunity to comment on the judicial appointments process in Victoria via the discussion paper of July 2010.

Victorian Women Lawyers (VWL) is a voluntary association that promotes and protects the interests of women lawyers and engages with legal and social justice issues, particularly those that affect women. We represent over 500 members and women in the legal profession more broadly.

VWL strongly supports your initiative in seeking to ensure the ongoing modernisation of the administration of the judiciary in order to maintain pace with our evolving society. An important aspect of this evolution is the need to take a wholly inclusive approach towards women in the law, whether as practitioners or users of the justice system. One of the key aims of VWL is to seek ways to advocate for and promote the inclusion of women in the law.

As a not-for-profit, volunteer run organisation, VWL does not have the resources to make a lengthy or detailed submission. However, set out below are comments on some of the matters raised in your discussion paper.

General Comments

VWL strongly supports the underlying premise of the discussion paper that diversity in the judiciary leads to a fairer and more accessible justice system, and increases public confidence in the administration of justice. Ideally the judiciary would reflect the community that it serves, with members from a range of cultural and racial backgrounds, religions, socio-economic backgrounds, sexual orientation and of course, a representative gender mix. In addition, as the discussion paper says, judicial officers require a range of skills and attributes to undertake their role in a way that meets the many demands of the job, beyond technical legal expertise.

Part 2 – Skills and Attributes

VWL believe that the age and legal requirements currently in place for judicial officers are appropriate. The probity requirements are an appropriate filtering process for candidates, as public confidence in the judiciary is at risk of harm absent such checks.

VWL strongly support diversity requirements published in selection criteria which is awareness of issues of gender, sexuality, disability and cultural and linguistic difference. Awareness of diversity issues is just as important as ensuring diversity in the judiciary. For example, VWL believe that the success of women in the law is in part dependant on having men to champion the cause of gender diversity.

Part 3 – Attracting and identifying suitable and diverse candidates

VWL affirms the benefit of seeking to increase the quality of appointments by identifying well qualified candidates who may not have been considered for judicial office in the past, and strongly endorse the statement that “a judicial appointments process needs to attract and identify suitable candidates from diverse backgrounds”. As is reflected more broadly in the legal profession, promoting diversity requires careful consideration of the systemic and sometimes invisible barriers to participation that good candidates face.

In response to the question “*In addition to advertising for applications and nominations, what strategies could be implemented to ensure suitable candidates from diverse backgrounds are identified and apply for judicial office?*”, VWL believes the following suggestions from the discussion paper are of merit:

- Encouraging interest early by giving students an opportunity to spend up to a week with a judge and encouraging people from underrepresented groups to take positions of judicial assistants.
- Providing more routes for potential candidates to understand what the role involves and to gain practical experience, such as by enabling practitioners to spend a few days ‘work-shadowing’ a judge.
- A judicial skills training course, which could be delivered by the Judicial College.
- Clear policies and practices relating to flexible work options and reasonable adjustments to accommodate the needs of people with disabilities.

VWL does not see merit in implementing the English-style Recorder system where judicial officers are required to have prior judicial experience (such as a part-time judge appointed for five years).

VWL suggests that the Attorney-General could undertake wider consultation, for example with the Australian Government Solicitor, Director of Public Prosecutions, and the Victorian Women Lawyers Association and Women's Barristers Association.

In addition, the Government could promote understanding of the appointments process in the community generally.

Judicial appointments have traditionally been made from the Victorian Bar, where women are significantly underrepresented. There are many women in the wider legal profession who satisfy the selection criteria for judicial office but who would be reluctant to apply as they do not come from the Bar. Greater encouragement should be given to such women to consider applying, notwithstanding their lack of experience as barristers. While it is a generalization, it is true that women are less likely than their male counterparts to put themselves forward for such positions.

The proposal set out in the discussion paper to employ some form of judicial training would enable potential applicants for judicial appointment to obtain an understanding of what judicial office entails and to develop relevant skills. This is welcomed and would encourage some, perhaps reluctant, candidates to properly consider whether they are suitable for the role.

VWL believes that any strategy to engage with and attract more women to the judiciary should bear in mind that given the current attrition rates of women in the law, there is likely to be a large cohort of women who have left legal practice who would otherwise be excellent judicial candidates, particularly in the coming 10 – 15 years. Many of these women may still be using their legal skills for example by working as in house counsel, in legal policy roles, or in other areas that do not require a practising certificate. Such persons should be encouraged to consider returning to an advocacy based role which may lead to a career in the judiciary. They should be offered training and mentoring to achieve those goals.

Part 4 – Assessing and recommending candidates

VWL believes the current decision making arrangements in Victoria are appropriate, including the Advisory panel on VCAT and Magistrates' Court appointments. The Advisory Panels could be extended to the County and Supreme Courts.

VWL do not believe that an appointments commission should be established to make judicial appointments. VWL is concerned that transferring the decision from the Attorney-General to a group of people may result in safe, middle-of-the-road choices or "the selection of mediocre compromise candidates" which the discussion paper reports as a common criticism of this structure. As noted in the Report, the Commission in England and Wales has been criticised for not achieving its aim of increasing the diversity of the judiciary. Women in the law in Victoria have benefited significantly from the current Attorney-General's approach to appointing women to the judiciary. VWL is concerned that some of the decisions which were made by the Attorney-General may not have been made by a commission style body.

However, VWL is concerned to mitigate the fact that the current approach is relatively dependant on the visionary approach of one individual Attorney-General. VWL suggests that work be undertaken to enshrine a diversity approach into the Attorney-General's decision making process, perhaps through the use of the *Charter of Human Rights and Responsibilities*.

Part 5 – Health Assessments

VWL expresses caution at the proposal that pre-appointment checks should include a health assessment.

Whilst the discussion paper notes that *"Any consideration of pre-appointment health assessments must have regard to the prohibition on discriminatory treatment in section 8 of the Charter of Human Rights and Responsibilities. The Department of Justice and the Attorney-General are public authorities within the meaning of the Charter, and cannot treat people with an impairment less favourably unless this can be reasonably justified"*, this framework can only protect against discrimination which can be proved by admissible evidence.

Health information can be highly prejudicial. VWL is concerned that health information could be misused, even innocently, to exclude potential candidates that would otherwise be capable of undertaking the role of judicial officer. Of particular concern is the use of information about a person's mental health. VWL believe it would be a retrograde step if persons with a mental illness were excluded from consideration unnecessarily and would detract from the opportunity to make diverse appointments.

In addition, health checks may provide a disincentive to potential applicants who are concerned about disclosing health information, regardless of whether they genuinely believe it affects their ability to undertake the role. Fear of discrimination is a very real determinant for persons of diverse backgrounds who have a history of prejudicial treatment.

VWL believes that if health checks are to be included in the pre-appointment process, the checks should be circumscribed to a limited range of health conditions that can be shown clearly and conclusively to have a direct and relevant impact on a person's ability to undertake the role of judicial officer. Privacy and other protections should be built into the process, and a candidate should have a right to be heard on their health information if it is deemed to be directly relevant to a person's ability to undertake the job.

Victorian Women Lawyers would be happy to discuss this submission with you further. Please contact Executive Member Melanie Hodge, Chair of our Law Reform committee on telephone 0402 313 979 or email hodgemelanie1@gmail.com.

Yours sincerely,



Astrid Haban-Beer
Convenor

The Honourable Robert McClelland
Commonwealth Attorney General
3-5 National Circuit
BARTON ACT 2600
Email: R.McClelland.MP@aph.gov.au

29 April 2010

Dear Attorney General,

Legal Assistance Sector Funding

Victorian Women Lawyers is a voluntary association that promotes and protects the interests of women lawyers and engages with legal and social justice issues, particularly those that affect women. We represent over 470 members and women in the legal profession more broadly.

Victorian Women Lawyers is seriously concerned about the funding arrangements for the legal assistance sector, and in particular, the effect of funding decisions on vulnerable women and children.

Victorian Women Lawyers supports and endorses the position of the Law Institute of Victoria on this issue.

Legal aid commissions, community legal centres and Indigenous legal services have been chronically under funded, particularly in the Commonwealth area, since 1996. The introduction of the so-called "Commonwealth/State divide" by the then government, where Commonwealth funding was restricted to matters arising under Commonwealth law, diminished the available funds for all legal aid matters. A lack of Government action in this area has led to a large proportion of the Australian community being unable to obtain access to justice.

Legal aid is subject to severe budgetary restrictions resulting in commissions being forced to apply overly restrictive means and merits tests that exclude many people from receiving legal advice and representation. It is our understanding that only the most poor are eligible for legal aid, and a significant number of people who are unable to qualify for legal aid and yet who are also unable to fund their own legal proceedings.

Further, we understand that the legal aid fees paid to private practitioners are below the real cost of generally providing the necessary legal service and increases are urgently required.

There is a growing trend of the withdrawal of experienced lawyers from publicly funded legal work and a greater investment is required to prevent private practitioners from withdrawing their services. This is extremely unfortunate as it will have the additional consequence of restricting opportunities for young lawyers to undertake legal aid work which imparts the invaluable experience of working with disadvantaged community members, including on matters of public interest.

The deficiencies in legal aid funding result in significant demand for legal assistance. Some of this demand is met by way of pro bono assistance, yet considerable demand is not met at all. It is a fundamental government responsibility to address this need for legal services.

Victorian Women Lawyers is aware that many people experience difficulties accessing the justice system. There are certain factors that mean women face heightened barriers to justice, including experiences of violence, sexual harassment or discrimination. We note that women, particularly those who are experiencing family breakdown, are much more likely than men to be without means to fund a legal defence.

Victorian Women Lawyers is extremely concerned to hear of comments from the Victorian Attorney General, the Honourable Rob Hulls, that the Commonwealth gives Victoria the lowest legal aid funding per person of any State or Territory, and that women and children are suffering as a consequence.

Victorian Women Lawyers strongly advocate for the fundamental right of all Australians to access legal advice and services, regardless of means. This is an essential tenet of the doctrine of the rule of law. However, in addition, it is particularly unacceptable that those denied legal assistance include women and children who are seeking to flee domestic violence.

A denial of legal assistance is a significant barrier to access to justice, and will further entrench disadvantage for the vulnerable.

Victorian Women Lawyers joins the call for you to commit to the following objectives:

- In the short term, restore per capita funding to Legal Aid Commissions to 1997 levels. This would require a \$43.2 million increase in the 2010-11 Commonwealth Budget.
- In the longer term, restore Commonwealth share of Legal Aid Commission funding to 50% (up from 32%). This would require an additional recurrent expenditure of \$220 million.
- Make the Commonwealth increase conditional on States/Territories maintaining their funding levels.
- Develop a National Partnership Agreement with the States/Territories which is based on national goals, as distinct from Commonwealth or State goals.

Victorian Women Lawyers would be happy to discuss this with you further. We look forward to receiving your response.

Yours sincerely,



Astrid Haban-Beer
2009-2010 Convenor
Victorian Women Lawyers



Ms Emma Hlubucek
Policy Lawyer
Law Council of Australia
GPO Box 1989
CANBERRA ACT 2601

By Email: emma.hlubucek@lawcouncil.asn.au

1 September 2010

Dear Ms Hlubucek,

Re Consultation: Strategy for Advancing Appearances by Female Advocates in Australian Courts and Suggested Best Practices Action Plan

Thank you for providing the above mentioned Strategy and Action Plan for consideration by Victorian Women Lawyers (VWL). We have consulted our Executive, Work Practices Committee and Law Reform Committee in order to gather and now provide the following feedback for your consideration.

VWL generally agrees with the proposed strategy but offers the following comments and suggested amendments:

1. Wherever "Bar Association" is mentioned, please additionally include "women lawyers associations";
2. Beneath the recommendations for Strategic Goal 2 and at the sixth bullet point on page 19, please insert the word "proactively" just prior to "addressing perception". Inserting this word will lock in the requirement for positive action;
3. Under "Promotional initiatives for the formal adoption of the Equitable Briefing Policy", include a reference to recognition of non-Government firms and corporate in-house legal departments who adopt the Policy. This could then feed into the establishment of a non-Government reporting scheme and an awards/recognition program;
4. Reference could be made to international experiences, particularly in New Zealand and the UK;
5. On page 22, add a recommendation that all States and Territories develop associations to advance equality issues for female lawyers and barristers and increase networking opportunities, or that a national body be developed to fulfil this role;
6. An additional overall recommendation could be a reporting mechanism or requirement; and
7. Finally, and as a general observation, the research on court appearances is derived from superior courts only. Recommendation 2 suggests that the survey be repeated in 2014. A more expansive set of data could be derived from the inferior courts, as female counsel may be more likely to receive 'new' briefs from solicitors in smaller matters.

Victorian Women Lawyers would be happy to discuss any aspect of this feedback with you. Please feel free to contact me on 0403 334 245 or via kate@kateashmor.com should you have any queries.

Yours faithfully,



Kate Ashmor
Assistant Convenor

Women lawyers elated by Gillard victory

By Olivia Collings | Thursday, 9 September 2010

Source: ALB Legal News

Female lawyers across the country have expressed their optimism on the election of the first female prime minister for Australia. "The election of Julia Gillard as PM is an important watershed moment in terms of women being involved in public participation and politics, said Astrid Haban-Beer, convenor of Victorian Women Lawyers and AGS lawyer. "To have a female PM suggests that Australia recognises and accepts that women are capable and valued as members of the community, who can reach any heights of seniority in the workforce."

Rebecca Barry, vice president of the Women Lawyers' Association of New South Wales and solicitor at TressCox Lawyers is equally optimistic that the news of Gillard's appointment will have a positive impact on corporate Australia. "Hopefully there will be further policies following this result and companies will look to employ more women in senior roles, to encourage diversity across corporate Australia."

While things have improved for women in the corporate world and while Australia has a female prime minister and a female governor general, Barry said that the number of women in senior roles is still well below what many hope for. According to statistics from the annual Australia Women Lawyers Conference females still only account for approximately 20% of partners in law firms in Australia and about 10% of the Bar.

Haban-Beer said the challenge for corporate Australia is to reflect the diversity that exists within the community: "This means that women, as well as people from non-English speaking backgrounds, indigenous people, and people with disabilities need to be promoted into such positions, based on their merit."

Female lawyers paving the way

Posted May 26 2010, 07:34 PM

Source: Lawyers Weekly

The Victorian Women Lawyers and Women Barristers Association last night presented the fourth Women Lawyers Achievement Awards (Victoria) in recognition of outstanding women lawyers who have achieved professional excellence and have paved the way for other women lawyers.

The evening began with a keynote address from former lawyer and ABC "Four Corners" investigative journalist Liz Jackson, with Justice Chris Maxwell presenting the awards for experienced practitioners to Solicitor-General Pamela Tate SC and Jane Dixon SC.

Tate was the first female Solicitor-General and regularly appears with women juniors in the Supreme and High Courts in cases of national importance.

Dixon was the first female to practise in criminal law at Galbally & O'Brien and has instructed in high profile cases including the Russell St bombing and Turkish embassy bombing.

The "Rising Star" award was presented to Simone Cusack who is a lawyer, advocate and author, with expertise in women's rights, equality and non-discrimination law, gender stereotyping and international and domestic human rights law.

Last night Victorian Women Lawyers also presented its 2009-2010 Community Justice Award to Fatoum Souki.

The Community Justice Award is given in recognition of a student or recently admitted lawyer who, on a pro bono or volunteer basis, demonstrates a commitment to issues related to women and justice.

Souki is a volunteer with the Western Suburbs Legal Service and was on a committee to promote positive relations between the Australian Federal Police and Muslim women and youth.

"It is critical to recognise excellent women who are leaders in the law, as well as those who are showing early promise and encouraging others to join the profession," said Victorian Women Lawyers Convenor, Astrid Haban-Beer.

"These award winners and the impressive pool of nominees have all significantly contributed to the profession. They have also used their skills and energies to assist other women lawyers and women in the wider community."

Barristers' fees prove it's not all equal in law

By Mark Russell April 18, 2010

Source: The Age

VICTORIA'S female barristers have called on the state government to lead by example and stamp out pay disparity with male barristers.

They say the government must do more to boost their remuneration and retention rates, and encourage private firms to do the same.

A woman briefed by a government department for a matter in the lower courts receives on average just 59 per cent of the fee paid to a male barrister, while a woman briefed in a litigation matter in Victoria's higher courts is likely to receive 75 per cent of a male barrister's fee.

Private firms are briefing women in only 12 per cent of cases. Women are mostly given work in the stereotypical areas of family law, crime and Children's Court work, and many feel pigeonholed, according to Victorian Women Lawyers convener Astrid Haban-Beer. She said the pay disparity was tied to the inequality of opportunity for women at the bar. "Women aren't receiving enough of the larger briefs such as trial and appellate work, and commercial work, and this can have a stifling effect on their practices and development as barristers," she said. "When women are getting paid less than their male counterparts who are of equal experience and capability, the whole profession is let down."

The female barristers' pay complaints follow reports this month that the industrial umpire, Fair Work Australia, is expected to be given new powers in the May budget to help it tackle the 17 per cent gap nationally between men's and women's wages.

Of the 1488 male barristers in Victoria, 274 or 18 per cent are senior or Queen's counsel. This compares with 421 female barristers, of whom only 20 - or less than 5 per cent - are senior or Queen's counsel.

Women Barristers Association convener Joye Elleray said men were better networkers than women and had a far more aggressive style when it came to getting work. "Women just don't have that level of aggression about fighting for what should be their right to equal pay," she said. The Victorian bar's equality and diversity committee last year filed a submission to the House of Representatives inquiry into pay equity for women, claiming there was "a consistent and significant discrepancy between the average brief fee earned by male and female members of counsel".

Committee chairwoman Fiona McLeod, SC, said the Victorian Bar Council had asked the committee to develop strategies to improve the retention rates of women, including providing support to help women with families return to work. Attorney-General Rob Hulls said that in the most recent Legal Services Panel annual report, women received 43 per cent of briefs, despite making up only 22 per cent of barristers. However, women received only 24 per cent of the \$10 million paid in fees by the government to barristers.

And it's Not Over Yet, Equal Pay for Equal Work - Still Fighting

Excerpt Marie Claire September 2010 issue (pp 99-104).



"I think sometimes women don't negotiate their salaries as well as men"

Rebecca Badenoch, 41, lawyer

"It was while I was a junior partner that I experienced the pay gap firsthand. I was chatting to a male colleague and he happened to mention his salary, which I instantly realised was about \$10,000-\$20,000 more than mine.

"I was annoyed; we were both good lawyers and he didn't deserve to be paid more than me. I knew I couldn't raise the issue as salary information wasn't supposed to be shared, but from that moment I've always been determined to negotiate harder for myself.

"Today, I'm a partner in a law firm, which is still relatively uncommon. Just 18 per cent of partners in Australian law firms are women. Although the legal fraternity has become better at supporting women, a masculine culture still exists; in many firms there's still a notion lawyers must put in long hours at the office, and this penalises women with families. I worked extremely hard to become a partner, but I also don't have children.

"I also think that sometimes women don't negotiate their salaries as well as men, and that when they do they can be seen as 'pushy' rather than 'assertive', as men are.

"My experiences have made me very conscious of supporting younger, female lawyers and I belong to Victorian Women Lawyers. I also lead by example; ultimately it's up to women to empower ourselves." ■

VWL emphasises social justice

Jan/Feb 2010 84(1/2) LIJ, p.14

Source: Law Institute of Victoria

The new Victorian Women Lawyers (VWL) convenor has placed law reform, engaging more widely with suburban and regional practitioners and publishing a legal information guide aimed at women migrants at the top of the VWL's 2010 agenda.

Convenor Astrid Haban-Beer said the niche group intended to advocate on a range of human rights and social justice issues, with a newly-created VWL Law Reform Committee planning a multitude of submissions in the social justice area.

The Australian Government Solicitor (AGS) trade practices lawyer said the VWL focus would remain on improving the lot of women lawyers and nominated ongoing issues of work/life balance, pay and promotion equity, addressing retention rates and briefing of female barristers as continuing priorities.

As with new Young Lawyers Section (YLS) president Julie Fraser (see YLS ready to rumble, page 15), Ms Haban-Beer is keen to strengthen relationships with other organisations, such as the YLS, Women In Finance, PILCH, Women's Legal Service, VLF and Lawyers for Animals.

I am keen to draw on our wide networks as we should be about women helping women. Our collective voice can be quite authoritative and we should be using it more vigorously. There is strength in numbers.

Ms Haban-Beer will also continue the VWL's longstanding campaign for flexible working arrangements across the profession.

This includes reduced time, part-time, jobshare, flexi-time, remote working, a compressed working week or a combination of alternatives.

We want to change the attitudes of both the firms and clients. Some people think their lawyer should be available 24/7.

Ms Haban-Beer said she chose her current employer because public law is essentially public interest law.

She said much of her interest in social justice and women's issues was ignited while working for the United Nations Office on Drugs and Crime in Bogota, Colombia in 2004 and 2005 on human trafficking legislative reform and advocacy.

This year, Ms Haban-Beer, who graduated in arts/law from Melbourne University in 2006, plans to release the VWL Women Migrants Legal Information booklet, which will outline to female migrants their rights under Australian law.

She also wishes to permanently install a system of VWL internships, widen the organisation's firm base to better reflect its membership base, encourage membership from criminal and community legal ranks and roll out regional and suburban road shows hopefully in conjunction with the LIV.

12 Firms show commitment to women

May 2010 86(5) LIJ, p.14

Source: Law Institute of Victoria

Twelve law firms were among the latest batch of 95 organisations recognised by the Equal Opportunity for Women in the Workplace Agency (EOWA) as an employer of choice for women.

Victorian Women Lawyers (VWL) convenor Astrid Haban-Beer said the firms that made the 2010 list Allens Arthur Robinson, Baker & McKenzie, Blake Dawson, Cooper Grace Ward Lawyers, Corrs Chambers Westgarth, Freehills, Gilbert + Tobin, Holding Redlich, Maddocks, Mallesons Stephen Jaques, McCullough Robertson Lawyers and Sparke Helmore Lawyers were leading their peers in demonstrating a commitment to equal opportunity in the workplace.

The EOWA citation is awarded to non-government organisations that have demonstrated policies and practices supporting women across their organisations.

To be recognised as an EOWA Employer of Choice for Women, organisations must boast a percentage of female managers the same or greater than the industry average and have pay gaps between the sexes less than the industry average.

Ms Haban-Beer encouraged all firms to go beyond the criteria for inclusion on the EOWA list.

In 2010, it is frankly unbelievable that many women lawyers are not on par with their male counterparts in terms of equal pay, she said.

EOWA acting director Mairi Steele said organisations that met the criteria were publicly declaring their commitment to making their workplaces equitable. They know they are not perfect, but they are working hard to make their organisations good places for women to work, she said.

Women still earn less than men, women are still sadly absent from many key decision-making roles in business, women are still sexually harassed and bullied in the workplace and discriminated against based on old-fashioned stereotypes and work practices. To qualify for the list, employers must also offer a minimum of six weeks paid maternity leave after 12 months of service, conduct sex-based harassment education and allow female managers to work part-time.

For more information and a full list of the organisations, see www.eowa.gov.au.

Womentoring working well

June 2010 84(6) LIJ, p.19

Source: Law Institute of Victoria

It started as an accident that became an experiment. Five years on, it has evolved into one of Victoria's leading mentoring programs involving lawyers.

The Victorian Women Lawyers (VWL) and Women Barristers Association's (WBA) law student mentoring program has experienced a big jump in participants this year.

VWL assistant convenor Kate Ashmor said the program, launched at Middletons by Court of Appeal Justice Marcia Neave, had had its most successful year ever in 2010.

There will be 137 pairs involved from around 400 students applications.

Aimed primarily at female law students who are unconnected including those who have no family or previous experience in the law or who come from regional and rural areas the program matches senior students with an older mentor. Trainees and practical legal training (PLT) students are ineligible.

Ms Ashmor said she stumbled across the program by accident after filling in at the last minute for a colleague in a meeting with the WBA and University of Melbourne law school lecturers about some sort of mentoring program for female law students.

I went as a colleague couldn't make it. It really struck a chord as I had a difficult ascent to the legal field. I had no help, no family in the law and it was a struggle, she said.

Ms Ashmor has personally matched every student with a mentor over the past three years. Matches are based on common professional interests and geography. Students from all five Victorian universities are involved.

Our goal, as well as trying to encourage the new generation of female lawyers, is to dispel a few myths and to equip them with the tools they are going to need to break through the remaining barriers for female practitioners, Ms Ashmor said. The mentoring program has great benefits for mentors as well as for those they support.

Ms Ashmor said the mentoring program was relatively informal, requiring a minimum of one face-to-face meeting a month for 12 months. She said the program had resulted in students becoming employed, as well as new friendships and networks being forged.

Final year student Nechama Zwier, who took part in the 2009 program, said the benefits of having an objective mentor were enormous. She didn't know me when we first met and so when I had a dilemma she was an independent guide, Ms Zwier told the LIJ.

For more information about the mentoring program, contact Ms Ashmor on ph 0403 334 245 or email kate@kateashmor.com.

In pursuit of excellence

July 2010 84(7) LIJ, p.24

Source: Law Institute of Victoria

The Women Lawyers Achievement Awards on 26 May recognised the achievements of women in the legal profession.

Four women have been recognised by their peers for blazing new trails in the law.

Solicitor-General for Victoria Pamela Tate SC, barrister Jane Dixon SC and advocate and author Simone Cusack were the winners of the 2010 Women Lawyers Achievement Awards held at The Chapter House on 26 May.

Ms Tate and Ms Dixon won their awards in the experienced practitioner category, while Ms Cusack won the rising star award. The awards, a joint function between Victorian Women Lawyers (VWL) and the Women Barristers Association (WBA), are presented every two years. They are intended to honour outstanding female lawyers who have achieved professional excellence and have paved the way to success for other female lawyers. Around 170 people, mostly female solicitors and barristers, attended this year's function.

VWL convenor Astrid Haban-Beer said it was critical to recognise leaders in the law, as well as female lawyers showing early promise and those whose actions encouraged other women to join the profession.

These award winners have significantly contributed to the profession and have used their skills and energies to assist other women lawyers, and women in the wider community, she said.

Also presented on the night was the 2009-2010 VWL Community Justice Award which went to Western Suburbs Legal Service and Australian Arabic Women's Group volunteer and Muslim Legal Network member Fatoum Souki.

The award recognises a student or recently admitted lawyer who, on a pro bono or volunteer basis, demonstrates a commitment to issues related to women and justice.

Awards presenter and Court of Appeal president Justice Chris Maxwell shared his strong views on the important role of women in the law, and proudly proclaimed himself a feminist. He also noted how long it took for a woman to be appointed a Supreme Court of Victoria judge.

Ms Dixon replied that when she began practice in 1984 there were no female magistrates. It was very inspiring to see in attendance at the dinner so many very impressive women judges, magistrates, legal firm partners, barristers and solicitors who would also recall the absence of women lawyers in power in those early years, she said.

Ms Dixon was the first woman to practise in criminal law at Galbally & O Bryan, before signing the Bar Roll in 1988. She was appointed an SC in 2006.

She has instructed in high-profile criminal cases, including the Russell Street bombing, and has had a heavy involvement in encouraging Indigenous Australians to view law as a career choice and in establishing Bushfire Legal Help.

Ms Tate was appointed as Victoria's first female Solicitor-General in 2003 and has appeared in a number of significant cases in the Supreme and High Courts across constitutional, human rights, administrative and planning law.

In 2005, she was special counsel to the Human Rights Consultation Committee in Victoria that recommended the enactment of the Charter of Human Rights and Responsibilities. Ms Tate signed the Bar Roll in 1991, was appointed SC in 2002 and helped implement the findings of the landmark 1998 Victorian Bar Equality of Opportunity for Women report.

Ms Cusack is strategic policy coordinator at the Public Interest Law Clearing House and an independent consultant to the World Health Organisation's project on sexual health and human rights.

She told the audience her career had benefited immensely from strong mentorship. I have been very fortunate in my short career to benefit from mentorship by some of Australia's leading lawyers. This mentorship has helped me to develop my legal skills and knowledge, she said.

It has also helped me to believe that I am capable of making a contribution to the profession and the advancement of gender equality in Australia.

Recognition of the contribution of these women is important in a profession that continues to be dominated by men in the upper echelons of decision-making and this also serves as an important source of encouragement for the next generation of female lawyers.

Ms Cusack has published and lectured widely on women's rights and recently co-authored *Gender Stereotyping: Transnational legal perspectives*.

ABC journalist and former lawyer Liz Jackson was guest speaker and spoke of her legal and journalistic careers, the ties between the two and her desire that lawyers and the media work together more often against injustice.

Ms Jackson said she was inspired to study law after seeing a docu-drama about US anti-Vietnam War protesters and their inspirational defence attorney William Kunstler, and aspiring to be a female Kunstler.

According to merit? :

Road to the top not always smooth

July 2010 84(7) LJ, p.84

Source: Law Institute of Victoria

Encouraging signs for women in the legal profession are not necessarily widespread.

Anne Ferguson made history in April when she became the first female practising solicitor to be appointed a Supreme Court judge in Victoria.

Justice Ferguson was already known to many lawyers as an experienced commercial litigator, well familiar with the courts. We all know that most appointments to the higher courts appear to be from the very experienced breadth of the Bar, so in many respects Justice Ferguson's appointment a female solicitor appointed to the highest court in the state heralds a challenge to several stereotypes about judicial appointments.

Justice Ferguson is to be congratulated on her appointment, and we are sure all lawyers wish her Honour well in this significant role.

Many of the judicial appointments in recent years have included healthy numbers of women, some from the Bar, some from lower courts, some from academia and, now, from the ranks of practising solicitors.

While these are great achievements, it would be naïve to think that progress at the top of the hierarchical legal tree is being echoed at other levels in either proportion or enthusiasm.

While the availability of empirical data is limited, organisations such as Victorian Women Lawyers (VWL) are hearing anecdotally from some female members of the legal profession that there is a perception that the prospects of senior roles for women in law firms have taken a step backwards. It is not just a result of the global financial crisis, although it should be acknowledged that these sorts of global events can exacerbate existing trends.

Yes, women in law firms have made advances. Twenty years ago, the female partner was very much the exception, part-time work was almost unheard of and having a family often meant the end of a promising career.

Now, we take our role in the profession as a given. But the reality remains that women in law firms are disproportionately under-represented at partner and senior management level.

A recent Victorian report found that 56 per cent of practising lawyers under the age of 40 were women, but that by age 40, that number was halved due to a significant drop-out rate.¹

Many young lawyers quite correctly say that they have not experienced discrimination because of their gender and see no

significant obstacles to climbing the career ladder, but the reality is that there are obstacles.

The tree-climbing potential of all lawyers in the junior and middle levels of their careers can take a serious hit if they take time off to have families, travel or for any other reason.

Interestingly, it's not just those coming back to the profession in a part-time role who face difficulties in re-establishing their careers; it's also lawyers who come back full-time who can face issues with their employers and peers.

Without doubt, it is mostly women who face issues being looked over for promotion or given what may be perceived as soft work in re-establishing themselves.

Even if such a lawyer returns to work on a full-time basis, she may not have the flexibility to stay back late when the need arises, attend evening seminars, committee meetings, or participate in client drinks. She might just have to leave at 5pm and for some firms that signals a less than ideal work commitment.

There is no question that being available at all hours, late at night and weekends, working the 60-70 hour week as well as maintaining and contributing to professional societies is often regarded as a prerequisite to climbing the career ladder.

If that is the case, then particularly women with other responsibilities will always be at a career disadvantage. Is the solution as simple as implementing structural changes to make workplace flexibility a more meaningful construct? And if so, how do we go about doing this?

While we continue to applaud the achievements of women in the profession and rely on such women to be successful role models and mentors, we must not be complacent. Equality of opportunity must extend beyond merely offering part-time work, flexible hours and paid maternity leave.² Within firms we need structural and cultural change which hopefully will encourage the valuation of skills and capabilities of lawyers, not in relation to how much time they spend at the office, but on the basis of the good work that they do and the outcomes they achieve.

1. The Age Good Weekend magazine, 1 May 2010, p17.

2. The VWL is currently preparing to launch a report, *Do you manage?*, which contains two practical tools designed to enhance the likelihood of flexible work arrangements succeeding. It is also proposing to arrange a panel discussion on the topic *Are we going backwards?* Check the VWL website www.vwl.asn.au shortly for details.

The Making of Julia Gillard

August 2010 84(8) LJ, p.32

Source: Law Institute of Victoria

On 24 June this year a former Melbourne lawyer became Australia's first female Prime Minister.

Julia Eileen Gillard was sworn in as Australia's 27th and first female Prime Minister on 24 June after Kevin Rudd stepped down rather than face a leadership ballot.

Following the switch, the former Melbourne lawyer a Slater & Gordon partner at 29 had an baptism of fire.

In her first 15 days as Prime Minister, Ms Gillard:

- took stewardship of a changing Labor Cabinet;
- announced a proposal for a regional asylum-seekers processing centre in East Timor then backed away from it before recommitting to the concept;
- warned of further casualties in Afghanistan;
- effectively dealt with the resources super profits tax after a spiteful battle between the mining sector and Rudd government;
- began to develop Labor's climate change policy;
- ruled out legalising gay marriage; and
- said that she did not believe in God and to pretend otherwise would be a slap in the face to those who did.

Her appointment drove an initial polls surge that would have seen Labor re-elected and then subsided as the weeks wore on.

The Altona resident also said she would not move into the Lodge unless endorsed by the Australian people at the next election.

It is my intention to lead a government that is focused each and every day on meeting the needs of working families around the country, Ms Gillard said at her first press conference as Prime Minister.

She arrived at the top job following marathon meetings with Mr Rudd and factional leaders on 23 June, after which Mr Rudd told a 10.30pm media conference that Ms Gillard had asked him to hold a leadership ballot in the 115-member caucus the following day.

Mr Rudd said that he would challenge Ms Gillard at the caucus, but before the vote stood aside as leader when he realised that he did not have enough support to overcome Ms Gillard's challenge.

After being sworn-in by Australia's first female governor-general, Quentin Bryce, Ms Gillard told the media she believed the Rudd government went off the tracks and I came to the view that a good government was losing its way.

Ms Gillard joins a handful of women who have become leaders of Western countries, including Germany's current Chancellor Angela Merkel, former New Zealand Prime Minister Helen Clark and Britain's Margaret Thatcher.

Victorian Women Lawyers convenor Astrid Haban-Beer said the events of 24 June would be long remembered as an historic occasion for women in Australia.

The Prime Minister is a leader for all Australians, and it is incredibly significant and meaningful for women to be in positions of leadership. It is equally meaningful for all members of the community, whatever your political alliances, to witness such leadership, she said. We hope Ms Gillard leads the government with integrity, honesty and compassion.

Ms Gillard had been a rising Labor star since 2006 when, already tipped as a future leader, she agreed to back Mr Rudd's bid to replace Kim Beazley as Labor leader and Jenny Macklin as deputy with a Rudd-Gillard team. With the duo at the helm Labor won government in 2007 after 11 years in opposition.

When asked on ABC radio a week after her elevation to Prime Minister if it bothered her that there seemed to be more focus on her appearance than those of her male predecessors, she said she expected all of that. At the end of the day I hope people judge me on the work I do rather than the way I wear my hair, or the clothes I have on my back, she said.

Ms Gillard was raised in Adelaide but cut short her courses at the University of Adelaide in 1982 to move to the University of Melbourne after being elected a full-time office bearer of the Australian Union of Students.

She graduated with a Bachelor of Arts and Bachelor of Laws in 1986 and the following year joined Slater & Gordon, where she was a solicitor for eight years and a partner for five.

Ms Gillard moved from practising law to state politics in 1995 as chief of staff to then Victorian Opposition leader John Brumby. She won the Lower House seat of Lalor at the 1998 federal election and became Mr Rudd's deputy nine years later. She was shadow Health Minister from 2003-06 and the Minister for Employment and Workplace Relations, Education and Social Inclusion since 2007.

During that time she removed the Howard government's controversial WorkChoices industrial relations regime and replaced it with the *Fair Work Bill*, which established a single industrial relations bureaucracy Fair Work Australia.

In 2009, she oversaw the government's Building the Education Revolution program, which allocated \$16 billion to build new school accommodation including classrooms, libraries and assembly halls.

According to merit?:

The unreasonable man

September 2010 84(9) LJ, p.76

Source: Law Institute of Victoria

Introducing the crime of defensive homicide may have solved one legal problem but it is by no means a perfect solution.

This year a Supreme Court jury found that at the time Luke John Middendorp stabbed Jade Bowndes four times in the back, he had genuinely feared for his life.

The jury members made such a finding even though Middendorp was heard to call Bowndes a filthy slut who got what she deserved as she lay dying in the street outside the home they once shared. They made the finding despite the fact that Middendorp is over 183cm tall, weighed nearly twice as much as Bowndes and was subject to an intervention order on account of previous acts of violence towards her.

The jury believed Middendorp had feared for his life and convicted him of defensive homicide, rather than murder.

In sentencing, Justice David Byrne stated that [i]t appears that the jury accepted or, perhaps, were not prepared to reject your evidence, that she came at you with a raised knife in her right hand and that you saw yourself as being at risk of death or really serious injury.

Such a decision was open to the jury because of changes made to Victoria's homicide laws in an effort to address the sexist nature and operation of the law of provocation.

There were no witnesses to the acts that took place inside Middendorp's home. No one could contradict Middendorp's evidence that he had feared the attack of his ex-girlfriend. That the fear Middendorp claimed was totally unreasonable does not undermine the jury's finding.

To the contrary, unreasonableness of the belief is an element of the crime of defensive homicide.

On 5 October 2005, Victorian Attorney-General Rob Hulls introduced legislation to abolish provocation as a partial defence to murder. In its place, "defensive homicide" was added to the *Crimes Act*(Vic).

To make out defensive homicide, the accused must show that he or she held a genuine belief that his or her life, or the life of another, was in danger but, unlike for the complete defence of selfdefence, that belief was unreasonable. Defensive homicide carries a maximum penalty of 20 years imprisonment the same as manslaughter.

At the time of its introduction, Mr Hulls described the changes to the *Crimes Act* as the most significant reforms to homicide laws since the death penalty was abolished 30 years ago.¹ He noted the defence of provocation promotes a culture of blaming the victim and has no place in a modern society.

Almost five years on, defensive homicide has been successfully raised to reduce the convictions of a few Victorian men and not one woman.

Defensive homicide removes the sexist acceptance of rage as an excuse for killing but suggests that a fear of imminent endangerment of life in situations of domestic violence is an unreasonable one. Would it really be unreasonable for a woman to believe that her persistently violent partner, who has caused her hospitalisation previously, has breached intervention orders and threatened her when she has tried to leave, will eventually kill her?

And how does a jury measure unreasonableness? Provocation set too low a standard in requiring only that the provocation complained of might have caused a reasonable man to react in a violent way. Defensive homicide is more problematic in asking a jury to apply a standard of unreasonableness to an accused's behaviour.

Should defensive homicide be open only to self-defence that was a bit unreasonable or should it extend to anyone who kills another with no witnesses and tells a tale of fear?

And how unreasonable must a belief be before it cannot possibly be held to be genuine? It must be that, at some threshold point of unreasonableness this law becomes internally inconsistent. A certain level of unreasonableness inherently makes the genuineness of a claim questionable.

We applaud Mr Hulls for having the courage to do away with the law of provocation and for his government's attempt to replace it with a more even-handed partial defence for killings that should be considered less heinous than murder. However, five years on, the Middendorp case has shown that there is much law reform work to be done in this area.

Victims of domestic violence will not be served by the law of defensive homicide. Middendorp has shown that all that is needed is proof of a tempestuous relationship and an absence of living witnesses for this new test of the unreasonable man to be taken out for a spin with devastating effect.

1. Crimes (Homicide) Bill second reading speech, Victorian Parliament Legislative Assembly Hansard, 26 Oct 2005, p1836.

Forum for victims

Hannah Knight 11/08/2010

Source: Sunraysia Daily

Mildura's sexual assault unit has high client base

SEXUAL assault will be cast into the spotlight on Friday. The Victorian Women Lawyers Justice Committee will present a free forum at 2pm on Friday at the Mildura Brewery Pub.

The event is designed to provide information about services available to victims of sexual assault.

"It's open to all members of the public, including lawyers, teachers and police," event spokesperson Eliza Garrett said.

"It's something we take to different regional areas and this time we wanted to head north a little bit.

"A few people from Mildura will be speaking so it will be very informative."

One in five women and one in 20 men have experienced sexual violence since the age of 15, according to the Australian Bureau of Statistics.

A recent report highlights there were 18,800 victims of sexual assault reported to police in 2009. Twenty-five per cent were aged between 10 and 14-years-old and a staggering 67 per cent were under 19 years of age.

The State Government this year opted to continue funding Mildura's multidisciplinary Mallee Sexual Assault and Domestic Violence Unit the state's only integrated sexual assault and domestic violence centre.

A Mildura sexual assault worker said the government had identified Mildura as an area of concern. "When they looked at identifying areas they looked at where the significant rates were," she said.

The Mallee Sexual Assault Unit had 400 new clients in 2008/2009, according to its annual report. Alarming, 31 clients were under four years of age, 44 were aged between 10 and 14 and 63 of them were aged between 15 and 19. "We see a lot of kids," the sexual assault worker said. "We know statistically the offender is often known to them. That's why it's so hard for them to say anything."

Guest speakers at Friday's forum will include: Sunraysia Community Health Services counsellor Karen Martin; Det-Sen-Constable Sharon Tipping; Waller Legal principal Dr Vivian Waller; and Aboriginal Family Violence Prevention Legal Service workers Janine Wilson and Rebecca Boreham.

To RSVP for the event email register@liv.asn.au.

Comment

Astrid Haban-Beer

Convenor, Victorian Women Lawyers Association (VWL)

One does not have to look too hard to find a woman in the law who believes that she's been passed over for promotion several times in favour of a male counterpart.

So what happens when a young, smart woman who has been in the legal profession for a number of years gets promoted to a senior position? Is there a chorus of "Congratulations to you, very well done"? In the example currently under media scrutiny, it is not clear. Perhaps there were such congratulations - privately. Publicly there is rumour hinting of scandal surrounding the appointment of a female lawyer to the position of Associate Crown Prosecutor.

The real scandal as far as Victorian Women Lawyers' Association is concerned is that the public is not debating the actual issue – the continued existence of discrimination against women in professional industries. When it comes to promotions of women, it seems there are many assumptions made (and championed by those with loud voices) based on damaging, historical prejudices about why someone gets appointed to a position.

Why is it that when a young woman gets a promotion to a plum position, there are those who infer that the appointment must not have been based on meritorious selection - rather, that it must have been made for another reason, such as a relationship with the boss? Such a view not only perpetuates damaging stereotypes about women, but reflect poorly on the legal profession and civil society. I suggest that assumptions are made about appointments of women, because of a reluctance to accept that women actually are meritorious candidates for many roles - including those at the top of the legal sphere, in the political world and in business.

I am aware that some months back there were several appointments to the role of Associate Crown Prosecutor, and also that the appointments were subject to independent review and ratification by no less than a panel of people comprising senior staff from the Department of Justice and the Victorian Government Solicitor. This suggests that given these checking mechanisms - appointments could *only* be made meritoriously and by consensus. I, along with everyone else who was not on the panel, am not in a position to comment on the facts of these particular appointments. It is the responsibility of selection panels to make those choices about individual candidates. Allegations such as those made and taken up by the media from non-panel members challenging the outcomes reached by such panels can *only* be damaging to the individuals involved, the organisation itself and the profession.

A further, equally uncomfortable suggestion arising from this recent example is a veiled sentiment that rather than women jumping in leaps and bounds in the profession, they should be moving slowly, climbing the ladder one rung at a time. Men move in career leaps and bounds all the time, and what is the response? It is usually "what an impressive young man."

Would the same allegations and assumptions have been made if a young male had been appointed and the organisation head was a woman? We do need to ask ourselves what our attitude would be if the roles were reversed. Certainly there has been little comment made on the other appointments some of which I assume were male. Would a man's appointment have involved allegations of an inappropriate sexual relationship? If there was such a suggestion how would the legal profession have reacted?

Asking these questions in the first place is necessary, even if hard. It does involve examination of one's own stereotyping and prejudices. However, to question attitudes, especially those that have been articulated in relation to the appointment of a female lawyer to a senior position is essential. Without doing so the legal profession and wider society will find it difficult to truly champion equitable and meritorious approaches to the promotions of all candidates to senior positions, men and women.

Any queries should be directed to Astrid Haban-Beer,
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Women of law

Breakfast celebrates the contributions of women to the legal profession



MANY Aboriginal and Torres Strait Islander women work for their

communities in corrections, Koori Courts, justice agencies, in the legal and police fraternities, and in law firms and agencies across the country.

Often, as in other key areas of Australian society, the contribution they make to education, law and justice is not always appreciated.

But it was duly noted – celebrated, in fact – at a sold-out breakfast held in Melbourne last week.

The event attracted 180 people and raised funds to support Tarwirri, the Indigenous Law Students and Lawyers Association of Victoria. It was hosted by Victorian Women Lawyers (VWL), in conjunction with Tarwirri, and sponsored by national plaintiff law firm Maurice Blackburn through its Women's Law Section (WLS).

Guest speakers were Children's Koori Court Elder Pam Pedersen, Deputy Chief Magistrate Jelena Popovic and barrister Munya Andrews.

VWL Convenor Astrid Haban-Beer said having diversity in the legal profession

was extremely important.

"Indigenous women are among those who are underrepresented in the legal profession, however, it is good to see that there are many women out there who are currently studying law degrees and trying to get work experience," Ms Haban-Beer said.

"The problem that many women face when trying to enter the legal profession is a lack of opportunity. In an already competitive market, Indigenous women are missing out on graduate jobs."

Work together

Ms Haban-Beer said it was important that members of the legal profession worked together to create opportunities for the advancement of all women in the law, 'but particularly for those whose road into it has been challenging'.

Tarwirri President Holly Charles Ireland said the association was proud to be associated with the breakfast and to work on it with Maurice Blackburn and VWL.

"(We're) delighted with the response we have received from the wider legal profession and the Aboriginal community in

their support of this sell-out event," she said.

"It is timely that these women are recognised for their contributions, given that Aboriginal and Torres Strait Islander women are often the backbones of strong communities."

Maurice Blackburn WLS co-convenor Janet Van der Kolk said the law firm's founder Maurice Blackburn and his wife Doris fought for and promoted the rights of Indigenous groups.

"Doris Blackburn was an original office bearer when the Aborigines Advancement League started and she also helped establish the Federal Council for Aboriginal Advancement, taking on the role as its president in 1959," Ms Van der Kolk said.

She said the firm was working to progress the opportunities and careers of Indigenous women in the law by, for example, offering dedicated Indigenous Seasonal Clerkships. She said the clerkships gave students an opportunity to showcase their talents and 'open the door' to placement within the firm as trainee lawyers.

"We encourage other law firms to follow this example," she said.

Koori Mail, 20 October 2010

Lessons of diversity:
Diary of a remote Indigenous lawyer

The lesson of expectation

Legal practice expands the mind after learning the principles and procedure of law. The development of our communication skills during law school is brief and as a practitioner our social awareness often results from our pre-law conditioning as a child, through to adulthood. We may assume that the practice of law is divided into city and rural employment, which offer two distinct work choices: professional development and higher salaries offered by urban employment, and the lifestyle choices and community networks encompassed by a rural practice. Applying for remote positions is not seriously considered on our career radar, yet such positions challenge our belief systems, our relationships and provide a reassessment of legal policy and practice in remote regions.

The expectation of conventional discourse on Indigenous affairs is generally acquired through news articles, radio, native title claims and opinion pieces from several Indigenous writers. From March this year my personal understanding and professional experience was put to the test when I accepted a posting in the Kimberley region of Western Australia. The valuable lessons learnt from serving Elders and Traditional Owner groups has reframed and contextualized the socio-legal issues that challenge our profession, the communities we serve and the organizations that aspire to operate in remote Australia.

Challenging remoteness

During a legal dinner attended by women colleagues, the discussion turned to what preparation a lawyer should have to commence employment in remote regions, especially with Indigenous communities. The discussion raised two main concerns: what cultural knowledge of Indigenous communities is necessary to work within cultural parameters; and how to be an effective practitioner in a challenging legal environment.

The benefit to lawyers seeking to embark on the challenge of remote employment is the opportunity to experience the real demands of Indigenous community needs, and to be open to understand the complex application of traditional and revitalized cultural practices that intersect legal practice. This professional and community experience challenges all parties and it may leave you wanting to return or to value the experience as part of your professional development.

Barriers in language

In remote Australia, Indigenous communities have a small number of western educated Indigenous residents, and an equal portion of the community who have nil or low level literacy skills and hold fluency in more than one Indigenous language. Indigenous language is complex, with dialects and limited numbers of accredited language interpreters that are available to assist for legal matters.



Virginia Falk, LL.M GDLP LL.B BA(Hons.) BVocEdTr

Often, local interpreters are at odds interpreting western legal concepts or policies that are clearly indescribable in language. In an intellectual property issue, there was a genuine difficulty in finding a speaker in a specific language area and the legal documents for review were in English and signed but unable to be read by the Indigenous person.

In native title matters, Elders have been confused by organizational representatives seeking Elders to sign legal documents when they are unable to read the written word. The interaction of non-literate community members with legal process and agreement making is inconsistent with non-Indigenous expectations and industry standards.

In the arts this is a significant socio-legal problem that has not been resolved, where Indigenous artists are generally oblivious to 'handshake' deals and written agreements made on their behalf. Indigenous family members raise concerns about the distribution of monies and how, in circumstances where power of attorney or wills are made, the law operates to protect the broader family interests.

Serious concerns have been raised for remote corrective service inmates who complete art works when serving out their sentence, and being unaware of their legal rights remain vulnerable to challenge authority in order to retain their works.

In any case, working in remote areas requires a grounding in general law practice or at least knowledge of the operation of civil and criminal law because the matter on which you are called to work will often involve related community issues. Indigenous communities regard lawyers as “all-knowing” in *all* areas of legal practice, which is a daunting prospect for lawyers in the early years of practice.

Cultural awareness: the new work environment

As one sets foot into a new work environment there are various inductions that take place to *settle* into a firm or new practice area. Strangely, when you arrive into a remote area you rarely have the induction or debrief you require to acclimatize to severe seasonal change, the dynamics of community group political tensions and history, the dangers of driving on remote roads and to fully understand cultural implications in communication.

As an Indigenous solicitor, working in urban and rural communities brings a range of work dynamics; in many states that are closest to the mid-eastern side of Australia there exists a common knowledge of English, where fluent language speakers who do not speak English are uncommon in other urbanized areas of Australia.

In remote Western Australia, irrespective of the resource development and immigration to remote towns, there are Indigenous Senior law community members who expect any professional visiting communities to travel accompanied by a community Elder from the area to ensure safety and cultural protocol in travelling to, or through, significant site areas.

This practice relates to high profile tourist sites, massacre, men’s or women’s sites and other sensitive cultural observances. Prior to arriving in the Kimberley I was well aware that my observance to the areas I would travel amongst must be incorporated into a series of sensitive approaches to Elders to ensure I comply. Working in remote regions also means that you need to inquire about the places you travel to, to ensure that you do not offend Indigenous communities in the course of your work.

The impact of *sorry business* on the death of a community member is happening all too often, and the implication for extended members living in nearby kinship language areas is felt deeply by the community. The demands of *sorry business* mean the cancellation or delay of appointments or legal requirements. The requirement of legal process at court or meeting timeframes in filing can be delayed, sometimes for lengthy periods of time, with limited tolerance from authorities when legal process is to be met.

The mystique of Indigenous governance

In remote areas of Australia, a lawyer may find their work environment challenging due to by inadequate resources, erratic communication connections, and unrealistic expectations from industry in the city and the lack of professional camaraderie because of remote distances, including the high cost of domestic travel. These core challenges are rarely listed in our job descriptions.

However, the ability to perform productively in a legal framework also hinges upon the structure of Indigenous organizations and the clear, unambiguous authority of Indigenous community leaders, Elders and elected representatives with whom to consult where decision-making is required in legal matters.

In contemporary Australia, there is a common perception that Indigenous communities in remote areas apply formative, traditional-based cultural practice when consultation and legal-administrative issues require action. This is an unrealistic western expectation held of many Indigenous community corporations and their legal representatives.

Often, Indigenous community residents are juggling the burden of family tensions that resonate in all areas of socio-legal interactions. The representative structure of organizations where Indigenous peoples are broadly the majority rely on Indigenous members who have a higher qualification of western education, but often do not have a senior law status for the Indigenous community that they represent. Where Indigenous community members hold office bearer or director positions, the expectation once again is that executive competence to inform or make decisions in legal matters is understood, however, this is rarely true.

A generation ago it was relatively easy to recognize Senior law people in Indigenous communities, but this has radically changed. Consequently, the requirement to seek authority for signing legal documents or to evaluate a clear and traditional consensus from the Indigenous community is often difficult. I remember sitting in an Indigenous Land Council meeting room where a Tribal Council of Senior men was held. Prior to the commencement of the meeting, all of the Indigenous men discussed which one of them was the most Senior person to decide upon an issue. Today, this is an infrequent occurrence and the confusion in identifying a culturally bona fide authority is a frustration for legal representatives, the courts and administrators.

Social justice and relationships

From 1967, when Indigenous peoples on the outback stations were recognized as legally deserving of an award wage, station owners on the outback stations decided to keep just a few workers on wages. The rest of the Indigenous work force was driven off and often forced into remote towns where the competition for housing, food and work was soul destroying.

I have had the privilege to spend many hours with Elders who remember living in the bush and being forced off country, split from family and being armed with skills that were not appreciated in country towns. The Aboriginal permit system under native affairs would not allow an Aboriginal person to leave their work place unless permission was granted by the authority, being the policeman, the station owner or the native patrol officer.

This background knowledge is significant to any lawyer working in remote areas because it underpins the fabric of Indigenous and non-Indigenous relations and the problems that face both professionals and the Indigenous community in negotiating what is important.

The kinship system in Indigenous families should normally govern the social hierarchy; however, there are times when the knowledge of western skills held by some Indigenous leaders alienates traditional Senior law people. The comforts of individualism and control are attractive.

At times there are non-Indigenous peoples working in remote regions who are given a kinship in skin-naming (that is, which family group you belong to in the marriage lines) and the inclusion into the family requires obligations, such as providing goods or services to your family, for example, the positioning of where you sit and what you can say.

Skin naming provides that customary legal responsibilities are performed under familial relationships. This may include, for example, purchases or other tangible things. A number of non-Indigenous professionals I have spoken with were originally flattered by this 'naming' but realize it impacts on your impartiality and requires a lifetime of compliance. As lawyers we can compartmentalize issues or relations into order, but the issue of accepting a familial position is relevant on many social and professional levels.

The complexity of Indigenous and non-Indigenous relationships, through the culmination of a challenged joint history, poses absorbing challenges. Whether in a professional capacity to represent or investigate Indigenous issues, or in turning your mind to understand an Indigenous worldview, it is undeniably non-generic, taxing and full of contradictions. Even for an Indigenous lawyer.

Conclusion

In 2005, when I began my doctoral studies in law, there was a moment of revelation in what the award would mean for me on conferral of the doctorate. Clearly, the doctoral study is based on a hypothesis, that is, a narrow area of study. In a room full of experts on Indigenous issues, when a hypothetical question is posed, there are obvious limitations to each expert's knowledge and the answers they provide.

In the same way, there are specific limitations in the expectations for lawyers to be fully briefed on every conceivable issue that would raise enquiry or concern for professionals.

The experience in the room of silence during communication and negotiation with Indigenous community members is equally complex and telling. Where Indigenous community members fail to communicate or attend meetings there may be justifiable and ordinary reasons for non-compliance. In remote areas of Australia, the operation of law appears to be poorly understood by Indigenous peoples who have low literacy and little English communication, and the distribution of legal brochures and paperwork is seemingly useless.

Undeniably, the rewards in working among remote regions are the time it affords for self-examination and the full appreciation of the resources we have at our fingertips in the city and many rural-regional centers.

For me, I came to the Kimberley and met my soul mate, and I am marrying him in Brisbane this year. Although the legal and social issues in remote Australia will continue to confound law and policy makers, it remains essential that understanding legal practice in remote areas requires our physical presence to improve the service to Indigenous communities.



For the women prisoners who comprise merely 11% of the Victorian prison population¹, their plights behind bars can be elusive to the community. It has been acknowledged by Corrections Victoria that the prison system is primarily designed for males.² In addition to factors such as type of offence and length of incarceration, gender should also be taken into consideration in maintaining effective corrective facilities for women. The corrective justice system should serve the purposes of punishment as well as prevention of recidivism.³ Out of the fourteen prisons in Victoria, only Tarrengower Prison and Dame Phyllis Frost Prison cater solely for female prisoners.

The majority of women prisoners are incarcerated for property-related offences as opposed to offences against persons.⁴ Despite women prisoners largely being lower-risk prisoners, they are also known to be high-need prisoners⁵ as they are more likely to suffer from a mental illness or have been sexually or physically abused prior to incarceration. In addition, as compared to male prisoners, female prisoners are more likely to be primary carers of dependent children. Unsurprisingly, children are found to be an important reason for women prisoners to steer clear of further reoffending and even prevent intergenerational offending.⁶ However, many women in custody have found it challenging maintaining relationships with their children.

In the event that family or friends are not able to care for affected children, these children are taken into home-based foster care or other forms of care. Although the care is provided, the much needed connection with their mothers in custody is only an occasional occurrence. A significant number of female prisoners only see their children once or twice in a year, despite reports of positive effects on their welfare and mental well-being which stem from a sustained relationship with their child or children during incarceration.⁷ Only a handful of children aged five and below are part of the residential program in Victorian prisons. As for most affected children, visits to the prison are vital in maintaining a relationship with their mothers. However, the infrequency of such visits can be attributed to the limitations of the correctional facilities, such as the lack of privacy and quality time. Comparatively, the UK prison system has increasingly adopted the approach of having visitor centers to cater for prisoners' visits.⁸ Nonetheless, the challenge in implementing such a scheme in Victoria is the supervision of the visits, as many female prisoners suffer from some form of mental illness.⁹ Indeed, a creative approach is needed to reap the intended benefits of such a scheme.¹⁰

Effective changes to encouraging prison visits may not be imminent but recent developments to the women's prison system have suggested that there is cause for a more positive outlook. Previously, female prisoners underwent a full strip search before any visits from outsiders. As a result, these searches led to unnecessary trauma as many of the women prisoners have experienced some form of sexual abuse. As such, the strip searches have now been modified to ensure that the dignity of women prisoners is protected, and limiting male officers' involvement in this mandatory procedure.¹¹ Moreover, it has been recently announced that full-body scanners will be introduced in early 2011 to replace strip searches.¹²

As much as the law assumes its role of meting out punitive measures, corrective justice - in particular, assisting women prisoners in the stage of pre-release from the prisons - should not be overlooked. The interests of any dependent children and their mothers in custody are imperative in ensuring that these women are able to integrate well into society upon their release and prevent subsequent reoffending. Being the minority of Victoria's prison population, the needs of women prisoners are often downplayed. This triggers the need for continued evaluation of our corrective facilities for women and any dependent children so as to ensure that justice is not incarcerated too.

1. Department of Justice (2009). Statistical Profile of the Victorian Prison System 2004-05 to 2008-09, 13.

2. Victorian Government Department of Justice (2007). Better Pathways in Practice: the Women's Correctional Services Framework, 3.

3. Claire O'Connor, 'Victims or Offenders? Mental Health Issues in Women's Prisons' (2007) 81 Precedent 26, 28.

4. Department of Justice, above n 1, 19.

5. Victorian Government Department of Justice, above n 2, 23.

6. Flat Out Inc. And the Victorian Association for the Care and Resettlement of Offenders (2006). Children: Unintended Victims of Legal Process - A Review of Policies and Legislation Affecting Children with Incarcerated Parents, 88.

7. Ibid, 81.

8. Ibid, 85.

9. Ibid, 87.

10. Ibid.

11. Anna Henry, 'Piloting a Way Forward - Strip Searching Women Prisoners in Victoria' (Paper presented at the Corrective Services Administrators Council Conference, Melbourne, 4-5 December 2007), 14.

12. Matt Johnston, 'Women's Jail Tests a Full-body Scanner to Detect Drugs or Weapons', Herald Sun (Melbourne), 16 August 2010.

A law degree is a versatile degree to hold and can open doors to many careers including in academia, government, politics, diplomacy and journalism. Profiled below are a number of women law graduates working in diverse careers.

FORMER DIPLOMAT, SENATOR AND MINISTER

AMANDA VANSTONE



My current occupation is... Apprentice serial pest (not limited to but including occasional radio commentary).

My previous occupations are... Retailer (trainee buyer/buyer (department store)/my own small retail business), wholesaler (fresh camembert and brie), lawyer, Senator, Minister, Ambassador.

What I most enjoy about my current occupation is... The freedom to choose what I do, when and with whom.

What I least enjoy about my current occupation is... The absence of working with savvy bright people, usually a lot younger such as one does in a ministerial office, and the absence of working with some of Australia's best public servants. It is an enormous privilege to have had both these opportunities (as incidentally, it is to use the world class Parliamentary Research Service).

I became a lawyer because... It gives an understanding of how the legal structure under which we live is put together...a handy thing for anyone wanting to change that structure. It also provides its own career path and is a good basis for many others.

The best advice I ever received was... From my mother: If you don't like the scenery, change it. From my grandmother: Roses are red, violets are blue, always paddle your own canoe. From Dame Roma Mitchell: Don't fret.

The advice I would give a female law student today is... See above.

Outside of the law I like to... Do a million things. Be reasonably good in another language or two, maybe learn to play the piano badly (ie. just for myself). Take some fantastic photographs.

If I weren't a lawyer... Maybe I would not have had the same opportunities...but there would have been others...You have to be a maker and shaper of your life...not just take what is dished up. If I wanted to make a career in photography like Annie Liebowitz or William Wegman, I would have had to have done it overseas. Today, with the internet living overseas may not be such an issue...but I am fairly confident I would not be that good. Nobody knows what yesterday might have brought or what tomorrow will bring. If we are lucky we still dream a little.

HUMAN RIGHTS ACADEMIC

PROFESSOR SARAH JOSEPH



My current occupation is... Professor of Law at Monash University; Director of the Castan Centre for Human Rights Law.

My previous occupations are... I have been an academic for 18 years. I haven't really had another "proper" job (besides temporary summer gigs). For example, I have never been admitted to practice law.

What I most enjoy about my current occupation is... its flexibility. I can do research on any topic that takes my fancy. I also enjoy the interaction in classes with the students. I am also able to travel a lot for work, which for me is very enjoyable. Also ... I don't have to be at work at 9am every day!

What I least enjoy about my current occupation is... marking exams. I suspect almost any academic would give the same answer. I actually think I preferred sitting them to marking them!

I studied law because... I'm afraid my answer here is pretty uninspiring. I didn't know what else to do. I got a high score in the ACT version of the VCE, so I applied for a "high scoring" university course. I was not attracted to science based subjects

like Medicine. So I did Arts-Law at the University of Sydney. Given that I never thought at all about whether law was appropriate for me, I can say that things have panned out quite well.

The best advice I ever received was... don't stay wedded to one plan. An alternative and better plan may spring up.

The advice I would give a female law student today is... bearing in mind my field, I would advise female law students to go travelling for a few months, whether it is with others or alone, including to places which are outside their comfort zone (though it doesn't have to be way outside that zone(!)). If a student is keen on a job in human rights, particularly one involving international work, she is going to have to be familiar with different cultures, including some differing and occasionally obnoxious attitudes to women. Another piece of advice I would give all students regarding any future profession is not to tolerate bullying.

Outside of my job I like to... travel, play guitar, and take photos...and (when possible) go out for lunch...a more civilised long meal than dinner!

If I weren't a lawyer... I'd like to write movies...or cool TV series like *Mad Men*! But I have only recently come to the sad realisation that I'll never be a rock star (well ... probably not).

LEGAL ADVISER TO GOVERNMENT

ZOE WONG



My current occupation is... Legal Adviser, Legal Branch, Department of Premier and Cabinet.

My previous occupations are... none - I began working at DPC after I graduated from university.

What I most enjoy about my current occupation is...

the fast pace and variety of work - you never know what you might be asked to advise on next!

What I least enjoy about my current occupation is... sometimes having to work to extremely tight deadlines without notice. However, this also adds to the interest and excitement of the job.

I became a lawyer because... lawyers have such versatile and transferable skills, which can lead to a range of interesting opportunities.

The best advice I ever received was... follow your career as though you're not following it and things will fall into place.

The advice I would give a female law student today is... there are many different ways to practise as a lawyer. Find the option that suits you best in terms of work, working environment and work-life balance. It is important to feel supported in what you do.

Outside of the law I like to... go SCUBA diving and play music with friends.

If I weren't a lawyer... I would be a marine biologist and go diving for a living!

POLITICIAN

JILL HENNESSY, MP



My current occupation is... Member of Parliament.

My previous occupations are...Solicitor, political adviser, company director and stay at home mum.

What I most enjoy about my current occupation is...

The opportunity to deliver quality education, jobs and health services to communities in the western suburbs.

What I least enjoy about my current occupation is...

The long hours of Parliament.

I became a lawyer because... I wanted to change the world, like most young law students.

The best advice I ever received was... Dance like no one's watching.

The advice I would give a female law student today is... Careers can take all sorts of twists and turns so keep focused on what makes you happy and relieve yourself of 'career competition'. It's not the end of the world if you don't get articles at the firm you want.

Outside of the law I like to do... Cooking, gardening, music and hanging out with my kids.

If I weren't a lawyer... I've always thought it would be fun to do a radio show on the ultimate contemporary music play list (a modern Margaret Throsby).

NATIVE TITLE RESEARCHER

VIRGINIA FALK



My current occupation is... Senior Research Fellow for traditional owners in the Kimberley in Western Australia. This position requires a broad range of skill sets, and law is integral to dealing with native title, interpreting and drafting funding agreements, and the cross-over of other discipline areas into formal research.

My previous occupations are... criminal solicitor, Magistrate with Moot Court, CEO NSW Aboriginal Water Trust, Associate and Researcher with the Federal Court, Lecturer in Policing NSW Goulburn Academy, and various university and tertiary institutions in teaching.

What I most enjoy about my current occupation is... working with Traditional Owners in the Kimberley and the challenges of remote regions in Australia. The Elders have been communicated a wealth of life experience and cultural wisdom, and as an Indigenous Australian this has been an enrichment of my life experience. The ability to use a range of legal, cultural and social skills in a remote region has strengthened my understanding of my own skills and that the pursuit of seven degrees was not purely an academic exercise but has contributed to my human capacity to function in difficult circumstances.

What I least enjoy about my current occupation is... the lack of understanding from city and urban regions for the complexity of remote living and the endemic issues that inhibit Indigenous communities to operate at full capacity. The humidity in some regions in the Kimberley is testing but the dry inland heat is easier to endure. The internet and mobile reception is not satisfactory in remote Australia and too many people believe email is always accessible, it's not.

I studied law because... I wanted to increase my self-esteem and provide a better life for my then four young children. After leaving school at year ten I pursued other areas of life and when I went to join the army after completing several degrees I was not called back for a further interview because I lacked year 12. Law degrees did not impress the Army. The four legal degrees, out of the total of seven, have increased my intellect and provided me and my children with a future and wonderful friends from my study years. In the future I would like to practice at the Bar and perhaps later as a Magistrate.

The best advice I ever received was... to maintain sound file notes and to ensure I receive client instructions before I act in matters. The simple tasks we were taught in law school really are underestimated and until we practice in law these simple rules are not clearly understood.

The advice would give a female law student today is... have a balanced life, surround yourself with a sound support team and be prepared to work beyond the hours that others put into their studies. Indigenous women usually have children when they commence study and it is hard on the whole family to find the extra money for law texts, meet the unyielding demands of law study, to set aside many hours to read the full cases in order to understand the why the law was applied by the court and not to be deterred by your circumstances or financial or social position in life because it is determination to stay the path that makes for success.

Outside of my job I like to... spend time with my fiancé Paul whom I met in the Kimberley and with him enjoy the wonderful sunsets, planning our wedding in December and sharing our love of life and faith.

If I weren't a solicitor... I would be a teacher at university or in my own business in another area. I have a passion for the law, and the balance we seek as Indigenous Australians in sustaining customary law with the Australian legal system. My children would not have had the start in life without my doggedness to strive and complete these degrees. To show them that the value of study is in how it enriches humanity and has us reflect on how we can contribute to equipping fellow citizens in understanding the law.

PUBLIC INTEREST LAWYER

SIMONE CUSACK



My current occupation is... Strategic Policy Coordinator at the Public Interest Law Clearing House, and author.

My previous occupations are... independent consultant to the World Health Organization's project on sexual health and human rights; Fellow in the University of Toronto's International Reproductive and Sexual Health Law Programme; Lawyer at Blake Dawson.

What I most enjoy about my current occupation is... trying to improve laws to ensure more just outcomes for everyone.

What I least enjoy about my current occupation is... not being able to assist certain individuals because of the absence of comprehensive human rights protections in this country.

I became a lawyer because... I wanted to help others fight injustice.

The best advice I ever received was... try to establish an international network of people working on the same issues/causes as you.

The advice I would give a female law student today is... build a career that caters to your needs and interests rather than one that responds to society's expectations of women.

Outside of the law I like to... cook but I can only make one thing well (carrot cake!).

If I weren't a lawyer... I'd like to be a surgeon but I am not sure I could handle the lack of sleep.

INSOLVENCY LAW BARRISTER

KIM KNIGHTS



My current occupation is... as a Barrister. My practice is in commercial law with specialisation in insolvency.

What I enjoy most about my current occupation is... the intellectual stimulation and the advocacy. Although I do only love the sound of my own voice when I feel I have something worthwhile to say (yes that is subjectively assessed).

What I least enjoy about my current occupation is... getting briefed late in a case that has a problem that could have been resolved if I had have been briefed earlier.

My former occupation was... as a solicitor with Clayton Utz for 5 years and Freehills for 3 years. Having been at the Bar for almost 12 years, that is now a distant memory.

I became a lawyer because... I thought I could make a difference. Didn't we all?

The best advice I ever received was... "don't sit on the fence".

The advice I would give a female law student today is... don't sit back waiting for luck to come your way. Make what you want happen.

Outside of the law... I have two gorgeous children: Hugo and India.

If I weren't a lawyer... unthinkable since I got the marks to get into law. Law had been my long held goal. One thing is for sure: I don't have the skill to open a restaurant.

SOLICITOR

JENNIFER ROZEA



My current occupation is... Senior Associate in the litigation team at Kalus Kenny Lawyers.

My previous occupations are... In my teens I worked in hospitality. In the UK I was the PA to the chief executive of a mental health charity (a great job working for a very inspiring man) and I also worked in a pub. Whilst I was studying law I worked in the mailroom at Blake Dawson Waldron, followed by stints as a registration clerk, billings clerk and paralegal.

What I enjoy most about my current occupation is... The exposure to a variety of different cases, not being pigeon holed in one area of commercial litigation, working under an experienced partner and mentoring the junior staff.

What I least enjoy about my current occupation is... Managing difficult clients. Unfortunately this can sometimes be a by-product of litigation.

I became a lawyer because... I would like to say I had idealistic aspirations to help people in need, however the truth is I enjoyed public speaking and debating at school, and LA Law was one of my favourite shows! They rarely lost a case on LA Law.

The best advice I ever received was... That unlike LA Law cases are lost from time to time! Seriously, I have received a number of good pieces of advice over the years from a variety of practitioners, including the importance of attention to detail, learning from one's mistakes and having confidence in my own ability.

The advice I would give a female law student today is... There is a wide variety of careers and options available to you within the field of law. Find a role in an area of law you enjoy in a firm, corporation or government department that suits you. Most if not all jobs in law require serious dedication so it is important you do not settle on a particular career path, but select one which will give you fulfilment.

Outside of the law... I love food and wine, either shopping for produce and cooking meals at home, or eating out. I also love exercising (it's the only way I can enjoy all the food) and travelling.

If I weren't a lawyer... my dream job is to be a food critic.

JUDGE'S ASSOCIATE

KATE BURGESS



My current occupation is... Associate to a Supreme Court Judge.

My previous occupations are... prior to working at the Court, I worked at Slater & Gordon in both personal injury and commercial litigation.

What I most enjoy about my current occupation is... interacting with a wide range of people in an intellectually stimulating environment. Working with judges is an absolute privilege and I have learnt a lot from them. Overall, the Court is a wonderful place to work.

What I least enjoy about my current occupation is... I do miss being involved hands-on in civil dispute resolution - but working at the Court offers another perspective on criminal and civil dispute resolution.

I became a lawyer because... I want to be an advocate for change - even if it is one small change in one person's life.

The best advice I ever received was... to front up! No matter how daunting a task may be, don't shy away from it, just face it head on!

The advice I would give a young woman today is... to grab every opportunity, no matter how small it seems at the time. You never know who you might meet and the opportunities that will appear down the track.

If I weren't a lawyer... I would travel the world for a living - somehow.

INDUSTRIAL LAW BARRISTER

RACHEL DOYLE, SC



My current occupation is... barrister, the Victorian Bar. My areas of practice are industrial, constitutional, administrative and common law, and Royal Commissions.

My previous occupations are... Associate to Justice Dawson of the High Court; part time researcher, Director of Public Prosecutions (South Australia).

What I most enjoy about my current occupation is... The diversity of work and the stimulation of learning something new every week.

What I least enjoy about my current occupation is... The long hours.

I became a lawyer because... I wanted to use the opportunities afforded me to speak for those not able to speak for themselves.

The best advice I ever received was... From Justice Kevin Bell (before his Honour's elevation to the Bench) – to go straight to the Bar rather than working as a solicitor first.

The advice I would give a female law student today is... Work hard. Play hard. Stay sane.

Outside of the law I like to... Read, write and talk, much the same as I do in the law.

If I weren't a lawyer... I would be a writer.

HEALTH SERVICES COMMISSIONER

BETH WILSON



My current occupation is... Health Services Commissioner, Victoria.

My previous occupations are... factory worker plucking chooks and working on the frozen pea belt, librarian/researcher to the Victoria Law Foundation, legal Member of the Social Security Appeals Tribunal, Senior Legal Member of the Workcare Appeals Board, President of the Mental Health Review Board.

What I most enjoy about my current occupation is... The ability to make a difference for people struggling to have their issues within the health system resolved in a non-adversarial way.

What I least enjoy about my current occupation is... Working on weekends and on cold, dark nights.

I became a lawyer because... It gives me the skills to not be bluffed and bull dusted by other lawyers.

The best advice I ever received was... "Be yourself!" (the advice was from Professor Louis Waller).

The advice I would give a female law student today is... Make friends with as many other female lawyers as you possibly can.

Outside of the law I like to... Play harmonica.

If I weren't a lawyer... I'd train to be a lawyer. I guess I just can't help myself.

CRIMINAL LAW BARRISTER

MUNYA ANDREWS



My current occupation is... a barrister specialising in criminal law but have an interest in civil matters such as property law and medical negligence.

My previous occupations are... solicitor, legal academic, actor.

What I most enjoy about my current occupation is... the freedom of working for myself and not being restricted in a law firm or having people watch over and judge me. The lifestyle totally suits my personality. I am honoured and privileged to advocate on behalf of those who cannot advocate for themselves.

What I least enjoy about my current occupation is... nothing...I absolutely love what I do.

I became a lawyer because... I feel I can make a difference and contribute to society in a positive and empowering way.

The best advice I ever received was... from my mentor Mary Anne Hartley, SC who said to me: "Munya, just let your reputation speak for itself" (and the criticisms from others can just fall away!!).

The advice I would give a female law student is... watch your sisters!! Unfortunately there is no sisterhood. They can be viciously threatened.

Outside of the law... I have many eclectic interests - writing, astronomy, architecture, science, personal growth work, spirituality.

If I weren't a lawyer... Mmmmm perhaps a Buddhist or other nun living solitarily in a convent or cave!! But whatever I would do I'd be giving 110% as always.

GOVERNMENT SOLICITOR

JULIE FRASER



My current occupation is... as a lawyer in the regulation litigation team at the Australian Government Solicitor, and I am also the President of the LIV Young Lawyers' Section.

My previous occupations... include being a check-out chick, volunteer and paralegal.

What I enjoy most about my current occupation is... working on legal issues in the public interest and the continual (and often steep!) learning curve that occurs from engaging with diverse applications of the law. My favourite part about my role with the LIV is working with so many fabulous young lawyers from across all areas of the law and having the chance to actively shape the future of the profession.

What I least about enjoy my current occupation... is the fact that there are never enough hours in the day, and that as a junior lawyer you are never in control of your own time!

I studied law because... I loved history at school and while preparing for my final exams, I realised that my favourite characters, and some of the most inspiring, creative, dynamic, brave and effective leaders and figures throughout history, were also lawyers.

The best advice I ever received was... to be persistent and bold, because people are like turtles, we only make progress when we stick our necks out.

The advice I would give a female law student today is... being confident is a choice - so choose it!

Outside of my job I like to.... travel, learn languages, dance to world music and, perhaps more indulgently, daydream about being a global crafts trader in textiles, jewellery and art!

If I weren't a lawyer... I think I would be a teacher, because it occurs to me more and more that education is everything in life, and a better future is dependent upon it!

INTELLECTUAL PROPERTY LAW BARRISTER

ELSPETH STRONG, SC



My current occupation is... that of a barrister (Senior Counsel). I practise in the commercial area with a particular interest in intellectual property.

My previous occupations are... Judge's Associate (Supreme Court of Victoria), part-time Senior Tutor (Faculty of Law, University of Melbourne) and English Co-ordinator (Penleigh and Essendon Grammar Co-education Senior School).

What I enjoy most about my current occupation is... appearing in Court and having a high degree of autonomy in my professional life.

What I enjoy least about my current occupation is... the way it intrudes into my weekends and holiday periods.

I became a lawyer because... I wanted to do something myself in the mainstream of the community rather than preparing others for life!

The best advice I ever received was... from my mother who encouraged me to leave the security of teaching and take a chance on law. As to the uncertainties of making my way, she said, "Elspeth, I'd be like Scarlett O'Hara and worry about it tomorrow!"

The advice I would give a female law student today is... to be careful not to allow the law to swallow her life.

Outside of the law I like to... (apart from the family) play tennis, go to the theatre, practise my French conversation and read histories and biographies.

If I weren't a lawyer... I'd be a writer.

COMMUNITY LEGAL SERVICE LEGAL TRAINEE

ABIGAIL OGADA-OSIR



My current occupation is... legal trainee at Fitzroy Legal Service.

My previous occupations are... volunteer coordinator at Fitzroy Legal Service, admin officer for a community group for ex-political prisoners in Timor-Leste, construction worker, waitress, tutor, volunteer coordinator in refugee settlement, bar tender, market stall owner, and a brief stint counting traffic.

What I most enjoy about my current occupation is... Learning from inspirational clients and co-workers.

What I least enjoy about my current occupation is... The price of coffee on Brunswick Street.

I became a lawyer because... When I was in kindergarten I wanted to be a tree frog. When that aspiration fell through, law seemed like a perfect idea.

The best advice I ever received was... "Be happy for this moment. This moment is your life."

The advice I would give a female law student today is... I feel a little too new to the job to offer insightful advice. However, I'd probably say try to stick with it. If you're not feeling very inspired, perhaps try something new - like volunteering at a community legal centre. There are many diverse and amazing ways that you can use the skills from your law degree.

Outside of the law I like to... Paint and play guitar.

If I weren't a lawyer... I'd be a legal trainee at Fitzroy Legal Service.

In 2010, VWL was lucky enough to once again benefit from the Victoria Law Foundation Legal Sector Internship Program. This program is an opportunity for law students to gain experience in the broader legal sector, particularly in legal policy areas, by being placed in an organisation to undertake legal work. Student interns work for a total of 20 days with their host organisation.



Sarah Spottiswood

Sarah Spottiswood

My name is Sarah Spottiswood and I am a 4th year Arts/Law student at Monash University. I have found my law studies so far to be relevant and intellectually stimulating. I am also completing a double major in Politics and Japanese as part of my Arts degree. The highlight of my degree so far has been my study abroad at the University of California, Berkeley, USA.

My legal and politics background was a key reason I was eager to learn about careers in legal policy with Victoria Law Foundation. Victorian Women Lawyers plays an important and useful role in the Victorian legal sector and this is an incredible opportunity to understand how the organisation works internally. Considering more than half of law graduates are female, encouraging and promoting equal access to all areas of the legal profession for women is a particularly pertinent part of the work of Victorian Women Lawyers which I am excited to learn about. On my part, I hope to contribute to Victorian Women Lawyers, enthusiasm and a keen interest in research.

As part of my internship program, I am also looking forward to attending a number of career seminars presented by various internship host agencies in collaboration with the Victoria Law Foundation, including the Victorian Bar and Liberty Victoria. The insights I gain into areas of legal policy and the legal profession in general through my internship at Victorian Women Lawyers will be a fantastic foundation on which to pursue a career in the law.

In 2010, following great success with 2009 interns Emilia Michael and Yagmur Cagrier, VWL applied to host two interns. Our interns for 2010 are Sarah Spottiswood and Kathryn Sharpe. Kathryn undertook a winter internship with the Women Migrants' Legal Information Project, making a valuable contribution by undertaking research, conducting consultation and preparing draft papers for the Committee. Sarah will undertake her internship in summer 2010 / 2011. A feature on Sarah can be found below.

VWL is grateful for the invaluable support of Corrs, who has hosted our interns, providing them with accommodation, all the necessary equipment, and warm support and encouragement.



About the Committee

The Justice Committee undertakes activities designed to raise awareness of issues relating to social justice, particularly issues that involve women and the law. In line with this year's theme 'diversity', the Justice Committee hosted a number of events in partnership with other organisations in the same sphere.

Melanie Hodge resigned her position as co-chair of the Justice Committee mid-2010 and the Justice Committee extends its gratitude to Melanie for her time and work as co-chair of Justice. Melanie is an Executive member of VWL and chair of VWL's Law Reform Committee.

Patricia Athanasiadis and Meg Fitzgerald were elected co-chairs for 2010 and after an initial rescheduling of meeting dates, attendances increased and we have a number of new members. The Justice Committee would like to thank all of the committee members for their hard work and support throughout the year and in particular Astrid Haban-Beer, Melanie Hodge, Claire Humble, Kaylene Hunter, Vivian Waller, Catriona Penman, Cherrie Mansur, Janet Van der Kolk and Akane Kanai for their extra hard yards.

Justice Activities

The Justice Committee hosted a number of exciting events throughout 2010.

Pro Bono and Community Work Forum

On 6 May 2010, the Justice Committee along with Blake Dawson hosted the annual Pro Bono and Community Work Forum. This free event took place in order to promote the excellent work undertaken by practitioners in community organizations, and on a pro bono basis, contributing to social justice for Victorians, with a focus on specialist legal centres. We also launched the Community Justice Award 2010, an award for a law student or young lawyer who has contributed significantly to social justice through volunteer work, community legal work or pro bono assistance.

The event is open to our membership as an information and networking opportunity for those who are interested in becoming involved in pro bono or community legal work. We hope to facilitate contact between our audience members and community organisations, and to assist our audience to understand the many ways in which they may become involved.

Three speakers from different areas in the community legal sector were invited to speak on their organisations, on how individuals can get involved and on the pros and cons of their positions.

Our first speaker was Meghan Butterfield. Meghan is the supervisor at the Joint Legal Clinic run by Springvale Monash Community Legal Service and the South Eastern Centre Against Sexual Assault (SMLS/SECASA), and a lecturer at Monash University. Meghan provided attendees with a brief history and current makeup of the Joint Legal Clinic and explained that the reason for the merge was because there was a gap in the legal fraternity of lawyers who could act for and represent victims of sexual assault.

Currently SMLS/SECASA has 15 volunteers and all but 2 of those volunteers are Monash University students who have participated in the Professional Practice Program. Meghan explained what work was conducted by volunteers, including how volunteers are required to attend on Monday evenings between 6pm and 9pm, have the care and conduct of files, file Victims of Crime Assistance Tribunal applications and respond to and draft correspondence.

Nicola Rivers from the Environment Defenders Office (EDO) was the second speaker on the night and her background was as a lawyer for the Federal Government working in the areas of marine policy, climate change and crime. Prior to that role, Nicola was a solicitor in Western Australia. Nicola explained that the EDO is a not-for-profit organisation that provides legal expertise to help the environment and, as they only take on public interest work, their client basis is predominantly local communities. The four main types of work that the lawyers at EDO do are advice, case work, community legal education and litigation.

Our third and final speaker was Zion Walker-Nthenda from Womens' Legal Service Victoria (WLSV). Zion was admitted to practice in 2001, has a background in intellectual property law and documentary film making, and now works in law reform. WLSV was established in 1981 as a not-for-profit organisation and assists clients in the areas of family law and victims of crime compensation. WLSV offers the duty lawyer service at the Federal Magistrates', Family and Magistrates' Courts, and provides a drop in clinic and telephone advice service. Approximately 60 lawyers volunteer at the night service at WLSV and those lawyers need not have experience in family law. WLSV also provides a day service that is staffed by students. Students participate in client interviews, attend court, and assist with the preparation of court applications and briefs to counsel.

Zion identified the benefits of volunteering at WLSV, and our panel agreed that these were comparable in all community legal centres, as providing great training in a supervised arena, whilst also giving law students and lawyers the opportunity to experience different cultures, and develop skills that are transferable into the workplace.

All of our speakers made it clear that they loved their jobs. Whether it is because it provided the option of working flexible hours, having interesting work or just being able to work with individuals with a social conscience, our speakers encouraged all lawyers to become involved in providing pro bono assistance.

If you are keen on becoming involved, give a community legal centre near you a call. They will surely be glad for your assistance.

Hear Me Roar: a collaborative event between Lawyers for Animals and VWL

On 20 May 2010, a forum focusing on the intersection of equal rights and animal rights in society and how this intersection is reflected in law was hosted by the VWL Justice Committee and Lawyers for Animals as part of Law Week 2010. At this forum, the VWL membership and members of the public had the privilege of listening to Melbourne University research fellow Dr Siobhan O'Sullivan, and former Victorian Commissioner for Equal Opportunity Moira Rayner.

Alternatively passionate and humorous, Siobhan and Moira turned upside down pre-conceived notions of who or 'what' deserves rights. They spoke of the way in which the conceptualisation of rights holders has been extended in Western society, initially from white men, to other members of society, including women, people of colour, people with disabilities, gays and lesbians. Now, animals are the most vulnerable and voiceless members of society and, it was argued, they require a voice and robust protection under the law. The animal rights movement, it was said, could be inspired by the strides forward made by different equal rights movements.

The speakers pointed to the feminist movement which had highlighted the difficulties women suffered in a strict division between the public and private spheres. Siobhan argued, as humans have property in animals, that animals are automatically relegated to the private sphere, meaning that their suffering is unseen and easy to ignore. Thus, it is hugely important for the suffering of animals to be made public in order to inspire the public outcry required to effect change.

The voluble and charismatic Moira Rayner spoke on important human rights cases that had expanded on the notions of 'rights', ranging from American cases on slavery to *Roe v Wade*. "Of course I'm a feminist" she said during her speech, "I'm a woman". But what Moira emphasised was the vital importance of empathising with the Other, more than simply identifying with a cause based on self-identification. The audience took this final

message away with them to the post-event drinks, where many rounds of vegan wine were enjoyed and regretted the day after.

Indigenous Student and Practitioner Engagement

On 14 October 2010 at the Melbourne Town Hall, VWL hosted a breakfast, "Women's Business in the Law", proudly supported by Maurice Blackburn Lawyers, Tarwirri and the City of Melbourne. The Breakfast celebrated Indigenous women in the law, and encouraged the legal profession to create opportunities for Indigenous people, especially women - recognising that Indigenous women are often amongst those who face barriers in entering and advancing within the profession. The event provided a great opportunity to bring together Indigenous and non-Indigenous members of the legal profession in the spirit of reconciliation, as well as fundraising for Tarwirri, Victoria's peak advocacy body for Indigenous law students and lawyers. Melissa Castan moderated the Breakfast whose speakers featured Deputy Chief Magistrate Jelena Popovic, barrister Munya Andrews and Koori Court Elder Pam Pedersen. VWL was pleased to subsidize the cost of this breakfast for all attendees, to encourage attendance from all who are supportive of this important event. Proceeds of the raffle and any profit of the event were donated to Tarwirri.

Justice 2011

The Justice Committee is already setting its agenda for 2011 and with a host of calendar events already on the way, we hope members will benefit from the varied and important social issues that the Justice Committee seeks to bring to the forefront.

On behalf of VWL, Patricia and Meg congratulate all the members of the Committee on an excellent year of activities and thank them for their valuable contribution.

Please contact Patricia at Patricia.Athanasiadis@justice.vic.gov.au or Meg at mfitzgerald@landers.com.au if you are interested in joining the Justice Committee, participating in any of our events or contributing to law reform submissions.

The Law Reform Committee is VWL's newest committee. Previously, VWL had undertaken some law reform work through its Justice and Work Practices Committees. The Executive Committee decided at the end of 2009 that, such activities having an important role in meeting VWL's objectives (discussed further below), a dedicated committee should be formed to contribute to discussions on law reform which are relevant to women lawyers, women's human rights and the reduction of discrimination in Victoria.

At the beginning of 2010, expressions of interest were sought from VWL members to join the Law Reform Committee, chaired by Melanie Hodge. Law Reform Committee members are not required to have any particular expertise or background in law reform activities. Each member's own professional experience and insight provides for a valuable contribution to the work of the Committee. 2010 Committee members are: Melanie Hodge (Chair), Emily Hart, Jessica Saunders, Ash Rozario, Prue Elletson, Louise Dicker and Cherrie Manser. The Law Reform Committee liaises closely with the Justice and Work Practices Committees, and the contribution of Akane Kanai of the Justice Committee is acknowledged with appreciation, as are the contributions of Astrid Haban-Beer (Convenor), Susan Pryde (General Member, Executive Committee) and Kate Ashmor (Assistant Convenor).

One challenge for the Committee is to avoid activities which may jeopardize VWL's status as a charitable institution, as confirmed in the decision of French J in *Victorian Women Lawyers' Association Inc v Commissioner of Taxation* [2008] FCA 983. Political and lobbying activities are not charitable, however, it is possible to undertake those types of activities if they are incidental to a charitable purpose. VWL sought legal advice as to how to approach law reform activities without jeopardising its charitable tax status, which was kindly provided pro bono by Freehills, and in the meantime treaded carefully by limiting its work to responding to calls for submissions from the Government and other bodies.

Freehills provided VWL with careful guidelines to follow. The Law Reform Committee is now poised for the future to undertake law reform activities to further the main objects of Victorian Women Lawyers, as follows:

- to remove barriers and increase opportunities for participation by and advancement of women in the legal profession in Victoria;
- the advancement of women, including the support of women's legal and human rights; and

- the achievement of justice and equality for all women and the eradication of discrimination against women in the law and in the legal system.

This certainly does not leave the Committee short of work! The following submissions were made by the Law Reform Committee in 2010:

- To the Law Council of Australia on its draft strategy to advance appearances by female advocates in Australian Courts;
- To the Federal Attorney-General, the Hon. Robert McClelland, in relation to Legal Assistance Sector Funding;
- A submission on the Discussion Paper "Reviewing the Judicial Appointments Process in Victoria" to the Victorian Attorney-General, the Hon. Rob Hulls.

Copies of those submissions can be found at page 36

The Chair thanks the Committee members for their excellent work in 2010. With a new Federal and State Governments, the Committee is looking forward to more opportunities in 2011 to provide a voice for both women in the law and Victorian women's human rights more generally in law reform efforts.

The Work Practices Committee's primary focus is to explore, critically evaluate and publicly comment on the state of flexible working arrangements for lawyers in Victoria.

During 2010, the chair of the Work Practices Committee, Alina Humphreys, went on maternity leave and has been replaced by two new co-chairs in Laura Simmons-Strempele and Francesca Harrison. Alina has made a wonderful contribution to the Work Practices Committee and we thank her for all of her hard work and look forward to her continued involvement in the Work Practices Committee.

In the past year, the Committee received the Scoping Study for an Attrition Study of Victorian Lawyers (Scoping Study). The Scoping Study was prepared by Dr Sara Charlesworth and Iain Campbell of the Centre for Applied Social Research, RMIT University in conjunction with Victorian Women Lawyers. Victorian Women Lawyers had been interested in undertaking a detailed study of the career trajectory of lawyers in Victoria that identified the significant factors affecting both men's and women's career progression and development. The Scoping Study sets out a number of findings based on the de-identified practising certificate data provided by the Victorian Legal Services Board. The Scoping Study was funded by the Victoria Law Foundation.

The Work Practices Committee is assessing the results of the Scoping Study and looking into having the full Attrition Study conducted. The Attrition Study will involve having researchers interview a wide range of individuals (both male and female) who have not renewed their practising certificates. The researchers will ask the participants why they left the law and if they intend to return. The Scoping Study and the Attrition Study will help the legal profession better understand the reasons why lawyers leave the law.

On 25 October 2010, the Sex Discrimination Commissioner-Elizabeth Broderick launched the Work Practices Committee's 'Do You Manage?' Report (Report) at the Law Institute of Victoria. The Report is aimed at partners, managers and employees in any practice area and in any firm. It contains practical tools on how to implement and manage flexible work arrangements and a guide to their use. The practical tools deal with the realities of the day-to-day flexible work arrangements. By way of background, the Work Practices Committee identified that the management of flexible work arrangements was an area that needed further examination and input from the partners and managers

themselves. This led to a collaboration of all VWL's sponsor firms in attending three separately targeted workshops and identifying the issues surrounding the management of lawyers with flexible work arrangements. As a result of the workshops, VWL developed the Report. It is very clear that flexible work arrangements are increasing in importance within the legal profession and we anticipate that the Report will prove to be a very useful guide for managing flexible work arrangements in the workplace.

Laura and Francesca would like to thank all of the members of the Work Practices Committee for all of their hard work and commitment during 2010. In 2011, we look forward to developing a seminar on pay equity, forging new partnerships, working on critical issues of relevance to our members and distributing and promoting the 'Do You Manage?' Report to the wider legal profession.



NETWORKING COMMITTEE

CLAIRE CARRUCAN AND VERITY SHEPHERDSON

VWL's Networking Committee aims to provide opportunities for professional friendships, support, and exchange of ideas.

The Committee organises events that support professional development by way of career planning, mentoring, and learning about legal issues, and also 'meet and greet' and networking events. It also organises non-legal events which focus on issues of general interest to our members, and which provide networking opportunities.

The Committee had a very successful 2010, organising a number of well-attended and entertaining events. Events organised by the Committee this year included:

- the Women Lawyers Achievement Awards (Victoria) 2010 (see page 18 for a report and photos);
- a regional networking dinner in Mildura which followed the Justice Committee's Sexual Assault Forum (see page 30);
- the Members' and Guests' Evening, which this year included a fantastic performance by comedian Denise Scott (see page 32 for a report and photos);
- the annual Coming to the Bar event, organised in conjunction with the Women Barristers Association; and
- the VWL AGM and end of year celebration.

In the second half of the year, Networking Committee members, together with members of the VWL Executive, commenced discussions with members of Women in Finance and the Institute of Chartered Accountants. It is anticipated that these three organisations will work towards organising a series of joint networking events throughout 2011.

The enthusiasm and creativity of Committee members ensured the success of events throughout the year. The Committee has several long-standing members who have enthusiastically volunteered their time over a number of years. We also welcomed a number of new members during the year, and they have thrown themselves into the work of the Committee with gusto.

The co-chairs of the Committee, Claire Carrucan and Verity Shepherdson, would like to thank each of the following members of the Committee for their hard work and enthusiasm: Mandy Bede, Krystil Carter, Katerina Craven, Michelle Florenini, Eliza Foley, Lydia Kinda, Susan Pryde, Amelia Macknay, Jennifer Taylor. And as always, we thank VWL's Administrator, Tracey Spiller, for her fantastic support throughout the year.

WOMEN MIGRANTS' LEGAL INFORMATION PROJECT COMMITTEE

NOOSHEEN MOGADAM AND EMILIA MICHAEL

This year has been exciting for the Women Migrants' Legal Information Project (WMLIP). WMLIP was initially a sub-committee of the Justice Committee but has now developed into a separate VWL Committee, with new co-chairs and a team of dedicated members who offer a wealth of experience and expertise.

WMLIP aims to make legal information more accessible to migrant women, and particularly newly arrived migrant groups. To achieve this, WMLIP has undertaken research, academic and within the community, and identified key legal areas that female migrants need to be better informed about in order to assert their rights. Some of the identified areas include:

- Accessing the legal system;
- Consumer protection laws;
- Rights at work;
- Family matters;
- Rights while holding a temporary Australian visa; and
- Female genital mutilation.

By drawing awareness to these areas, WMLIP aims to empower this often marginalised and vulnerable group. We aim to provide education on identifying legal issues, promote knowledge on legal rights and highlight the support services available in the community.

The Committee is working towards the publication of a series of plain English pamphlets on particular legal areas. WMLIP will also work collaboratively with ethno cultural and community service organisations to host legal information seminars and broadcasts on community radio, together with a NAATI accredited interpreters, to better engage with migrant women.

The dedicated WMLIP Committee drives the WMLIP project. The committee is co-chaired by Noosheen Mogadam and Emilia Michael. Our membership consists of solicitors, judges' associates, community sector professionals and law students.

The committee's dedication has resulted in development in a range of areas on the Project. Committee members with backgrounds in areas such as immigration law, consumer law and family law have drafted information to be included in pamphlets. The content of the pamphlets have been reviewed and refined extensively. Throughout the rest of 2010 and 2011, the content will undergo a rigorous editing process and the pamphlets are set to be reviewed by legal specialists.

We also have the benefit of our members' marketing skills, which has resulted in a formal marketing plan set to attract interest to the Project and establish its presence in the legal, government and community sectors. WMLIP is working towards having a grand launch once our pamphlets are ready for official release.

This year, the Committee applied for the Women's Leadership Grant for recognition of the Project's benefit to the development of migrant women's empowerment and leadership.

The committee has also been establishing partnerships with migrant resource centres and ethno cultural organisations, metropolitan and regional lawyers with a view to reach migrant women and assist them further through education about their legal rights and responsibilities.

The Victorian Law Foundation has supported the WMLIP goals and allocated an intern to work with the committee. Our intern, Kathryn Sharpe, is a penultimate year law student based at sponsor firm Corrs Chambers Westgarth and has assisted in building relationships with stakeholders and further researching the need for further educating migrant women about the various aspects of the law.

The year ahead promising to be exciting and we look forward to inviting you to the official launch of the Project in 2011.

I am pleased to report that the finances of Victorian Women Lawyers Association (VWL) are in a sound position.

This year has seen consolidation of membership numbers and continuation of sponsorship from existing and new sponsor firms to ensure levels of income. It has also seen VWL provide financial support for a number of worthy projects aligned with VWL aims and objectives. These include sponsorship of a number of Indigenous law student and lawyer members to attend various conferences including the Australian Women Lawyers Third National Conference in Brisbane, the Indigenous Lawyers Association's Fifth National Indigenous Legal Conference in Canberra, and the National Rural Regional Law and Justice Conference in Warrnambool.

Funds were also allocated to enable VWL to focus on regional networking events such as the Sexual Assault Forum and dinner in Mildura and subsidies for members to attend events such the VWL/Tarwirri breakfast.

VWL's healthy financial position has allowed it to conduct major upgrades to its website to improve database functionality and publish reports such as the "Do You Manage?" report and VWL annual reports.

In line with the decision of the tax case, last year VWL applied for and was endorsed with income tax exempt status from the Australian Taxation Office, further consolidating its charitable status.

With the current level of membership and sponsorship, VWL will be able to continue to support the publication of *Portia*, events for members and guests, and projects aligned with its purpose and objectives well into the future.



MEMBERSHIP COMMITTEE REPORT
BETH HILTON-THORP

The arrangements relating to management of VWL membership are undergoing internal review. The purpose of the review is to determine how best to manage membership operationally given the difficulties in attracting interested members to join the Committee.

Up until now membership has been managed through a separate committee, which was intended to be responsible for:

- Ensuring effective communication with members;
- Broadening and expanding the membership base;
- Maintaining information about the demographics of VWL membership;
- Obtaining feedback from members; and
- Pursuing initiatives for the benefit of VWL members.

As can be seen from the stated objectives, there is overlap between the work of the Membership Committee and other VWL Committees including Networking and Communications. It is timely to consider ways of addressing these responsibilities in the light of the Membership Committee not functioning as a committee. Responsibilities have still been undertaken, however, it has not been feasible to be pro-active in relation to the breadth of the Committee's responsibilities. Therefore at the Planning Day for 2011, consideration will be given to how best to proceed. There are a few options, including merging the work of Membership with another committee or creating a new committee to encompass certain responsibilities of the Membership Committee such as policy development, which might render joining the Membership Committee more attractive.

As was foreshadowed in the 2009 annual report of the Membership Committee, a review is underway of membership information held in the VWL membership register and some inconsistencies have been tidied up and information gaps addressed. There is still work to be done to update the demographic profile of the membership and analyse membership data. A decision has been taken by Executive to propose an amendment to the Rules to make the membership year follow the financial year. It is expected that this will simplify administrative arrangements as well make it easier for members.

Notwithstanding the travails of the Membership Committee, I am pleased to report that membership is healthy with a total of 530 members as at 31 October 2010. This compares favourably with a total membership of 488 at the same time last year - an increase in membership of 42 (~8.6%) (Table below refers). The comparatively large number in the Associate member category

reflects the requirement that students participating in the Law Student Mentoring Program be VWL members. The number of Ordinary members remains reasonably stable, showing a slight reduction in numbers. Approximately 15% of 2009 members did not renew in 2010. It will be helpful to examine the reasons for this, though an attrition rate of 15% is not unreasonable in an organization such as VWL.

Membership	2010	2009	2008
Ordinary	316	341	411
Associate	214	147	18
TOTAL	530	488	429

We continue to be primarily an association of practitioners from the CBD. However, engagement with regional practitioners is important to VWL and so VWL held a networking dinner following the regional sexual assault forum in Mildura in August 2010. The dinner provided an opportunity to provide information about VWL and its activities

A number of issues still require attention including:

1. The reasons for the decrease in the number of ordinary members and failure to renew.
2. Ways to engage better with practitioners who are not CBD-based.
3. Mechanisms for expansion of the membership base.
4. Retention of student members and engagement with junior practitioners.

Please contact Beth Hilton-Thorp at jthorp@bigpond.net.au if you are interested in becoming involved in the Membership Committee.

The work of Victorian Women Lawyers Association would not be possible without the ongoing support of its principal sponsor, the Law Institute of Victoria, and its major sponsors, Allens Arthur Robinson, Blake Dawson, Corrs Chambers Westgarth, Clayton Utz, DLA Phillips Fox, Maddocks, Mallesons Stephen Jaques, Maurice Blackburn, Middletons and Minter Ellison.

In 2010, our Convenor, Astrid Haban-Beer, and Sponsorship Officer, Jackie Gillies, met with the managing partner or key VWL relationship partner of each sponsor firm to discuss the year ahead and VWL's planned agenda. During the year, VWL profiled a key female lawyer from each sponsor firm in its monthly e-newsletter *Women Keeping in Touch*.

This year has also marked the return of two major sponsors: Corrs Chambers Westgarth and DLA Phillips Fox, and also a new major sponsor: Maurice Blackburn.

Our Executive members attended several sponsor firms to talk about VWL initiatives. This year, the following major sponsor firms also hosted a VWL event on their premises:

- Middletons hosted the launch of the *2010 Mentoring Program*;
- Blake Dawson hosted both the *2010 Pro Bono Forum* and the *2010 Lesbia Harford Oration*;
- Corrs Chambers Westgarth again hosted at their offices two VWL interns involved in projects of the Women Migrants' Legal Information Project Committee and the Work Practices Committee;
- The Law Institute of Victoria hosted the launch of the *Do you Manage? Report*;
- Maurice Blackburn supported the *Tawirri Fundraising Breakfast*; and
- Minter Ellison hosted the *2010 AGM and Christmas Drinks*.

In addition, special thanks also go to Freehills who supported us with the launch of the *Do You Manage? Report* by assisting with editing and printing the report and with marketing the event.

This year we would also like especially thank our Patron, Chief Justice Marilyn Warren for her support in attending lunches with our sponsor firms to discuss the issues faced by women in the profession.

Victorian Women Lawyers would like to thank its sponsors for their ongoing support throughout the year. We look forward to working alongside these firms during 2011 and beyond.

The Communications Committee has a number of responsibilities: the production of VWL's publications (our monthly e-newsletter *Women Keeping in Touch* and our annual magazine *Portia*), coordinating submissions for the *According to Merit* column in the *Law Institute Journal*, media liaison, and the VWL website.

The Communications Committee this year comprised Louisa Travers, solicitor, TressCox Lawyers, Livia Wei Ting Wong, law student, Elizabeth Walter, law student, and Liza Powderly, barrister. A very big thank you to Astrid Haban-Beer, Louisa Travers and Livia Wei Ting Wong for their valuable assistance in producing *Portia* this year.

This year, the Communications Committee had the large task of helping to set up VWL's new website. Thank you to the members of the Executive Committee for their assistance with this large task, particularly Tracey Spiller and Claire Carrucan.

The Communications Committee this year created two new positions, those of Webmaster and Media Liaison Officer. On 6 September 2010, Elizabeth Walter was appointed Media Liaison Officer. The role of Webmaster is yet to be filled. Should any VWL member possess web skills or a desire to develop them, the Communications Committee would welcome your assistance.

The Communications Committee welcomes new members at all times of the year. If you have media, writing, proofreading, editing, web or desktop publishing skills, if you love to write, if your sms messages are always grammatically correct or if you would never dare dangle your participles, then we would be very pleased to hear from you. If you are interested to join our Committee, please send us an email via the VWL website.





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