

PORTIA

ANNUAL 2013



vwl

VICTORIAN
WOMEN
LAWYERS

CONTINUING THE CONVERSATION



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PORTIA ANNUAL 2013

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CONVENOR'S MESSAGE

VERITY SHEPHERDSON

2013 HAS BEEN A VERY BUSY YEAR FOR VICTORIAN WOMEN LAWYERS.

I hope that you enjoy this edition of *Portia*. This edition provides a picture of the work of VWL in 2013, but also continues the conversation started at our many events. We have some very interesting and thought-provoking articles from members and friends. Many consider issues raised at our events, while others provide a personal perspective on being a female lawyer. Others discuss topical issues that we think will pique your interest.

As you will also see from our event and committee reports, VWL volunteers have worked tirelessly to devise projects and hold events to benefit our members, the legal profession, and women more generally.

Many of our events considered the importance of women holding leadership and advocacy roles, and the challenges women leaders – and those aspiring to be leaders – face. An important aspect of our discussions was consideration of society's reaction to, and the media's depiction of, prominent women. In this regard, we were incredibly fortunate to share the insights of the Honourable Joan Kirner AC at the Dame Roma Mitchell Memorial Lunch. The Honourable Jennifer Kanis MLA, State Member for Melbourne, also shared her perspective at an International Women's Day event. Later in the year, many of our members were inspired by a call to action by Mary Crooks AO of the Victorian Women's Trust. Mary spoke at our 'A Switch in Time: Gender, Respect, Politics and the Media' lunch, and her thoughts were particularly timely, coming only days before the deposing of Julia Gillard, our first female Prime Minister, and in light of the many examples of the misogyny displayed by the media, prominent people and in social media this year.

We also held a number of events focussing on women's rights in Australia and overseas. It was particularly sobering to hear about the experiences of Afghani women seeking to enter the legal profession, but encouraging to hear about their determination and the important assistance being provided by lawyers in Australia.

We held a number of career-focussed events, addressing issues facing women in our profession. There were also the usual opportunities for networking and building friendships, including the Members and Guests' evening and our end of year celebration. While these events might not sound as important as the 'big issue' discussions, we should not underestimate the importance of women making connections across the profession and sharing their experiences.

Our events have reminded us of the progress that women in the law have made over past decades, and the successes of feminism. However, our discussions have also highlighted the work that remains to be done. This only reinforced my belief in the relevance and importance of VWL. Luckily, our organisation is made up of a huge number of intelligent, determined women who will continue to fight the good fight.



Verity Shepherdson

Of course VWL is not just about events and discussion, and I am proud of the continuation of our Women Migrants Legal Information Project, which aims to make legal information more accessible to migrant women, and to raise awareness of women's rights in relation to issues like family violence.

We also continued our very popular mentoring program for law students, and introduced yet another large group of women students to practitioners.

I have been privileged to work with an enthusiastic and dedicated Executive committee. Individual thanks can be found on page 44.

Thank you to our principal sponsor, the Law Institute of Victoria, and our major sponsors: Allens Linklaters, Ashurst, Clayton Utz, Corrs Chambers Westgarth, DLA Piper, King & Wood Mallesons, K&L Gates, Maddocks, Maurice Blackburn and Minter Ellison. Without the longstanding and generous support of these sponsors we would only be able to achieve a fraction of what we do.

And as always, we thank our Patron, the Honourable Chief Justice Marilyn Warren AC. The Chief Justice is always generous and inspiring to us all.

Verity Shepherdson
Convenor

OUR PATRON'S MESSAGE

THE HON. MARILYN WARREN AC CHIEF JUSTICE OF THE SUPREME COURT OF VICTORIA

THE 'ROLL CALL' OF FIRSTS FOR VICTORIAN FEMALE LAWYERS OVER THE PAST TWO DECADES HAS BEEN AN EXTENSIVE ONE.

Victoria has seen the first woman Chief Magistrate in the Hon. Sally Brown AM who later went onto the Family Court of Australia, the first female Supreme Court Judge the Hon. Rosemary Balmford AM, the first female Judge on the bench of the Federal Court in Victoria the Hon. Justice Susan Kenny, the Chief Justice of the Family Court the Hon. Justice Diana Bryant AO following her appointment as Chief Federal Magistrate, the first Victorian woman appointed to the High Court of Australia the Hon. Justice Susan Crennan AC, there have been four women chairmen of the Victorian Bar (Susan Crennan¹, Kate McMillan², Melanie Sloss SC³ and Fiona McLeod SC) and myself appointed to the Supreme Court of Victoria 15 years ago and appointed Chief Justice 10 years ago. There are now 13 women Judges and a judicial registrar on the Bench of the Supreme Court of Victoria, just under a quarter overall. These are achievements that women lawyers can be extremely proud of and aspire to.

Nevertheless, a gender imbalance still exists within our profession. Within firms and amongst senior levels of the Bar, women continue to make up an alarmingly small percentage of the key leadership positions. This extends to legal representative bodies and to both suburban and regional practices. For over 15 years, Victorian Women Lawyers has been at the forefront of breaking down this divide and have provided development programs to assist women in the profession.

With the rise of new media, women have more opportunities than ever before to cultivate an understanding of the challenges facing women who seek a career in the law. The VWL has been instrumental in using media platforms to raise awareness about the cultural and systemic barriers that hinder the ability of women to firstly pursue a career in the law and secondly to succeed in the law. This dedicated advocacy has not been ignored. In the last two years, the Victorian Human Rights and Equal Opportunity Commission as well as the Victorian Bar have conducted studies into gender inequality in the legal profession. Strategies are now being developed by the Victorian Bar and the Law Institute of Victoria to ensure that women are supported for the duration of their long fruitful careers in the law.



The Hon. Marilyn Warren AC

This year's edition of *Portia* highlights the important work that is being done to advance equality for women not only within the legal profession but also more broadly within the justice system. It is also a celebration of the achievements of women in the legal profession to date. Although many challenges remain for women lawyers, it must be remembered that through their talent, legal skills, intellects and capacity for hard work, women have achieved permanence in the legal landscape. Now the extent of that presence needs to be relentlessly pursued. The continued advocacy and support of organisations such as the Victorian Women Lawyers will be vital to this process. I am delighted to be the Patron of this important organisation.

The Hon. Marilyn Warren AC

Chief Justice of the Supreme
Court of Victoria

1 Now the Hon. Justice Crennan of the High Court of Australia

2 Now the Hon. Justice McMillan of the Supreme Court of Victoria

3 Now the Hon. Justice Sloss of the Supreme Court of Victoria

LAW INSTITUTE OF VICTORIA

PRESIDENT'S MESSAGE

REYNAH TANG

THE LAW INSTITUTE OF VICTORIA HAS A PROUD HISTORY OF SUPPORTING AND ENCOURAGING WOMEN IN THE LAW.

This has remained a major focus of the LIV's advocacy efforts and a key platform, together with a focus on other aspects of diversity during my presidency in 2013.

For the first time in the LIV's history women outnumbered men, with the LIV's 2013 annual report showing that 50.8% of the membership is female, while the men represent 49.2%.

That is probably a fitting result given that 2013 marked the 35th anniversary of the Victorian *Equal Opportunity Act* that made it unlawful to discriminate against someone on the basis of gender and marital status.

Of course, more still needs to be done. In March, the LIV hosted a Diversity Roundtable that included representatives from firms of all sizes, based in both the city and the regions, as well as other interested organisations, including the Victorian Women Lawyers, to look at tangible measures to improve diversity across a range of indicators, including gender.

At that event, the President of the Law Society of England and Wales, Lucy Scott-Moncrieff, and the Acting Commissioner of the Victorian Equal Opportunity and Human Rights Commission, Karen Toohey, shared their valuable perspectives on tackling issues of gender equality and workplace diversity.

The LIV is now working with the Law Council of Australia to develop a national voluntary diversity code for the profession that we hope to see come to fruition in 2014.

In March, the LIV also co-hosted the annual Dame Roma Mitchell Memorial Lunch with VWL, featuring the Hon. Joan Kirner AC as its keynote speaker. Ms Kirner was a member of the Victorian Parliament from 1982 to 1994, entering politics when she was forced to resign from her teaching job after she married.

She told the audience that, despite three decades of equal opportunity legislation, the career trajectory of women remained different to that of men. We have to admit that, to some extent, this still holds true for parts of the legal profession when we consider that only 15% of the judiciary are female.

If we want to see that number grow, there needs to be a shift in attitude towards where our judges are recruited from. Historically, most judges have been drawn from the Bar, however, with women accounting for less than 10% of Senior Counsel, the government needs to start considering candidates from the broader legal profession if we want to see a bench that is more reflective of society.



Reynah Tang

We have come a long way in the last 35 years, but there is obviously still a great deal of work to be done to ensure continued gender diversity in the profession and create an environment of opportunity and advancement for our female members.

The LIV will continue to work towards these goals and the Victorian Women Lawyers has our ongoing support and thanks for their work in furthering the interests of women in both the legal profession and society now and into the future.

Reynah Tang

President
Law Institute of Victoria

FEATURE ARTICLES

HAVING IT ALL

JACKY CAMPBELL

PARTNER, FORTE FAMILY LAWYERS

EACH GENERATION OF WOMEN FACES DIFFERENT CHALLENGES WITH CAREERS AND FAMILY. I BELIEVE THE GENERATION BEFORE MINE FACED GREATER ONES THAN I DID. BIZARRELY, I ALSO BELIEVE THE CURRENT GENERATION OF FEMALE LAW GRADUATES FACE GREATER CHALLENGES THAN ME.

I was born in 1961, the last Baby Boomer year. Older Baby Boomers and the pre-war generation were the real trail blazers. Female lawyers were an extremely small minority. They faced open discrimination on the basis of gender, and often had to choose between having a career and having a family. Women usually did not have the opportunity to attend university, let alone dream of becoming Prime Minister, the Governor General or the Chief Justice of the Supreme Court of Victoria. My generation was told that we should have those dreams.

I was fortunate to have parents who expected me to attend university. They expected me to be able to “have it all”. I was also fortunate to attend university in the heady post-Whitlam years when university education was free. My parents encouraged me to explore professions other than teaching and nursing, which were seen as the main options by many of my school class-mates.

At university I met other women who believed they could have both a career and a family. Some of us were fortunate to have partners who believed it too. For example, my husband has done his fair share of looking after sick children. We often split the day and each spent half a day in the office and half a day working from home with the sick child. Later, I discovered the benefit of having a large office so a sick child could sit in a comfortable chair with a book when they weren't watching DVDs in the boardroom.

I was wary of studying family law at university as I had heard that women were often stereotyped and placed in family law departments because they were female. In retrospect, I realise that whether or not I studied family law was irrelevant to prospective employers. In any event, I now say that I stereotyped myself, did my Masters in Family Law to catch up and have practised solely in the area of family law for over 20 years.

Despite my expectations, acquired through the media and at university, to encounter gender discrimination in the workplace, it was not until my fifth professional job that I was aware of being treated differently because I was female. I did my Articles in a small country firm and was encouraged by my principal, Clem D'Alessandro and the female lawyers. I was welcomed into a bookclub and the local community. Later, I worked in a suburban practice, Purcell Balfe & Webb, where the supervision and encouragement I received as a lawyer and a person, particularly from Tony Balfe, was fantastic. In none of my early jobs did I perceive that I was judged other than on merit.

It was in a mid-tier city firm that I finally encountered gender prejudice. It was a shock. I was not “one of the boys”, was treated differently and socially excluded – not by the partners but by male colleagues. Also, I think the commercial “boys” considered that family law wasn't real law. They were unaware of the depth of commercial knowledge family lawyers required.

My next move was to Aitken Walker & Strachan which had a long history of ethical and quality practice, and well-regarded senior practitioners such as Phillip and Bob Aitken and Robert Davey. I was there 12 years and was again treated as a lawyer first and a female second. Allowances were made for me whilst I was pregnant and had children, allowances for which I will be forever grateful. It seemed an accident of history for me to be their first female equity partner.

“MY GENERATION DIDN'T WANT THE LIVES OF OUR PARENTS AND OUR PARENTS DIDN'T WANT THE LIVES OF THEIR PARENTS. BUT WHATEVER THE CURRENT GENERATION DOES, LIKE ME, THEY WILL BE CRITICISED BY OTHERS FOR THEIR CHOICES BY PEOPLE WHO MADE DIFFERENT CHOICES.”

Looking back, most of my in-house mentors have been male. However, I have also been supported and encouraged by male and female lawyers in the broader family law community in my career and personal challenges, including setting up a specialist family law firm, Forte Family Lawyers. One of these supportive colleagues, Caroline Counsel, is also writing in this journal.

When I was pregnant with my first child I started writing for CCH to help me stay up to date with the law whilst I was home with a baby. Fifteen years down the track I am still writing for CCH and have developed close personal relationships with the various female editors there, sharing the highs and lows of juggling work and family commitments.

I tried part-time work but found it difficult to deal with a baby, faxes, emails and phone calls on both the land line and mobile as well as trying to type my own letters. Too much technology demanded my attention at the same time and I missed the convenience and filtering roles of my PA and a receptionist. I was confident with the choice of a city-based crèche which encouraged parents to drop in. Later, a string of well-adjusted university students helped with after-school care and provided good role models for my children.

Although I have almost always worked full-time, I have managed to attend day time class concerts, help with reading in my son's classroom, help with maths in my daughter's classroom, attend daytime school functions and be a parents' class representative. In exchange for this flexibility, work often leaks into evenings and weekends.

I have more than 4 weeks of holidays per year, but in exchange for this, I work during holidays. In part, this is to avoid the extra work involved in doing long memos on my files, but it also means that I am available to answer emailed queries from junior lawyers and not leave all the burden of managing the practice to my partner. In part, it's because, unlike a file, reading and writing about the law doesn't have an end point. The only holiday when I didn't work, not even my beloved CCH writing, was when we holidayed in the United States, seeing the Grand Canyon, Disney World and the Wizarding World of Harry Potter. This break was not for a lack of trying, but the time difference and IT issues completely defeated me.

My children roll their eyes at my Blackberry addiction and my recently acquired glued on i-Pad. However, they give me freedom to work at odd times so I can be available for my children during working hours and not always be in the office next to a fixed phone line. I know what's happening before I enter the office after a school commitment rather than have the stress of several bombs exploding the minute I return. I can consider the legal issues, start drafting in my head and even handwrite or type a response. I feel I have more control. By contrast, my children believe my Blackberry controls me. They don't want me to check my emails out of the office at all.

This brings me to the generation of recent graduates. They tell me that they don't want my life – they think it's hectic and stressful. Maybe it is, but I don't know what I would change. I have a challenging and interesting career, am a partner in a successful legal practice, have a fantastic partner at Forte Family Lawyers in Wendy Kayler-Thomson, a supportive husband and two wonderful teenage children. Through writing for CCH I am able to combine my love of learning with maintaining my professional profile. If I had to press the "delete" key, what do I remove?

My generation didn't want the lives of our parents and our parents didn't want the lives of their parents. But whatever the current generation does, like me, they will be criticised by others for their choices by people who made different choices.

My generation seems marked as a generation where many career women kept their maiden names when they married (they also didn't have to change them back when they divorced) and use the title "Ms". From my observations, the current generation of graduates seems determined to move from "Miss" to "Mrs" when they marry and change their surnames at that time too.



Jacky Campbell

The title "Ms", adopted by me and my university friends when we were aged 17 or 18, meant that we, like men, did not go through life identified as single or married. I have been told that this title now dates us. Some recent graduates think "Ms" is for old people and "Miss" means they are young. Do they also think their marriages are more likely to be successful if they have their husband's surname?

I worry about the current generation of law graduates (and my children). I hope they will believe they can "have it all", if that is what they want. If they don't want to, that is their choice, and I hope they don't encounter too much criticism for choosing either family or career. Whatever they decide, I hope, like me, when they reach their 50's, they embrace the decisions they made about how they lived their lives. They may have some regrets – we all do – but for me they are not major ones. I hope they don't want to press the "delete" key, or even worse, press "re-wind".

WHY A CAREER IN THE LAW IS A GREAT CHOICE FOR GIRLS

COMPILED BY KIRSTEN ADAMS SPECIAL COUNSEL, MINTER ELLISON

WE ASKED MINTER ELLISON'S WOMEN LAWYERS - FROM THOSE JUST STARTING OUT TO THE MOST SEASONED VETERANS - WHY A CAREER IN THE LAW IS A GREAT CHOICE FOR GIRLS. THIS IS WHAT THEY SAID.

It's empowering! You meet interesting people with great ideas and are challenged on a daily basis.

It provides a wealth of opportunities: the opportunity to work in intellectually challenging and stimulating environments; the opportunity to work in a diverse range of workplaces; the opportunity to meet and work with clever people from all kinds of backgrounds; the opportunity to make a valuable contribution to the community; the opportunity to exercise empathy and make a difference to the world.

In what has traditionally been a male dominated profession, there is a strong female presence. And with lots of women working in the law, there is a great support network.

Strong female role models abound and there is a focus on women mentoring other women.

Girls wanting to flex their intellectual muscle certainly get to do so as a lawyer. I have been working as a lawyer for over 20 years and still find I am exposed to a huge variety of work that is challenging, stimulating and rarely boring or routine. I suspect there are some more routine areas of the law but there are plenty of others where that is not the case.

Just about everyone you work with has a sense of humour which is the best way to deal with stress.

A big attraction for girls is that (for young lawyers, at least) it's not a boys' club, or a girls' club – there's a pretty good balance and people just expect you to do your job well, gender doesn't really come into it.

In the field of commercial law lives are not usually at stake – even though clients sometimes might think they are!

Women are masters of some of the key skills needed to succeed in the law. For example, flexibility in juggling tasks and competing demands. Also good communication and people skills because, to be a good lawyer, you need to communicate and deal with other people on a daily basis. We need to communicate clearly with clients and manage their expectations and listen to what they want and need. We need to use these same skills to get on with peers, the people we supervise as lawyers, the people who support us and the people we report to. I think women have the qualities that manage this well.

It offers career flexibility over the long term – you don't necessarily have to work from the office or full time – and it is constantly evolving.

Within firms and in-house legal teams, working arrangements are becoming more flexible.

'I love the combination of an exciting and challenging career on a part-time basis, and being a mum the rest of the time.'

It's a 'career' as opposed to a 'job'.

Law is a career that invades your free time and causes you to miss family dinners and other events too regularly. This applies to girls and to boys equally. Sometimes this is a bonus- especially if you dislike your relatives or doing the dishes. Sometimes the time passes so quickly you never notice it is late. Despite this, there are niche areas of speciality that allow you flexibility to choose the type of work you do and the hours you spend at the office.

The myriad, diverse areas of the law allow girls to choose from a variety of different roles depending on their individual personalities and circumstances.

You can be a solicitor in a big city firm or a small suburban practice, in-house legal counsel for an ASX listed company or a venture capital start up, a government lawyer, a family law adviser, a criminal law specialist, a barrister, a judge's associate or the judge herself, a politician, a prime minister, as well as a wife, girlfriend, lover, mother of small or teenage children, good friend, student of Italian and avid book club goer.

There are so many areas of life where lawyers are needed and it is possible to combine a career in law with a passion or interest. A friend of mine was interested in international humanitarian issues and got a job as a lawyer at the Red Cross in Melbourne and then transferred to the International Committee of the Red Cross in Geneva and became involved in a range of initiatives aimed at getting rid of land mines in Asian countries.

As lawyers, we are uniquely placed to help those less fortunate through pro bono work, which can be very fulfilling.

You get to help people and organisations ... not just your employer's clients.

It trains you to speak in front of an audience and argue your case.

The skills you learn in the profession are transferrable to other aspects of life.

Once the hurdle of gaining entry to the profession is overcome (no mean feat in itself given the extreme competition amongst graduates), I think it's a challenging and exciting time for professional women as we strive to address issues of gender imbalance in the corporate world.

PSYCHOLOGICAL DISTRESS IN LAW SCHOOLS: AN EQUAL OPPORTUNITY PHENOMENON?

WENDY LARCOMBE ASSOCIATE PROFESSOR
AT MELBOURNE LAW SCHOOL

SIGNIFICANT NUMBERS OF AUSTRALIAN LAW STUDENTS EXPERIENCE HIGH LEVELS OF PSYCHOLOGICAL DISTRESS DURING THEIR TIME IN LAW SCHOOL.

This fact came to prominence with the publication in 2009 of *Courting the Blues*, an empirical study of attitudes towards depression among law students and legal practitioners in Australia. The Brain and Mind Research Institute ('BMRI') reported that 31 per cent of lawyers and 35 per cent of law students recorded elevated levels of psychological distress compared with 13 per cent of the general population. Subsequent studies with law students at the Australian National University and the University of Melbourne have produced very similar findings: both studies report that approximately 30 per cent of participating law students recorded elevated anxiety symptoms and a similar proportion recorded elevated depressive symptoms, compared with 13 per cent of the general population.

Little has been said to date about gender differences in these studies of mental wellbeing. For example, we might be interested to know, given the historic male dominance of the legal profession: are women more likely than men to experience psychological distress in law and law school? In other words: is the burden of psychological distress in law gendered?

The BMRI study reported that women were at higher risk for psychological distress than men. Indeed, in that study, one in three female respondents recorded 'high' or 'very high' distress levels, compared with one in five of the male respondents. The breakdown between practitioners and students is not reported, however.

Having researched law student wellbeing at Melbourne Law School (MLS) over the past three years, it appears from our data that psychological distress may be an 'equal opportunity' phenomenon – in law school at least – when other factors are taken into account. In the 2013 student wellbeing survey conducted at MLS, for example, women were twice as likely as men to report high levels of anxiety and stress, while a larger proportion of men than women reported high levels of depressive symptoms. When other variables were taken into account, however, gender did not explain differences in levels of depressive, anxiety or stress symptoms. Factors such as not coping with the academic workload, high levels of perfectionism, low levels of intrinsic motivation for study in law, worry about performing well in assessment tasks, and worry about job prospects had greater explanatory power than gender.

It is good news that gender does not appear to be determining which students in law school may experience mental health difficulties. The bad news, of course, is in the sheer number of law students experiencing very high levels of psychological

distress, often for extended periods. And, although gender was not associated with elevated distress levels in our survey, experiences of psychological distress, and impacts on health, may be gendered. For example, as discussed in the 2012 edition of *Portia*, eating disorders disproportionately affect women, and these disorders are often associated with elevated levels of stress and anxiety.

Organisational responses to high levels of psychological distress may also need to take gender into account. For example, the best explanation for the low levels of law student wellbeing, derived from Self-Determination Theory (SDT), centres on the ways in which law schools may unintentionally undermine students' basic psychological needs for regular experiences of autonomy, competence and relatedness to others. At university, those psychological needs are more likely to be met when students act in pursuance of internalised goals – that is, when they are 'autonomously motivated' or feel that their actions are not only self-chosen but self-concordant or self-actualising. In this context, it may be useful to consider that 20 per cent of the female students at MLS are interested to work in the community legal sector or with a non-government organisation after graduating, while only 5 per cent of male students express interest in these destinations. Conversely 38 per cent of male students, compared with 24 per cent of female students, want to work in a commercial practice law firm after graduating. Ensuring meaningful opportunities and recognition of students' diverse interests will require attending to such differences.

Similarly, it is important to ensure that academic workloads are manageable and sufficiently flexible to accommodate students' other commitments. Gender is relevant here too; predictably, our survey found that students' family care responsibilities are gendered. Most students do not provide regular care for family members, but of those who do (17 per cent), more carers are female than male. Moreover, female student carers are more often caring for adults than children yet there is currently little recognition at universities of students acting in this role.

So, in sum, gender does not explain high levels of psychological distress among law students. However, the experience of psychological distress may be gendered and female students' interests and commitments may differ from those of male students in some cases. It is thus worth keeping gender in mind when designing resources, responses and services to support and enhance the mental wellbeing of all law students.

Information and assistance for psychological wellbeing is provided by Beyond Blue (www.beyondblue.org.au) and Lifeline (www.lifeline.org.au).

ENGENDERING CHANGE, THE TIME HAS COME

KATE JENKINS

VICTORIAN EQUAL OPPORTUNITY AND HUMAN RIGHTS COMMISSIONER

DIVERSITY IS ABOUT WHAT MAKES EACH OF US UNIQUE AND INCLUDES OUR BACKGROUNDS, PERSONALITY, LIFE EXPERIENCES AND BELIEFS. IN FACT, ALL OF THE THINGS THAT MAKE US WHO WE ARE. IT IS A COMBINATION OF THE VISIBLE AND INVISIBLE DIFFERENCES THAT SHAPE OUR VIEW OF THE WORLD, OUR PERSPECTIVE AND OUR APPROACH. (DELOITTE)

We are often asked at the Commission why gender equality in the work place is still an issue – aren't we "done" with gender equality yet?

Recently there has been some concerning information about the status of workplace gender equality in Victoria and Australia more broadly. The evidence indicates that despite years of campaigning and awareness-raising from government and advocates there are still persistent signs that we are not where we should be with regard to embracing gender equity in the workplace.

Thirty years ago the law was a male-dominated profession but now men and women are entering the profession at the same rate. But research undertaken by the Commission found that female lawyers, who many would assume are among the most informed and capable of realising their workplace rights of all female workers, still struggle to deal with sexism and sex discrimination at work.

The findings of the report *Changing the Rules: The experiences of female lawyers in Victoria* indicate the law remains a profession with systemic barriers to the equal participation of women. Despite the high number of women entering the profession the culture in the sector hasn't adapted to reflect increased diversity.

Changing the Rules: The experiences of female lawyers in Victoria found that nearly half of all survey respondents had experienced discrimination while working as either a lawyer or a legal trainee in Victoria. This discrimination manifested through hostile work environments, workplace bullying, unfair work allocation and unequal remunerations through to sexual harassment.

The issues are widespread. One of the most frequent reasons for complaint or enquiry to the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) is result of a gender-based form of discrimination in the workplace – and sexual harassment features strongly among these.

In most sectors women can expect to earn less than men. For example, female lawyers can expect to earn 7.8 per cent less than their male colleagues. As at 25 September 2013, the percentage of women on ASX 200 boards was only 16.4%. A total of 48 boards in the ASX 200 still do not have any women.

Australia is not alone in this experience, it is international. On the US Fortune, 50 women hold only 15.7 per cent of board seats. In the UK, for the FTSE 250 companies, it is only 9.4%.

Starting a family and building a successful career still seem to be mutually exclusive. Anecdotal evidence as well as recent research reveals that once women hit their mid-20s, their workforce participation rates decline for the next two decades.

The impact of this discrimination is not limited just to working women but the whole community – \$8 billion in productivity is lost as female graduates fail to transition into the workforce at the same rate as men.

There is an argument for diversity and it is quite simple and enduring – it's about talent. It is about ensuring that talent is attracted, recruited, developed, retained and promoted. It is about ensuring that we make decisions based on merit to ensure that the best people are appointed and promoted.

The argument is simple – it is about talent and the bottom line. The business case for diversity is extensive and is well known. However, it is worth restating it and also reminding everyone that we are not just talking about fairness and equity but also business performance.

Last year we undertook some research with Deloitte into diversity and its business benefits, called *Waiter, is that inclusion in my soup – A new recipe to improve business performance*.

The findings were striking: they showed 80 per cent uplift in business performance where employees felt their workplace was highly committed to diversity and when they felt highly included.

They also showed that when employees think their organisation is committed to, and supportive of, diversity and they feel included, they report better business performance, with an 83% uplift in the ability to innovate; a 31% uplift in responsiveness to changing customer needs; and a 42% uplift in team collaboration.

This evidence correlates with international research. In an assessment of Fortune 500 companies, Catalyst found that companies with the highest representation of women on their boards experienced better financial performance than those with the lowest.

Similar findings come from the McKinsey & Company Women Matter report series 7.

Analysing a statistically significant sample of companies across Europe, Brazil, Russia, India and China, the 2010 report showed that companies with the highest share of women in their senior management teams outperformed those with no women by 41%.

But even the fact we are still trying to demonstrate the business case for employing women is disappointing. Men dominated the boards and management of the global firms that brought about the Global Financial Crisis yet we never hear 'well that didn't go well, we're not going to hire any men for a while'.

Government and civic society have worked hard to put in place reforms and frameworks to facilitate diversity.

Victorian Equal Opportunity frameworks are well developed. Unlike many other jurisdictions our laws impose a positive duty requiring both the public and private sector to take serious steps to actively prevent discrimination in our workplace, not just respond when it happens. In addition, at a national level we have a women's equality and gender framework that requires compliance with the law but also monitoring and reporting on the steps organisations have taken to achieve inclusive work places.

Of course none of this answers the question of why the problem still persists. In fact it makes it even more confounding.

A new piece of research I read recently goes part way to identifying what I believe is one of the causes. Research from Kronos reveals, that despite all the information that is available about the benefits of diversity, Australian employers still think the 'ideal worker' is young, male and unattached.

Kronos surveyed 500 business decision-makers and 2,000 employees across a mixture of industries including healthcare, retail and manufacturing, asking them to identify the attributes of an ideal employee.

It found that both employees and decision-makers believe that being male with no outside responsibilities or interests, as well as prioritising work above all else, are the most desired qualities for employment. For example, 40% of business decision-makers preferred employees without children and only 18% consider employees with children desirable.

This resonates with the findings of *Changing the Rules*, which identified a culture of 'presentism' as being a significant barrier for women lawyers staying in the profession. Women told us that they felt a strong need to put in the hours like everyone else – that only if you constantly demonstrate that your family doesn't impact your work can you be accepted.

The research I cited early about the productivity of benefits of part time employees clearly undermine employers' assumptions about what sort of employees they want. But despite this there is still a clear preference for workers and a working style that is incompatible with family life.

Whether we like it or not, we have preconceptions about the concepts of 'talent' and 'best' that lead us to discriminate unfairly, and discrimination not only blights individuals lives, it limits organisational effectiveness.

Even though the legal frameworks preventing discrimination are strong – we cannot rely on them as the full solution for this issue. We must take not only organisational but also personal responsibility.

We all harbour conscious and unconscious biases that influence our perceptions, judgements and behaviour. An example of how this works was tellingly put into practice by Binna Kandola at a diversity conference, attended by policy experts and human resource specialists – those who you would expect to be the most aware of factors that can effect diversity and inclusion.

Kandola describes a scenario – an applicant considering a job at a bank. The room knows three things about the applicant, she is a woman, and she is a university graduate where she undertook

gender studies. The room is asked which of the following options are most likely to occur:

- A. the applicant takes the job at the bank
- B. the applicant takes the job at the bank and joins the women's network.

The majority of people select option B. In fact it is impossible that it would be more likely that the applicant would join the bank and the women's network, as she must join the bank in the first instance anyway.

This example demonstrates how we use even the smallest pieces of information to form assumptions about how people will act.

Understanding and addressing biases requires individuals to recognise the perception distortions that can occur, and why, and the steps that can be taken to reduce their impact on behaviour. This is critical to building a workplace environment based on merit.

One of the biggest challenges is changing unconscious behaviours. Our own preferences and life experiences can form an unconscious bias. Even though we actively believe that we support gender equality in the workplace, our own subconscious thought process may not reflect this.

So the big question for us at the Commission is not so much why the persistent signs remain but how we can engender change. All the right mechanisms are in place – strong legal frameworks and in many industries there are strong advocates.

Organisations such as the Law Institute of Victoria are putting in place cutting edge initiatives to support the creation of inclusive workplaces.

But a big part of the answer is individual accountability. Our next step is to start challenging ourselves, to ask some really hard questions about what we think and why we act the way we do?

Workplace equality and participation, workforce diversity and inclusive work places don't happen by accident. After 30 years of discrimination law we know that. It requires constant review and analysis to identify the barriers that exist and implement positive proactive strategies to respond to them

Women on Boards Directors Ruth Medd and Clair Braund, said the lack of movement in the number of women working at board and executive demonstrates clearly that 'hope is not a business strategy'.

Hope will not change the working reality for women – the time has come to actually do something about it.

The Commission will be working hard to continue this important conversation.

The Victorian Equal Opportunity and Human Rights Commission has launched sexual harassment guidelines to assist executives, managers and employers to understand their responsibilities in not only responding to issues that arise, but to take steps to prevent discrimination and sexual harassment in the workplace.

The guidelines help employers to understand the active steps they need to take to establish and maintain a workplace that is same, inclusive and respectful of all workplace participants.

PARTICIPATION CREATES BETTER LAWYERS

CAROLINE COUNSEL

PRINCIPAL, CAROLINE COUNSEL FAMILY LAWYERS,
PAST LIV PRESIDENT

WHEN ASKED TO WRITE FOR PORTIA, I THOUGHT I COULD WRITE ABOUT THE EVER INCREASING NUMBER OF FEMALE GRADUATES AND THE NEED TO ENSURE THAT WOMEN ARE REFLECTED IN ALL ASPECTS OF LEGAL PRACTICE AND THE ADMINISTRATION OF JUSTICE.

I could write about the fact that despite constituting the larger percentage of graduates, female lawyers are still not adequately represented in all aspects of the profession and particularly we do not seem to have gained representation in the upper echelons of the profession such as equity partnership, the judiciary, at the Bar etc. I could write about the fact that the profession has been able to prevent the exodus of women that occurs in unacceptably high numbers and it occurs far too early on in these women's professional careers. I could write about the need to ensure that the legal profession should be representative of the broader community or face losing its relevance to the community. I was heartened to see that a big part of President Reynah Tang's LIV Presidential platform throughout this year was devoted to diversity and he will no doubt be dealing with this in his contribution to VWL's Portia magazine.

This year's LIV Presidential platform, developed by President Reynah Tang got me thinking. There was a little coal burning at the back of my brain that kept flaring into one idea – participation.

“I FELT THE CAMARADERIE THAT COMES FROM LIKE-MINDEDNESS AND FROM WORKING WITH WOMEN LAWYERS WHO HAD SIMILAR EXPERIENCES TO MY OWN.”

Without participation of all of us, these issues will linger without being addressed in any meaningful or sustainable way. It goes without saying that those in leadership need to work and continue to work on these issues but so do the rest of us for if we do not, as a profession, we will all be the poorer for it. If you are reading this article and do not think you have anything particular to offer, think again. The profession needs all of us to serve in whatever way we can. I believe being a lawyer is a privilege and as people who are privileged we have an obligation to give back to the community as a whole.



Caroline Counsel

The Law Institute of Victoria is a robust representative organisation that I have had the honour of participating in since the first days of legal practice. Unlike some of the firms I have worked for, the LIV has always endeavoured to walk the talk and if it is limited, it is limited only by the passion and capacity by those who step up to the plate to serve. It was, after all, under the mantle of the LIV that VWL was born. I was there at the start of VWL and know full well the benefits of membership and active participation. I often refer to the LIV as the “mother ship” and over the years, this appellation has gained importance. The mother ship will continue to be the conduit for great ideas and innovation only for as long as we members step up and play our critical role. The same applies to VWL. When, as an employee solicitor, I really struggled working for firms who seemed to be only interested in the bottom line and what fees I could generate, it was to VWL and the LIV that I turned for that sense that I belonged to a profession and that someone was looking out for me as a member of this great profession of ours. The LIV did indeed look out for me but only because I engaged with it. The LIV provided me with a sense that no matter how bad my employment situation was, there was an organisation who cared about the rule of law, about Victoria's citizens and their legal rights and cared about the membership.

My life at the LIV began by participating in the Family Law Section and Young Lawyers. Through both, I met solicitors of all persuasions. I met solicitors whom I looked up to and I had aspirations to emulate them. I thought of them as articulate, intelligent and committed.

Then with the birth of VWL, I got to experience and help grow this organisation and help assist VWL realise its aims and objectives. I felt the camaraderie that comes from like-mindedness and from working with women lawyers who had similar experiences to my own. These women were undaunted by personal experience and set about the task of creating better outcomes for women lawyers and indeed VWL threw a spot light on issues faced by all women in our community. Think back on all that VWL has achieved and is planning yet to achieve. The woman hours spent on these issues has enabled VWL to achieve so much in a comparatively short period of time. It has also not only thrown up challenges to the legal community, it has collaboratively grown solutions for the betterment of the profession. It has worked within the profession instead of outside its ranks. Through it all, participation has been the key to this success.

As with the LIV, I felt privileged to have participated in VWL as it went from shaping its goals and beliefs into delivering to its members and the community. Participation made my life in the law richer and more rewarding. I know it sounds trite and has been said before but I did find that the more I gave, the more I got from being a part of this profession. More importantly by that simple act of saying I will be a part of this, I joined forces with others who were similarly minded and thus started a process of attraction. When I think of the women and men that I have worked with over my time in the law, I do not think of them simply as colleagues. Due to the depth of commitment and the extent of involvement, they have become much more than that. They are the warp and weft of my life in the law.

Participation requires me to give more than just my time. Participation is more than saying I will turn up and get the T-shirt. It is a commitment to say I am willing to speak my mind even when it is hard or unpopular to do so. I will share my thoughts, even when those thoughts differ from the majority. I will express my opinion and add my voice to the many even if I believe my voice is no stronger than others. I will work on the issues that matter most to the community as a whole and not just for my own ends. At the LIV we are currently working on a reputation piece to improve the understanding in the community of who lawyers are and what we do. One of the greatest ways each of us can add to that dialogue is being visible and engaged in the community. Collectively we can achieve much more in delivering our aims than if we are simply members. Membership is where it starts but participation is where we incubate the next big idea and really start to make a difference.

“ PARTICIPATION MADE MY LIFE IN THE LAW RICHER AND MORE REWARDING. I KNOW IT SOUNDS TRITE AND HAS BEEN SAID BEFORE BUT I DID FIND THAT THE MORE I GAVE, THE MORE I GOT FROM BEING A PART OF THIS PROFESSION. MORE IMPORTANTLY BY THAT SIMPLE ACT OF SAYING I WILL BE A PART OF THIS, I JOINED FORCES WITH OTHERS WHO WERE SIMILARLY MINDED AND THUS STARTED A PROCESS OF ATTRACTION.”

FEMINISM IS ABOUT A CONVERSATION

SHEREE RUBINSTEIN

LAWYER, ALLENS

FASHION MAGAZINE *ELLE UK* RECENTLY EMBARKED ON A BOLD QUEST TO 'FIX' FEMINISM.

This courageous attempt was driven by a collective recognition that feminism has become unsellable as a concept. The magazine collaborated with advertising agencies and feminist groups to create the 'Rebranding Feminism' project. This project encompasses various campaigns and a feature article in the magazine's November issue. One of the campaigns, 'Feminism for Everyone', created an advertisement with a question and answer flowchart to encourage women to identify as a feminist. The advertisement proclaims, "Being a feminist is actually pretty simple. It's not extreme. Feminism is the 'radical' belief that women are people".

Feminism was once a progressive movement that embodied a yearning for change and the advancement of equal treatment. Nowadays, it has become an outdated and distant construct synonymous with being political, aggressive and radical. Yahoo! CEO, Marissa Mayer has publicly announced that she doesn't have the "militant drive" or "chip on her shoulder" that accompanies feminism. She asserted that she is pro-equality but won't identify as a feminist. Country singer, Taylor Swift had a similar reaction when she was asked whether she is a feminist: "I don't really think about things as guys versus girls."

Lauren Stiller Rikleen is a lawyer and the Executive-in-Residence at the Boston College Centre for Work and Family and the president of the Rikleen Institute for Strategic Leadership. She has published numerous articles and books on her research into Generation Y in the workplace and the advancement of women in the legal profession. Lauren reflects, "If you went up to a millennial and asked if they believe in equal rights for all, they would look at you like you're crazy, because that's a silly question. But if you ask if they're feminist, there's this backing away and an emotional reaction".

These stories have a resonating effect. Why is it that we feel that our ideals and values will be compromised if we identify with being a feminist? Is feminism reaching its expiry date?

For women, there is a struggle to identify as a feminist because it conjures imagery of a formidable, self-assured, political and female militant. In my experience, women are eager to strive for empowerment and equality by transcending traditionally oppressive gender stereotypes without feeling penalised for making such a choice.

This false image is equally problematic for men as feminism is widely understood to be all about women. The connotations associated with feminism do not lend sufficient space for men to advocate gender equality. The stereotypes associated with feminism serve to perpetuate the underlying issues and justify excluding men from the conversation. The existence of women's committees and seminars focused on women in leadership are often tailored to women by their very nature and promoted in a way that deters and excludes men. This kind of portrayal hinders progressive thinking and stifles affirmative action.

Is *Elle UK* accurate in asserting that feminism is yearning for a makeover? When you strip away the stereotypes, what does feminism really represent? Feminism is, and should always be, about a conversation. A conversation is the catalyst for raising consciousness, challenging stereotypes and driving affirmative action. The way in which something is expressed, the tone in which it is conveyed and the delivery of an underlying message is profoundly influential. Let's look at some twenty-first century pioneers leading the current gender conversation and demonstrating the utility of language.

- Sheryl Sandberg, COO of Facebook, in her book *Lean In* successfully deploys the power of storytelling and tools of compassion, sensitivity and self-reflection to strike a gender chord that has resonated globally resulting in an actively engaged and vocal community.
- Tavi Gevinson is a teen fashion and style blogger, self-proclaimed feminist and editor-in-chief of *Rookie*, an influential print and online lifestyle magazine. *Rookie* successfully combines fashion and feminism in the same conversation. Gevinson has described her understanding of feminism as, "not a rulebook but a discussion, a conversation, a process".
- It's widely acknowledged that Julia Gillard, experienced vitriolic and sexist attacks during her time as the former Australian prime minister. She fought back with her 'misogyny speech' sparking a global reaction. Gillard is in the midst of writing her memoirs in a book to be published in October 2014. She intends to work internationally on empowerment for women and girls. She has recognised that empowerment begins with anecdotes and a conversation about her personal experiences.
- John Brougher is the founder of MaleFeminists.com, an online discussion forum about male feminists. He has described feminism as "a simple belief in equality".
- Laurel Bellows, immediate former president of the American Bar Association, addressed the Women's Lawyers Interest Group Committee at the 2013 International Bar Association annual conference suggesting that the advancement of women in the legal profession is not exclusively a woman's issue; it is equally a man's issue. In order to engage men, we need to engage in inclusive and constructive conversation.

Someone once suggested to me that we should reconstruct the term "corporate culture" which sounds aggressive, hierarchical and arrogant, to a more inclusive, inviting and universal term such as "work vibe". Can we apply the same transformative and adaptable effect to the language we use to depict the fight for gender equality?

Challenging current norms and effecting change begins with a conversation. It is crucial to accurately convey that conversation. Perhaps it begins by redefining feminism. Perhaps not. At the very least, if we can recognise that feminism, despite its complex, multifaceted and nuanced nature, is about a conversation, we can progress the conversation without being held back by one simple, but incredibly loaded, word.

ACCESS TO JUSTICE: A WIN FOR THE FORESTS

VANESSA BLEYER

PRINCIPAL, BLEYER LAWYERS

Vanessa was the winner of the 2012 Access to Justice LIV President's Award. We have invited her to write about why she won this prestigious award and her passion for making a difference.

I REMEMBER WHEN I FIRST REALLY UNDERSTOOD THE PHRASE "A WIN FOR THE FORESTS". IT WAS IN 2010, FOLLOWING JUDGMENT BEING DELIVERED IN FAVOUR OF THE PLAINTIFF (FOR WHOM I ACTED) IN THE BROWN MOUNTAIN CASE.

It was the first time in Australia that an injunction had been ordered to restrain logging in native forest; the order was made in the Supreme Court of Victoria. The threatened species present at Brown Mountain were spared and the giant hollow-bearing trees which they inhabited were preserved. Such a victory was ten years in the making.

I started exercising my concerns for the protection and conservation of Australia's remaining native forests in 2000. I was a law student, working at a law firm that represented individuals criminally charged for protesting against native forest logging, pro bono. I was shocked to learn what was happening in our native forests. The little left of them was being clear-felled and exported as woodchips for economic loss in the name of a handful of jobs.

Naively believing that the government would right this wrong, I became President of Lawyers for Forests as a means to better communicate with the bureaucracy. I grew up quickly when I discovered that the government supported the environmental destruction.

I turned to what I felt I knew best: the law. I learned that there was a myriad of environment protection legislation in Victoria, which seemed to do little more than sit on the shelf. It took years of work to comprehend the labyrinthine laws and educate the community that the law could be applied to do what it is designed to do: protect our precious environment. I also had to build up experience sufficient to start my own legal practice – there is not much money in this line of work so it is challenging to make budget.

Eventually, a brave environment group instructed my law practice to bring the Brown Mountain case. Since that time, my small practice has run at least two large pieces of environment protection litigation each year. The cases have focused on stopping logging of Leadbeater's possum habitat in the Central Highlands of Victoria (the possum is Victoria's faunal emblem and there are only about 1000 left alive), invalidating decisions to approve a pulp mill in the picturesque Tamar Valley in Tasmania (the pulp mill has not proceeded and the proponent is now in administration), stopping logging of rainforest sites of national



Vanessa Bleyer

significance in East Gippsland in Victoria (the matter resolved on terms [which were made public] favourable to rainforest protection) and invalidating decisions to approve mining in the Tarkine wilderness in northwest Tasmania (the first case was successful and the second is on foot).

In 2012, there was another win for the forests, when I was awarded the Law Institute of Victoria President's Award for Access to Justice. It was inspiring to see that our peers acknowledge the importance of applying the law to the protection of our environment. Those beautiful, vulnerable forests do not have a voice in our legal system. Without representation, they are a resource to be used at will and extinguished.

I have found myself a woman in the law to change the law. My career in the law has been so fulfilling, because I found my passion and a way to exercise it through my work. The path has and continues to be fraught with challenges, but it is all part of the journey. And it is worth it, for a win for the forests.

WOMEN IN LEADERSHIP

SUE KENCH

MANAGING PARTNER AUSTRALIA, KING & WOOD MALLESONS

THE LATEST MESSAGE TO WOMEN IS TO 'LEAN IN' AT WORK. SINCE THE LAUNCH OF SHERYL SANDBERG'S POPULAR TED TALK IN 2010 AND THE LAUNCH OF HER EVEN MORE POPULAR BOOK, 'LEAN IN: WOMEN WORK AND THE WILL TO LEAD', THOUSANDS OF WOMEN HAVE PUBLICLY SHARED THEIR 'LEAN IN' MOMENT AND WE ARE STARTING TO SEE A SHIFT IN THE GREAT GENDER DEBATE FROM WHAT WOMEN CAN'T DO, TO WHAT THEY CAN.

Sheryl's book really resonated with me personally and professionally. It made me pause and reflect on my career and how I got to the position I'm in now as the first female Managing Partner of my firm, and of any top tier firm in Australia.

Looking back, I think it has been a combination of leaning in, pushing through and also being pulled out. By that I mean that I've had others, both male and female, reach in and encourage me to put my hand up for opportunities that I otherwise would not have considered. But it was also up to me to push through the barriers and rise through the ranks on my own merit and hard work.

The decision to become a lawyer was not an out of the ordinary one for me, my parents always encouraged me to do what I enjoyed. My father and grandfathers were lawyers and while my mother excelled at school and university, dux of her school in fact, she didn't pursue a career in law or medicine because it wasn't seen as an "appropriate" career for a woman at that time. When it came time for me to think about a career, I wanted to be a lawyer like others in my family had been and I saw no reason why I shouldn't be. In one of my earliest decisions to 'lean in' I went to University and completed my law and accounting degrees.

Despite a slightly rocky start at my very first firm, where my supervising partner was slightly perplexed by why a young woman would choose to enter the legal profession, I am lucky in that I have always worked for firms that are meritocracies.

There is a strong legacy at King & Wood Mallesons of highly successful female partners and I was able to stand on the shoulders of those who came before me, such as Robyn Chalmers and Julie Ward (to name just a few). I joined the firm in 1993 after working for a "magic circle" firm in London and was appointed as a senior associate that year, before joining the partnership in 1996.

From there I built up a successful Real Estate practice and dedicated myself to my clients. I was determined to be the best lawyer I could be and I thrived on the fast paced and challenging role of a transactional lawyer and was fairly content with running my practice and raising a young family.



Sue Kench

Like most women, I didn't naturally self-promote and I hadn't considered putting myself forward for any type of leadership position until encouraged by others. After some coaxing I took on the role of Co-Chairing the firm's Admissions Committee. Soon after a position opened up on the Partnership Committee and the Board and I wish I could say that I shot my hand up in each of these instances, but male colleagues nominated me for each of these roles.

I thoroughly enjoyed working with the Board and was involved in overseeing significant strategic decisions including the firm's groundbreaking combination with China's leading law firm King & Wood. When an opportunity arose for me to join the firm's management team as Managing Partner for Real Estate, Construction and Infrastructure, I jumped at it.

It was daunting taking on this leadership role as well as maintaining an extremely busy practice with demanding clients (and not to mention three young children at home!), but I saw the opportunity to really make a difference and grow the firm's capability and client base in this area.

These roles gave me exposure to a broad range of partners and the firm's business, practices and governance. When the Managing Partner Australia role became vacant I was selected to lead the Australian firm – I knew I had to lean in, dig deep and push forward. This would be the first time an Australian female partner had taken on the role and I was determined to face up to the challenge and show other women both within the firm and externally that if they worked hard and demonstrated talent and leadership they could also take on such roles. This type of visibility is key.

“ LOOKING BACK, I THINK IT HAS BEEN A COMBINATION OF LEANING IN, PUSHING THROUGH AND ALSO BEING PULLED OUT.”

I am under no illusions that this job is going to be easy, but nothing worth doing ever is. I've faced many challenges throughout my career and have always had to push through the obstacles and build resilience along the way. Many women consider having a family as the biggest obstacle to career progression, and I urge them to start thinking about how they can have both a fulfilling home life and successful career rather than how they can't. It is achievable if you remove the obstacles and make it work on your own terms. This requires compromise, flexibility, determination and support.

I am very lucky that I have an extremely supportive husband, without whom I would not be where I am today. He has always encouraged me unreservedly in my career and takes on extra responsibilities at home to enable me to meet the demands of work. He runs his own small business and is able to arrange his work around the children's schedules which is a huge help.

Like all working mothers, I've had to improvise on countless occasions to meet my work and family obligations and keep all the balls in the air. I have to think outside the box to find creative solutions when I have to be in two places at once, but if I'm honest, I know I'm happiest when my life is a juggling act. I have discovered that being a mum makes me a better leader. I've learned patience and resilience from my children and they keep me grounded. Of course I feel guilty sometimes, but I don't know any women that don't.

Women who have what it takes to succeed at the highest professional level face many obstacles, both internal and external. My advice to others would be that there is no blueprint or “one size fits all” solution. You have to make it work for yourself and your situation. Find ways to remove or at least minimize the obstacles and accept that there will be times when trying to do it all won't work and you will have to make some tough choices. But pick yourself up and keep pushing on.

Whether you have children or not, don't hold yourself back. It won't be easy and you will need to juggle many things and prioritise demands on your time but keep your foot on the accelerator and keep pushing through. We owe it to ourselves and our children to stop thinking of motherhood and a successful career as mutually exclusive.

As the first female Managing Partner of my firm, I hope to reach into the organisation and encourage female talent to step up, lean in and get involved with the business as I did. Visibility is essential to encouraging others to put themselves forward.

Ultimately, we all have the ability to influence the development of talented women and to push for their advancement. In our day-to-day business we must ensure that women get the encouragement and the experience they need to qualify for the senior leadership roles. The more women in leadership will get us closer to the tipping point.

WELCOME TO THE 'NEW' WORLD?

VIOLETA POLITOFF

RESEARCH & PROJECT OFFICER

AT DOMESTIC VIOLENCE VICTORIA

LET'S FACE IT. WE LIVE IN A CULTURE THAT IS STILL CRUEL TO WOMEN AND GIRLS. IN SPITE OF ENORMOUS ADVANCES, WOMEN CONTINUE TO BE LOWER PAID, HOLD FEWER POSITIONS OF POWER, ARE HIGHLY SEXUALISED, AND ARE SYSTEMATICALLY VICTIMISED.

Well-worn statistics show that a disturbingly large number of women experience violence in their lifetime – usually from men they know, with marginalised and vulnerable women disproportionately affected. This reality is embedded in every space we inhabit – work, home, public spaces, and now, our omnipresent information and communication technologies (ICTs).

While abuse and harassment of women is nothing new, contemporary technologies offer increased access, possibilities, avenues and audiences for harm. We are easier to find and contact than ever before, and the distinction between our 'online' and 'offline' selves has all but collapsed. The immediacy with which information can be disseminated to large audiences also means that, once released, information about ourselves is nearly impossible to control. This particular context leaves women subject to an alarming array of technology-facilitated harms – harms which follow the same patterns 'online' as they do 'offline'. Statistics show that women are most at risk from men they know, and this is also true for technology-facilitated abuse. The origins of the problem haven't changed, it's the avenues available to those men who seek to control, harass and abuse women that have increased.

Technology-facilitated stalking is among the pressing issues women face in this context. Research by Dr Delanie Woodlock, at the Domestic Violence Resource Centre Victoria (DVRCV), found that new ICTs present increased opportunities for the perpetration of stalking and domestic violence. In particular, ICTs enable 24-hour access, constant text messaging (one woman in their study received over 100 messages daily), increased ability to find and monitor victims/survivors (using GPS, social media, or other apps), and the ability to easily create a threatening sense of omnipresence and perpetual fear. Advanced tracking and surveillance technologies can make escape nearly impossible. Often perpetrators hack into personal accounts to monitor and control their victims, or sometimes to impersonate, spread rumours and publicly humiliate. DVRCV research has found that the use of technology in stalking has serious consequences for women and significantly impacts "women's mental and physical wellbeing, their day to day routines, employment, parenting and relationships".

Dr Woodlock's research also found that 39% of women who had experienced technology-facilitated stalking reported that a partner or ex-partner had shared private images without their consent. The distribution of personal (often sexual) images without consent with the aim to degrade, embarrass and

humiliate has become a common form of technology-facilitated gender-based abuse. Lack of consent can occur in a number of ways as imagery can be taken without consent (secretly or as part of an act of sexual assault) or consensually (for example via consensual sexting), with images subsequently being disseminated without permission.

This issue is often discussed in the context of adolescent girls who (are sometimes pressured to) send their boyfriends, or participate in, sexual imagery which is understood to be 'private' but is later distributed through friend networks or via social media without consent. However, teenage girls are not the only ones experiencing this form of technology-facilitated gender-based abuse. 'Revenge porn'/'involuntary porn' (the posting of sexually explicit imagery of ex-partners in order to shame, degrade and tarnish their reputations) affects women regardless of age. The purpose of revenge porn is not simply to look at nude women, rather the aim is explicitly to hurt the women they expose, to humiliate them. One of the particularly traumatic elements of revenge porn is the inclusion of the names and contact details of the women represented. While comparable to the "call for a good time" telephone number graffitied on the wall of a urinal, this information is transmitted on a global stage, receiving tens of thousands of hits, and being cruelly commented upon by known and unknown men alike. The consequences of this transcend the 'online'/'offline' divide with victim's at risk of losing their jobs, and others living in fear of men who now know their address, email and mobile numbers.

'Old' reactions to a 'new' problem

Often problematic understandings of consent are revealed in discussions of this issue. It appears that if consent was given at one stage (for example when the image was made), then often the non-consensual dissemination of this image is seen as less of an issue – an argument reminiscent of the victim blaming worldview that suggests that consenting to one sexual act means consenting to all sexual acts. Dr Anastasia Powell, lecturer in Justice and Legal Studies at RMIT, says that "where women have consented to taking the original image, we say 'why would she?', 'she should have known this would happen', rather than questioning the inappropriate actions of the man who sent that image on to others... we minimise women's right to sexual autonomy and justify abuser's actions as 'understandable'."

One poignant example can be seen in a segment recently aired on *ABC News*, in the US, which focuses on the issue of 'revenge porn', and includes emotional interviews with a number of women who had been victimised by former partners through this form of abuse. While the segment is compelling, the conclusion minimises perpetrator blame and places the responsibility on women for being photographed in the first place. The news anchors conclude the segment by saying, "it goes without saying, be really careful of the pictures you're taking..."

and remember that all boyfriends become ex-boyfriends at some point! If they don't become your husband...", at which point the newsreaders laugh, one exclaiming "exactly!". The comments beneath the YouTube clip of this segment are even more disturbing, with every single one blaming and insulting women using statements such as, "welcome to the new world sluts".

Challenges for the legal context

Many have pointed out the challenges of prosecuting cybercrime. Speaking specifically about cyberstalking, Commissioner for Victims' Rights Michael O'Connell explains how difficult it can be to police laws of a particular jurisdiction when the perpetrator is overseas, and "there are some jurisdictions in Australia where there aren't provisions to deal with harassment". Often victims are left with little choice but to sacrifice their online lives, only to be found again and continually harassed. Michael O'Connell has "called for state and federal laws to be amended to allow police to be tougher on cyber stalking and harassment".

" WHILE ABUSE AND HARASSMENT OF WOMEN IS NOTHING NEW, CONTEMPORARY TECHNOLOGIES OFFER INCREASED ACCESS, POSSIBILITIES, AVENUES AND AUDIENCES FOR HARM. WE ARE EASIER TO FIND AND CONTACT THAN EVER BEFORE, AND THE DISTINCTION BETWEEN OUR 'ONLINE' AND 'OFFLINE' SELVES HAS ALL BUT COLLAPSED."

In terms of 'revenge porn', victims seeking to have their imagery removed from the internet have little recourse. Bekah Wells, founder of Women Against Revenge Porn, says that often these sites charge fees of up to \$500 to have photos removed, with women paying just to find that their images crop up later on a different website. For Dr Powell, "Ultimately once an image is distributed to others or published online, it's nearly impossible to retract. Especially where companies (such as so-called 'revenge porn' or voyeur sexual imagery sites, but even social networking site such as Facebook) refuse to cooperate and remove images when receiving a complaint".

In an attempt to address this problem California recently passed a bill that will make it a misdemeanour to electronically distribute nude images (and information) of another person without consent and "with the intent to cause substantial emotional distress or humiliation". While this marks an important step, it's been highly

criticised for not going far enough; in particular, the law does not include 'selfies' (or an image taken by oneself). Imagery originally taken by the victim constitutes a large proportion of material distributed electronically without consent. This omission again suggests that understandings of consent are based upon the idea that the victim is (at least partially) responsible for the perpetrator's *current* actions due to her choices in the past. The law also does not apply to redistributors or hackers, therefore targeting only the person who originally made the image. In terms of solutions, Dr Powell points out that, "it's not just about making individuals more responsible for their actions, we need to place greater responsibility on companies and service providers to be more proactive in responding to victim complaints, as well as being responsible for their terms of use and community guidelines to specifically exclude harassing, abusive, or exploitative content".

According to Dr Powell, "there are no Australian laws that respond to the harm caused by the distribution of sexual or intimate images in and of itself; a harm that resembles sexual violence or harassment, and as such should be taken seriously". It seems that in this 'new' context the failings of old systems are made plain, and the old ways of dealing with these problems can't keep up. Legislation in particular is having to be rethought in ways that account for the specificities of technology-facilitated harms. For this reason, in May this year, the parliamentary Law Reform Committee released the recommendations of its Inquiry into Sexting. The recommendations to the Victorian Government include reforms to child pornography laws, the creation of a Digital Communications Tribunal, and the introduction of "legislation to create a statutory cause of action for invasion of privacy by the misuse of private information". These recommendations mark an important step towards increased perpetrator accountability and providing new mechanisms for responding to victims' claims. Another important recommendation proposed by the Committee was that the Victorian Government should ensure that education and media campaigns focus on those who distribute the images, rather than the creator of the image. This is a key point because it marks an explicit shift away from victim blaming, and placing the responsibility on those who perpetrate the harm by distributing without consent.

While the types of abuse facilitated by technology may appear to be 'new', the causes of violence, harassment and the abuse of women haven't changed. In spite of the overwhelming technological advancement of our modern lives, it's critical that we continue talking, thinking and working towards gender equity in all the spaces we inhabit. And considering the key role of legislation in this space, it's important for those working in the legal sector to keep abreast of new developments and legal challenges relating to the serious and ongoing social problem of violence against women.

MARRIAGE: A HUMAN RIGHT OR A HETEROSEXUAL PRIVILEGE?

PAULA GERBER AND ADIVA SIFRIS

Paula spoke at our event Women's Rights – Key Issues and Development and has kindly agreed to continue the conversation started there.

IN RECENT TIMES, THE DEBATE SURROUNDING WHETHER SAME-SEX COUPLES SHOULD BE ALLOWED TO MARRY, AS FOCUSED ON CONSTITUTIONAL LAW ARGUMENTS – CAN STATE AND TERRITORIES ENACT LEGISLATION THAT PROVIDES FOR SAME-SEX COUPLES TO MARRIAGE WITHOUT RUNNING AFOUL OF S 109. HOWEVER, AT ITS HEART, THE DEBATE ABOUT WHETHER SAME-SEX COUPLES SHOULD BE PERMITTED TO WED, IS ONE OF EQUALITY, DIGNITY AND HUMAN RIGHTS. IT IS THEREFORE TIMELY TO CONSIDER WHAT INTERNATIONAL HUMAN RIGHTS LAW HAS TO SAY ABOUT MARRIAGE; IS IT A RIGHT RESERVED EXCLUSIVELY FOR HETEROSEXUAL COUPLES?

The starting point in determining whether prohibiting same-sex couples from entering the institution of marriage is a breach of international human rights law is the Universal Declaration of Human Rights (UDHR). This cornerstone of international human rights law provides that: 'All human beings are born free and equal in dignity and rights' (Article 1). Most of the articles in this instrument state that the rights apply to 'everyone'. The notable exception is Article 16 relating to the right to marry. It states that: 'Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family.' The use of gendered language when referring to the right to marry was continued in Article 23 of the International Covenant on Civil and Political Rights (ICCPR) which states that: 'The right of men and women of marriageable age to marry and to found a family shall be recognized'.

Does the explicit use of the words 'men' and 'women' mean that the right to marry is limited to men marrying women? The United Nations Human Rights Committee considered this point in 2002 in the case of *Joslin v New Zealand*. Joslin argued that the failure of the NZ *Marriage Act* to provide for homosexual marriage discriminated against them directly on the basis of sex and indirectly on the basis of sexual orientation... they were denied the ability to marry, a basic civil right, and were excluded from full membership of society... and they did not have ability to choose whether or not to marry, like heterosexual couples do.

The Committee, in a very brief decision, (a mere 333 words were devoted to their reasons) *refused* to extend the right of marriage guaranteed by Article 23 of the *ICCPR* to same-sex couples.

The majority held that:

Given the existence of a specific provision in the Covenant on the right to marriage, any claim that this right has been violated must be considered in the light of this provision. Article 23, paragraph 2, of the Covenant is the only substantive provision in the Covenant which defines a right by using the term "men and women", rather than "every human being", "everyone" and "all persons". Use of the term "men and women", rather than the general terms used elsewhere in Part III of the Covenant, has been consistently and uniformly understood as indicating that the treaty obligation of States parties stemming from article 23, paragraph 2, of the Covenant is to recognize as marriage only the union between a man and a woman wishing to marry each other.

Having found that same-sex couples do not enjoy the right to marry set out in Article 23 of the *ICCPR*, the Committee decided it did not need to consider the allegations of a violation of Articles 16 (recognition before the law), 17 (Privacy) and 26 (non-discrimination). This is unfortunate, as it is likely that the Committee would have struggled to justify an argument that New Zealand's *Marriage Act* was not discriminatory, if it had specifically considered the Article 26 claim. It is somewhat ironic, that New Zealand was behind the case that found there was no human right to same-sex marriage, and yet it is now one of the 17 countries around the world that has legalised same-sex marriage.

"DOES THE EXPLICIT USE OF THE WORDS 'MEN' AND 'WOMEN' MEAN THAT THE RIGHT TO MARRY IS LIMITED TO MEN MARRYING WOMEN?"

Joslin was decided over a decade ago when only one country had legalised same-sex marriage (The Netherlands). In hindsight, it was perhaps brought prematurely. With changing societal attitudes to same-sex marriage and homosexuality in general, it is likely that Article 23 of the *ICCPR* will, over time, come to be interpreted through the lens of non-discrimination as set out in Article 26. Indeed, Professor Sarah Joseph has predicted that if a case similar to *Joslin* were to be presented to the Committee in the future, the decision might well be different.

The ICCPR is not the only international human rights treaty relevant to the issue of marriage equality. Article 10(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) provides that:

The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children.

The latest census data reveals that in Australia today, there are over 6,000 children being raised by same-sex couples. The true figure may actually be higher because some same-sex families may not disclose the nature of their relationship for fear of discrimination and/or recriminations. Article 10 requires that states must protect all families, not just heterosexual families. It could be argued that by denying same-sex couples the right to marry, states are not protecting the rights of families as required by the ICESCR. This is evidenced in the following submission to the Victorian Law Reform Commission by a Victorian same-sex family:

The lack of legal recognition of and support for our families translates, in practice, to some people regarding our families as deficient, and problematic ... Laws that aim to discourage our families from existing or that don't recognise our families as families make it harder for or more awkward for some people to include us or interact with us and our children, and can make some people feel that they can or should treat us with a lack of respect or as though we are invisible or deficient. Clearly, this state of affairs is detrimental to us, to our children and to our broader society.

Thus, by denying same-sex couples the right to marry, the Government is failing to protect the rights of families.

The Convention on the Rights of the Child is also relevant to a consideration of whether there same-sex couples have a right to marry. Article 3(1) provides that:

*In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, **the best interests of the child shall be a primary consideration.*** [Emphasis added].

“ THE LATEST CENSUS DATA REVEALS THAT IN AUSTRALIA TODAY, THERE ARE OVER 6,000 CHILDREN BEING RAISED BY SAME-SEX COUPLES. THE TRUE FIGURE MAY ACTUALLY BE HIGHER BECAUSE SOME SAME-SEX FAMILIES MAY NOT DISCLOSE THE NATURE OF THEIR RELATIONSHIP FOR FEAR OF DISCRIMINATION AND/OR RECRIMINATIONS...”

Discriminating against children of same-sex couples by not allowing their parents to marry is likely to have a negative impact on such children, and thus not be in their best interests. This is because children of such couples can be subjected to inequities, indignities and insecurities that flow from being part of a family that is not legally sanctioned by society, in much the same way as illegitimate children were discriminated against in a bygone era.

International human rights law has not yet explicitly recognised the right of same-sex couples to marry. However, simply because a human right is not recognised at a given point in time, does not mean that it does not exist. A contemporary interpretation of several human rights treaty provisions, including Article 26 of the ICCPR, Article 10 of ICESCR and Article 3 of the Convention of the Rights of the Child support the conclusion that prohibiting same-sex couples from marrying may be a violation of these human rights norms.

Paula Gerber

Associate Professor
Monash University Law School

Adiva Sifris

Senior Lecturer
Monash University Law School

(SOME) OF WHAT I WISH I HAD KNOWN ON THE DAY OF MY ADMISSION

LEANNE BARTRAM

PRINCIPAL, BARTRAM LAWYERS

RECENTLY, I MADE IT TO A LONG OVERDUE DENTAL APPOINTMENT. I SAT AND READ A WELL-WORN WOMEN'S MAGAZINE WITH AN ARTICLE BY A LOCAL CELEBRITY, IN WHICH SHE GAVE WORDS OF WISDOM TO HER SIXTEEN YEAR OLD SELF. IT MADE ME PONDER - WHAT WOULD I HAVE TOLD MYSELF, AS I STOOD ON THE STEPS OF THE SUPREME COURT ON THE DAY OF MY ADMISSION ON 13 MARCH 1989? SO HERE GOES: MY VERY BASIC LIST OF SOME (THERE WERE MORE) THINGS THAT I WISH I HAD KNOWN ALL THOSE YEARS AGO (IN NO PARTICULAR ORDER).

- Start marketing from the day of admission to practice.
- Always remember that you are foremost an officer of the Court. Resist the temptation to portray matters to the Court in any way other than truthfully. You will see others do so; and sadly, see them caught out. Even where they may have done so mistakenly thinking it was in the best interests of their clients – neither the Judge, you as their opponent nor their colleagues will ever forget or fully trust them in future.
- Respect your co-workers – especially the non-legal staff. A lawyer is only ever as good as those around them. Be assured they will not treat you well if you see yourself as somehow superior simply due to your law degree.
- Recognise the contribution of other staff members, to your clients. Highlight it to the client where it is a more junior staff member who has come up with “the master stroke”.
- Do not hide behind letters and emails. So often, the chance to resolve a dispute without resort to litigation will be lost unless you pick up the phone and speak to your opponent. Likewise, a soothing conversation on the telephone with a client can really help when, for example, a deadline or trial date is approaching.
- You/your clients are Counsel's customer – not the other way around. So, ensure Counsel is robustly representing your client. While Counsel may well be “learned,” do not forget that you are the instructor.

**“ BE HONEST AND OPEN WITH YOUR
CLIENT - EVEN IF THE NEWS YOU
ARE GIVING THEM IS NOT WELCOME.”**

- Do not underestimate the risks and costs of litigation. Clients may well have a valid cause of action. However, you need to clearly advise them of the risks of litigation, that it can take years to get to the door of the Court; and regularly update your clients as to costs ramifications. Advice at the outset does not suffice. Regular reminders are critical.
- Be honest and open with your client – even if the news you are giving them is not welcome. If you have determined that there is little merit to your client's case ensure your client fully understands this. Warning ... this will be a tricky scenario. Clients never like paying to be advised that they have no case.
- Keep your client informed. Do not meet with a client and then leave them in limbo. Ensure that within a few days of meeting a client there is some contact from you even just a short email of thanks or your engagement letter.
- Give clients recommendations. Of course, it is critical that you outline the options available. You need to leave it to the client to make the final decision – it is their matter, not yours. However, most clients will appreciate clear recommendations or a suggested course of action.
- Do not be afraid to discuss fees – value your worth.
- Be careful not to become a “backroom girl”. Particularly in your early days, you will find that female lawyers can, sadly, sometimes be viewed as glorified administrators left to plod away at the detailed backroom work – while the boys are taken out “fishing” for clients or to attend the more interesting strategic conferences. Fight that!
- Listen much more; talk less.
- When your opponent is hostile, angry, loud, remember your best response is to be calm, considered and entirely reasonable. Your opponent will hate it!

NETWORKING: THE SCHOOL OF LIFE!

KIRSTEN GANLEY

PARTNER, GADENS LAWYERS

ONE SUBJECT NOT OFFERED AT LAW SCHOOL WHEN I WAS STUDYING WAS NETWORKING. UPON MY ARRIVAL AT A LARGE COMMERCIAL LAW FIRM I SOON DISCOVERED THAT THE ART OF THE 'COFFEE CATCH-UP' WAS JUST AS IMPORTANT AS MY ABILITY TO DRAFT AN AFFIDAVIT. A REAL CHALLENGE FOR A TEA DRINKER!

What is networking and why is it important?

Networking is about creating professional relationships, and then building on those relationships over time. In essence it is about using your social skills in a professional context. This being so, it can be an area where women's ability to read non-verbal cues and exercise their emotional intelligence puts them in good stead to network with people they do not know.

Networking is an important and critical component of your career as a legal professional. Starting to build your network as a student will be invaluable as it helps you to get to know the right people who can assist you with your career or even find a job. An important thing to remember is that the people who are your colleagues and university classmates now, are all possible leaders of the future and who knows where they may end up one day!

Where do I start?

You may not realise it but you start creating networks at university. Creating and maintaining relationships with your peers is the first step towards engaging in professional networks.

Maintaining a variety of interests will also open up your networks and provide you with a broad range of topics to talk about. When networking you do not have to 'talk shop', in fact the most successful networking I have undertaken is when I have engaged with persons I did not know in talking about non-work related topics. For me, my love of AFL football has enabled me to have a topic with which I can start a conversation. I stay abreast of current events in that area and that allows me to hold a detailed conversation about football and the AFL. I find that when at networking events it is an advantage to talk about topics that are not directly work related. This enables me to connect with people on a personal level and helps with building rapport and trust.

Finding a common interest with your peers is an enjoyable way to develop professional networks. Another interest I have is horse riding. Through talking about my personal interests at functions I have developed connections with people across a variety of industries that also enjoy horse riding and we now regularly go horse riding as a group. This group is continually expanding as we discover more keen horse riders at networking events.

Having a variety of topics that you feel comfortable talking about to people you do not know is a good start to developing networks, however, as your career progresses you will need to add some depth to your networking abilities. I have found a useful way to increase client and industry knowledge is to keep abreast of current affairs. Working for a commercial firm, the easiest way to do this is reading the Financial Review. Developing commercial knowledge enables you to talk to existing clients and new contacts about issues that may be directly affecting them.

When networking you do not have to focus just on your skill set and what you can offer potential clients, but you can talk about what your firm does and what your firm can offer. Knowing what your firm does across all practice groups beyond your own practice group adds depth to what you can talk about at networking functions.

I'm new to the firm!

Networking is also about developing relationships within your firm. I moved to Melbourne after starting my legal career in Hobart. Not only was I changing the State I lived and worked in by moving to 'the Mainland', but I also changed the nature of the firm I worked for. In Hobart the firm I worked for had a total of 60 employees, this changed to working for a firm that had approximately 400 employees.

I remember after passing my probation period and being advised that whilst all was going well within my team, others within the firm did not know who I was – I needed to raise my internal profile. I acted on this advice by undertaking a continuing professional development presentation to the firm. This enabled me to display my legal knowledge in my practice area and my oral presentation skills, to my colleagues. I joined the firm's social committee and attended all the firm events that I could. This enabled me to meet more people within my firm and learn more about what they did and what they could offer.

Once you start working, your networks will be used to maintain relationships with clients, meet new prospective clients and help you with getting referrals from people within your network – word-of-mouth publicity is arguably the strongest form of marketing in the legal profession. As you progress through the ranks at your firm, more importance is placed on you to source new work, and it is the networks you have built over time that are likely to help you the most. The more senior you get, the more your legal abilities become a 'given', and what attracts work to you will be the personal relationships that you develop along the way.

Happy networking!

EVENT REPORTS

Photography by Michael Miller unless otherwise stated

BREAKFAST PANEL EVENT 'IS IT STILL A MAN'S WORLD?'

20 FEBRUARY 2013

ON 20 FEBRUARY 2013, VWL, WOMEN IN FINANCE AND THE INSTITUTE OF CHARTERED ACCOUNTANTS JOINTLY HOSTED THE BREAKFAST PANEL EVENT, IS IT STILL A MAN'S WORLD?. MEMBERS WERE TREATED TO A CANDID AND ENTERTAINING DISCUSSION ABOUT KEY ISSUES CONFRONTING WOMEN IN FINANCE AND THE LAW.

A capacity audience of about 120 attendees heard from an extraordinary panel of women – Sylvia Falzon, Non Executive Director at Perpetual Limited; Bronwyn Lincoln, Partner, Herbert Smith Freehills; Suzanne Smith, and General Manager Client Delivery, National Australia Bank.

Aileen Hiskins, Facilitator of the 2012 Women in Finance Mentoring Program, chaired the discussion.

The panel spoke about how they tackled career challenges, and gave insights and tips on difficult issues including negotiating promotion and pay, balancing career, family and lifestyle, and the value of mentoring.



From left to right – Suzanne Smith, Bronwyn Lincoln, Aileen Hiskins, Sylvia Falzon

FILM SCREENING 'BETWEEN THE DEVIL AND THE DEEP BLUE SEA'

6 MARCH 2013

ON THE 6 MARCH 2013, VWL'S JUSTICE COMMITTEE HELD THEIR FIRST EVENT FOR THE YEAR – A FILM SCREENING OF THE DOCUMENTARY *BETWEEN THE DEVIL AND THE DEEP BLUE SEA*.

This documentary considers the question of what makes someone become a 'boat person'. It was co-written and produced by Melbourne barrister and human rights advocate, Jessie Taylor. The documentary showcased the stories of a number of asylum seekers in an effort to explain why so many would risk their lives to make the dangerous journey to Australia.

Finger food and drinks were served before the film, and the screening was followed by short a Q&A session with Jessie Taylor and Pamela Curr (from the ASRC). With a turnout of over 60 people and \$1385.00 raised for the ASRC and the Deep Blue Sea National Tour, the Justice Committee would like to thank all those who supported this great cause.

A special thanks to Russell Kennedy who provided the venue and refreshments for the evening.

DAME ROMA MITCHELL MEMORIAL LUNCH

4 MARCH 2013

WE WERE HONOURED TO WELCOME THE HONOURABLE JOAN KIRNER AC TO ADDRESS US AT THE DAME ROMA MITCHELL MEMORIAL LUNCH THIS YEAR. WE WERE ALSO VERY PLEASED TO WELCOME THE HONOURABLE JUSTICE SUSAN CRENNAN AC OF THE HIGH COURT TO INTRODUCE MS KIRNER.

As most of you will know, Ms Kirner was the first – and so far only – female Premier of Victoria. She is therefore well qualified to speak about women in leadership, and she inspired and entertained us all with a discussion of the most important assets for women leaders.

The lunch is co-hosted by the Law Institute of Victoria, and one of the biggest events on the Victorian legal calendar. This year it was attended by 300 lawyers (and some friends). The attendees were a fantastic cross section of the legal profession, from recent graduates through to our Patron, the Honourable Chief Justice Marilyn Warren AC and numerous other judicial, parliamentary and other legal luminaries.

Ms Kirner was generous, personal and enlightening, and we are sure that everyone who attended took away some important lessons and inspiration.



Above – Caroline Counsel, Principal, Caroline Counsel Family Lawyers, past LIV President

Photography by Peter Glenane



Above – from left to right – Michael Brett Young LIV CEO, Dr Vivian Waller, Joan Kirner AC, Verity Shepherdson VWL Convenor, Reynah Tang LIV President

THE GENDER AGENDA: GAINING MOMENTUM

12 MARCH 2013

THE VWL WOMEN IN GOVERNMENT COMMITTEE AND RUSSELL KENNEDY LAWYERS HOSTED AN INTERNATIONAL WOMEN'S DAY EVENT ON 12 MARCH 2013. THE KEYNOTE SPEAKER WAS THE HONOURABLE JENNIFER KANIS MP, STATE MEMBER FOR MELBOURNE.

Ms Kanis was Convenor of Victorian Women Lawyers in 2009. Prior to being elected to the Legislative Assembly in July 2012, Ms Kanis was a Senior Associate at Holding Redlich and Councillor at City of Melbourne. She spoke about her experiences as a woman in Parliament and gender-related issues and challenges she has encountered her working life.

The event was well attended by a wide range of women (and one man!) and the attendees ranged from a CEO of a large public sector agency to recent law graduates, so there were lots of great networking opportunities. This event is held annually with the generous support of Russell Kennedy, so keep an eye out for it again in March/April 2014.



Above – from left to right – Sarah Manly of Russell Kennedy, Verity Shepherdson VWL Convenor, the Hon Jennifer Kanis MP, Astrid Haban-Beer, Co-chair of WIG Committee

MEMBERS AND GUESTS' EVENING

15 MAY 2013

VWL HELD ITS ANNUAL MEMBERS AND GUESTS' EVENING ON WEDNESDAY 15 MAY. WITH OVER 200 VWL MEMBERS AND GUESTS ATTENDING THE EVENT, IT WAS AN EXCELLENT TURN OUT FROM WOMEN LAWYERS AND LAW STUDENTS ALIKE.

The Apartment on Little Bourke St, where we have held this event for a number of years, was the perfect venue for the evening, with food and flowing wine keeping everyone and relaxed.

Claire Hooper – well-known comedian, radio and TV presenter, was hilarious as the guest comedian for the night.

We were able to treat a number of our lucky members and guests to door prizes ranging from Como cinema tickets to a handbag from Spencer & Rutherford, dinner vouchers from Ti Amo and Goddess of Nails and Beauty, Snap Fitness voucher and of course a VWL membership. In addition, VWL received generous donations for show bag gifts which were handed out to each of the members and their guests upon arrival.

We are very grateful to the VWL Networking Committee for their assistance in the lead-up to the event; our sponsors who donated door prizes and materials for the show-bags; The Apartment on Little Bourke St; and most importantly, to the VWL Members for bringing along their friends and colleagues as our guests for the evening.



WHERE DO WE GO FROM HERE?

17 MAY 2013

ON 17 MAY 2013, VWL'S WOMEN IN GOVERNMENT COMMITTEE HOSTED ITS SECOND EVENT FOR THE YEAR, A PANEL DISCUSSION ON THE UNIQUE PAY AND PROGRESSION SITUATION FOR WOMEN WORKING AS GOVERNMENT LAWYERS.

Together, the panel brought over 70 years of experience in government law and legal consulting to the discussion.

The conversation commenced with a look at the history of women in the workplace and information on the pay and progression structures unique to the public service from Hayley Petrony (Assistant Victorian Government Solicitor) and Katherine Francis (Senior Solicitor, VGSO). Louise Johnson (Director of the Legal Branch of the Department of Health) and Robyn Campbell (Director of Campbell & Dean Management Consulting) then shared fascinating and candid personal anecdotes of their experiences as women lawyers in Government. The career progression tips from Robyn were inspirational, motivational and practical (in a nutshell: take control and say yes!).

The free event was preceded by a delicious networking lunch generously sponsored by the Victorian Government Solicitor's Office. Attendees included lawyers of VGSO, in-house lawyers in Government departments, lawyers working in the Courts and women working in recruitment and human resources.



Top – from left to right – Louise Johnson, Katherine Francis, Robyn Campbell
Bottom – Hayley Petrony

WOMEN BARRISTERS ASSOCIATION 20TH ANNIVERSARY CELEBRATIONS

5 JUNE 2013

ON 5 JUNE 2013 THE WOMEN BARRISTERS ASSOCIATION OF VICTORIA HELD A DINNER TO CELEBRATE THE ASSOCIATION'S 20TH ANNIVERSARY.

The dinner was attended by many of the founding members of the Association, the majority of its past convenors, members of the judiciary, and of course members of the bar. Victorian Women Lawyers were delighted to receive an invitation to attend the dinner and celebrate the wonderful work done by the Association over the past 20 years to support female barristers and help increase the number of women at the bar.

The dinner included a fantastic speech by WBA (and VWL) patron Chief Justice Marilyn Warren AC, and hilarious commentary about life as a professional woman by comedian Nelly Thomas.

Of particular interest to VWL members were the comments made during the dinner about ways to increase the number of female barristers receiving briefs from solicitors – an issue the VWL is also keen to highlight.

Victorian Women Lawyers congratulates the WBA on this milestone, and looks forward to continuing to work with the Association for the benefit of women in the legal profession.

ANIMAL LAW BREAKFAST

19 JUNE 2013

ON THE MORNING OF 19 JUNE, OVER FIFTY LAWYERS AND STUDENTS GATHERED FOR THE 2013 ANIMAL LAW BREAKFAST, JOINTLY HELD BY VWL AND LAWYERS FOR ANIMALS.

With a 7.30am start, we were thrilled to have such a healthy number of attendees. Building on the success of last year's event, it is certainly clear that there is a strong interest in animal law in Victoria and that this interest is growing! Maddocks kindly hosted the event again this year, providing a delicious and creative vegan breakfast.

Our guest speaker was Shatha Hamade, Legal Counsel for Animals Australia. Shatha has extensive experience in prosecuting animal welfare and cruelty cases and in 2012 she was awarded Young Australian Lawyer of the Year by the Law Council of Australia for her contribution to animal law. Shatha's story is an inspirational one because her career in law was the result of an unexpected life change. Shatha was working at a large financial institution in Sydney when she stumbled across an animal welfare stall in a busy shopping centre. Upon discovering the truth about the hidden lives of factory farmed animals, Shatha embarked on a law degree to become an advocate for animals.

Shatha delivered a passionate and engaging presentation, which covered the key issues faced by lawyers in advocating for positive animal welfare outcomes through the law. In particular, Shatha discussed the barriers to reaching the public consciousness and changing community attitudes towards animals. This is an important consideration if one believes that the law should reflect the moral sentiments of the community. Shatha also provided a personal account of her experience as an RSPCA prosecutor, giving insight into how and why domestic and production animals are abused in our community, and the systemic issues that we, as lawyers and advocates, need to address to help prevent this cruelty.

The breakfast was a wonderful opportunity to hear from a visionary speaker who is committed to creating a fairer, more humane society that does not discriminate arbitrarily on the basis of species. We would like to thank Maddocks for their continued support and generosity, and for the assistance provided by Simone Holding, Bronwyn Weir and Penelope Thomas. We would also like to thank Animals Australia and Lawyers for Animals.

A SWITCH IN TIME: GENDER, RESPECT, POLITICS AND MEDIA

25 JUNE 2013

ON TUESDAY 25TH JUNE 2013, VWL HELD AN EVENT FOCUSSED ON GENDER AND RESPECT IN POLITICS, THE MEDIA AND PUBLIC LIFE.

Over 60 women attended to hear Mary Crooks AO, Executive Director of Victorian Women's Trust and author of *A Switch In Time: Restoring Respect to Australian Politics*, speak about the topical issue of the treatment of female politicians and women generally in the Australian political arena and media.

With no shortage of case studies, examples and anecdotes, Mary kept the audience captivated with her passion and determination for equal treatment, regardless of gender, race or sexuality. The presentation resonated with the all-female audience, who came from an array of backgrounds, ages and experiences.

Clearly, all shared a desire to see women in the Australian media – in particular, those in positions of power, responsibility and political importance be afforded the same respect and dignity as their male counterparts.

While the issues raised cannot be solved in one lunch hour, Mary inspired us all. Thanks to Maurice Blackburn Women's Law Section for providing the venue and to the Victorian Women's Trust.

WOMEN'S RIGHTS – KEY ISSUES AND RECENT AUSTRALIAN DEVELOPMENTS

25 JULY 2013

ON 25 JULY 2013, THE JUSTICE COMMITTEE HOSTED A PANEL DISCUSSION AT RUSSELL KENNEDY WHICH FOCUSED ON THE RECENT DEVELOPMENTS IMPACTING WOMEN'S RIGHTS IN AUSTRALIA.

The discussion was chaired by Melissa Castan, Deputy Director of the Castan Centre for Human Rights Law and a Senior Lecturer at Monash University.

Dr Paula Gerber, Associate Professor at Monash University and Deputy Director of the Castan Centre spoke on the topic of marriage equality in Australia and gave insightful explanations of the differences between the development of Australian law and the

law that has been developed in Europe and in the USA. Dr Ronli Sifris, Monash University lecturer and Associate of the Castan Centre discussed the development of laws regarding abortion across Australia. Dr Beth Gaze, Associate Professor and Co-Director of Studies, Employment and Labour Relations Laws at Melbourne Law School provided the audience with an update in relation to recent changes to the Sex Discrimination Act.

The panellists fielded a number of questions from our audience of 60 attendees and discussed their contributions to the recently published book *Contemporary Perspectives on Human Rights in Australia*.

MENTORING PROGRAM

31 JULY 2013

31 JULY 2013 MARKED THE LAUNCH OF THE 2013 VWL AND WOMEN BARRISTERS ASSOCIATION'S LAW STUDENT MENTORING PROGRAM. THE PROGRAM, A CORE INITIATIVE OF VWL & WBA, WILL RUN FOR A YEAR, ENDING IN JULY 2014.

Now in its sixth year, the Program is a wonderful opportunity for female law students and practitioners to forge valuable networks, share ideas and enjoy professional companionship. Pairs are encouraged to meet face-to-face once a month, but much is left to the discretion of participants. Meetings can occur at VWL and WBA events, over coffee, at lunchtime, over a weekend brunch, in the mentor's office, or even, as we learnt from last year's participants, at a bar over a few glasses of wine!

This year, the Honourable Justice Marcia Neave AO opened the launch with entertaining stories from the early days of her career and addressed attendees on the challenges facing young women lawyers, now and then.

Attendees also heard from other notable speakers. Kathy Dalton, partner at K & L Gates, urged participants to embrace

the mentoring experience. Practical insights and tips about the Program were provided by Helen Versey, former Victorian Privacy Commissioner, and Sophie Brown, a Monash University JD student, a pair from the 2012 Program. They shared with those gathered how much they had learnt from one another, and how their mentoring relationship had grown to become a genuine friendship.

VWL would like to thank sponsor firm K & L Gates for its support of the event in providing a venue, catering, and staff to run the night.

The 2013 Program has well and truly kicked off and we are looking forward to hearing about participants' experiences. This year, 75 pairs were matched, according to professional interests, life experiences, proximity and mentors' preferences (where possible). We are so pleased that a whole array of practitioners, from diverse backgrounds, and various stages of their careers, are participating in the Program.

If you would like to become involved in next year's Mentoring Program, we encourage you to apply. Keep an eye on the VWL website for further details, to be released around May 2014.

AUSTRALIAN WOMEN LAWYERS FIFTEENTH ANNIVERSARY DINNER 17 AND 18 AUGUST 2013

AUSTRALIAN WOMEN LAWYERS HELD ITS FIFTEENTH ANNIVERSARY DINNER ON SATURDAY 17 AUGUST AT THE GRAND HYATT IN MELBOURNE. AROUND 200 PEOPLE WERE IN ATTENDANCE, INCLUDING CHIEF JUSTICE OF THE HIGH COURT OF AUSTRALIA THE HON ROBERT FRENCH AC, CHIEF JUSTICE OF THE FAMILY COURT OF AUSTRALIA THE HON DIANA BRYANT AO QC (AWL'S PATRON) AND CHIEF JUSTICE OF THE SUPREME COURT OF VICTORIA THE HON MARILYN WARREN AC QC (VWL'S PATRON), ALONG WITH PAST VWL CONVENOR AND STATE MEMBER FOR MELBOURNE JENNIFER KANIS MP.

Special guest speaker The Hon Amanda Vanstone charmed everyone with a hilarious presentation, sharing anecdotes from her time as a minister working alongside Attorney-General Daryl Williams during the Howard government years. She also provided some frank and fearless advice about how to deal with 'stupid blokes'.

Attendees generously donated \$1,062 in a raffle to benefit the Australian Red Cross. Two special video presentations were shown on the night and these are now available to watch on the Publications page of AWL's website. Photos will also soon appear online.

On Sunday 18 August, AWL held its Annual General Meeting and Kate Ashmor officially retired as President. Amy Challans was elected the first South Australian President to lead AWL over the year ahead, culminating in the Fifteenth Biennial Conference, to be held in Adelaide in the second half of 2014.

MEDICO-LEGAL FORUM 22 AUGUST 2013

VICTORIAN WOMEN LAWYERS, IN CONJUNCTION WITH THE VICTORIAN MEDICAL WOMEN'S SOCIETY (VMWS), HELD A DISCUSSION EVENING ON THURSDAY 22 AUGUST 2013 FOCUSING ON LEGAL, MEDICAL AND HUMAN RIGHTS ISSUES RELATING TO FEMALE GENITAL CUTTING (ALSO KNOWN AS FEMALE GENITAL MUTILATION OR FGM).

The event attracted a large turnout with men and women from a wide range of professions, keen to learn more about the topic. We were fortunate to hear from an esteemed panel of speakers including Dr Beth Wilson AM, Dr Susan Costello and Associate Professor Sonia Grover. The speakers all had very different experiences of this topic which provided a well-rounded education to those of us who were present.

The presentations were followed by a Q&A session with the panel, facilitated by DLA Piper Senior Associate, Shani Salier. The combination of medical and legal minds in the room made for some very interesting, thought-provoking discussions.

We are very grateful to the VWL Networking Committee for their efforts in planning this event and to the members of the Victorian Medical Women's Society for their assistance and support. Special thanks also go to the event hosts, DLA Piper.



Image – from left to right – Verity Shepherdson VWL Convenor, Ruth Hamnett former Networking Committee Co-chair, Dr Beth Wilson AM, Associate Professor Sonia Grover, Vanessa McKay Networking Committee Co-chair and Magdalena Simonis President of VMWS

WOMEN IN THE LAW TO CHANGE THE LAW: EMPOWERING AFGHANI WOMAN ADVOCATES

12 SEPTEMBER 2013

VWL'S LAW REFORM COMMITTEE INVITED A NUMBER OF PROMINENT WOMEN TO TALK ABOUT THE STATUS OF WOMEN IN AFGHANISTAN AND WHY HAVING WOMEN IN THE LAW IS IMPORTANT TO EFFECT BENEFICIAL LAW REFORM.

The speakers we engaged to take part in the panel discussion were Nouria Salehi OAM, founder of the Afghan Australian Development Organisation, Dallas Mazoori, a human rights and transitional justice advocate who has worked in Afghanistan over a number of years, Kate Eastman SC, a human rights and public law barrister who helped develop the Women's Education and Empowerment Project with the Indigo Foundation, and Lisa De Ferrarri, a commercial and public law barrister who was involved in the widely reported 'Tahiri' case.

Held at Maurice Blackburn, the event on 12 September was attended by about 50 people. It was a wonderful exploration of the role of women lawyers in Australia and Afghanistan, and significant funds were raised to assist the Indigo Foundation's 'Women's Education and Empowerment Project', a project that supports Afghani women to study law and other degrees at the Gawharshad Institute of Higher Education in Kabul.

Photography by Tess Kelly



Top – from left to right – Kate Eastman SC and Dallas Mazoori
Bottom – Nouria Salehi OAM and guests

FITTED FOR WORK

24 OCTOBER 2013

ON THURSDAY 24 OCTOBER, VWL JOINED FORCES WITH FITTED FOR WORK TO PROVIDE AN EVENING OF NETWORKING, FUNDRAISING AND BUSINESS STYLING.

Attendees heard directly from Fitted For Work about their formation, efforts, and goals, and were privileged to be joined by a Fitted For Work client who was able to share her insightful story and connection with the organisation.

The evening took a stylish turn, when guest speaker, Anthony Cuthbertson of David Lawrence, talked attendees through the



latest trends, tips for workplace wardrobe and dressing for casual Fridays. Anthony has partnered with Fitted For Work and is a true supporter of their work and values. The evening concluded with a silent auction from which all proceeds went to Fitted For Work. We would like to extend a special thanks to Minter Ellison Lawyers for hosting this event.

COMING TO THE BAR

28 OCTOBER 2013

VWL, IN CONJUNCTION WITH THE WOMAN BARRISTERS ASSOCIATION, HELD THE SEVENTH ANNUAL COMING TO THE BAR EVENT ON MONDAY 28 OCTOBER.

Attendees were able to mingle with members of the Victorian Bar, including Diana Price (Women Barristers Association Convenor), Samantha Marks SC, Belle Lane and Carolyn Symons while drinks and canapés were served at The Essoign. This networking opportunity followed after a very insightful presentation from the panellists. The barristers gave their realistic and honest insights into life at the Victorian Bar, the path to the Bar, how to establish work/life balance and building a practice.

SEXUAL ABUSE WITHIN RELIGIOUS ORGANISATIONS: RESPONSES AND RECENT DEVELOPMENT

31 OCTOBER 2013

ON THURSDAY 31 OCTOBER 2013, VWL'S JUSTICE COMMITTEE RAN ITS ANNUAL SEXUAL ASSAULT FORUM.

Last year, the Committee facilitated a panel discussion in relation to clergy sexual abuse, focussing on what lawyers could do to assist victims through the process of reporting and giving evidence. This year, with the Victoria's Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Organisations due to publish its findings in November, we felt it a timely opportunity to discuss what the inquiry has meant for victims and others involved in the inquiry process. The event was kindly hosted by Leo Cussen Centre for Law.

We were fortunate to have Dr Vivian Waller facilitate our panel. Vivian runs a practice dedicated to providing legal assistance to victims of crime and sexual assault. Our panellists included Chrissie Foster, an author and advocate whose daughters had been sexually assaulted by their parish priest during their childhood. Chrissie shared her family's story and strongly encouraged the audience to speak out against the silence that had allowed perpetrators to have access to unsuspecting victims and their families.

We also heard from Chris Macisaac, President of Broken Rites Australia. Broken Rites is an organisation which assists victims of church-related sexual abuse in a myriad of ways, including operating a phone line, providing face to face support and assistance in locating solicitors and giving statements, authoring submissions and assisting individuals to produce their own submissions. Gold coin donations raised during the event were provided to Broken Rites.

The audience of over 60 attendees also heard from Patrick Ferdinands, Acting Inspector from the Commissions and Inquiries Division of the Legal Services Department of Victoria Police. Patrick explained his involvement with the inquiry and the Royal Commission. He focussed on the partnership his division has with Taskforce SANO, the specially trained team of police members established to investigate both historic and new allegations of religious sexual abuse that have emanated from the Victorian Parliamentary Inquiry. Patrick emphasised the intelligence value that a victim report can have to their investigations and strongly recommended that victims be assisted by the legal profession to report their experiences.

COMMITTEE REPORTS

COMMITTEE REPORTS

VWL TREASURER'S REPORT

Elizabeth Cooper, Treasurer

VWL HAS HAD A STRONG YEAR, FINANCIALLY, RETURNING A PROFIT DRIVEN LARGELY BY A GROWTH IN MEMBERSHIP AND SPONSOR FEES AND A CAREFUL REDUCTION OF COSTS ASSOCIATED WITH FUNCTIONS AND SEMINARS. THE PRACTICE OF INVESTING FOR THE FUTURE NEEDS OF THE ASSOCIATION WAS CONTINUED WITH RESERVED FUNDS FROM 2012 BEING CONSERVATIVELY ROLLED OVER. THIS PRACTICE OF CONSERVATIVE INVESTMENT HAS SEEN A DROP IN THE ACTUAL DOLLAR RETURN OF THESE INVESTMENTS, AS BANK INTEREST RATES HAVE DROPPED.

After the commencement of the 2013 tax year, VWL appointed Judy Nutter as its administrator. This post had been unoccupied for some time, which placed a significant burden on our past treasurer, Jacquie Browning. Jacquie managed the task excellently, expanding the assistance received by VWL from VWL's public accountants, Moore Stephens, to include the preparation of monthly and quarterly accounts in addition to the annual returns. Judy took up her new role with gusto and is currently running an accounting package alongside the Moore Stephens reporting, with the intention of taking over the monthly and quarterly reporting by end of 2013 and switch from a cash to an accrual accounting system. This should see a further reduction in accountancy fees and an increased ability to report on individual functions, track membership and manage VWL's liquidity and credit rating.

Extra effort is being made by Judy to contact and encourage all past members to renew their membership of and involvement with VWL. This effort should convert to the current profitability of the Association being continued into the future and will also give those contacted the opportunity to provide feedback to the Association regarding interests they would like to see pursued. The ambit of VWL is broad and this has been reflected in the areas targeted by the Association in 2013. These have included professional mentoring, migrant issues, animal rights and the role of women in society and in the law. Seminars have also provided tips on career progression and alternative pathways through law. This breadth ensures the relevance of VWL to its members, providing wonderful opportunities for members to engage with areas of the law new to them. Attendance at the seminars has been testament to the relevance of these issues to VWL members. VWL has continued to invest in its website and online presence and has updated its logo. These expenses have improved the ability of the Association to communicate with its members, ensuring a stylish and modern presence.

VWL accounts will be provided at the AGM in the annual report and will be posted on the website.

VWL SPONSORSHIP REPORT

Jackie Gillies, Sponsorship Officer

THE WORK OF VICTORIAN WOMEN LAWYERS WOULD NOT BE POSSIBLE WITHOUT THE ONGOING SUPPORT OF ITS PRINCIPAL SPONSOR: THE LAW INSTITUTE OF VICTORIA AND ITS MAJOR SPONSORS: ALLENS, ASHURST, CORRS CHAMBERS WESTGARTH, CLAYTON UTZ, DLA PIPER, K&L GATES, MADDOCKS, KING & WOOD MALLESONS, MAURICE BLACKBURN AND MINTER ELLISON.

In 2013, VWL profiled a key female lawyer from each sponsor firm in our monthly e-newsletter *Women Keeping in Touch*. Our Executive members also presented to several sponsor firms about VWL membership and initiatives.

This year, the following major sponsor firms generously hosted a VWL event on their premises:

- Maurice Blackburn hosted two events:
 - *Women in the Law to Change the Law: Empowering Afghani Women Advocates*, a panel discussion and fundraising event; and
 - *A Switch in Time: Gender, Respect, Politics and the Media*, a discussion in conjunction with Victorian Women's Trust;
- K&L Gates hosted the launch of the 2013 Mentoring Program;
- DLA Piper hosted the *Female Genital Mutilation: Legal and Medical Responses* panel discussion, a joint event with the Victorian Women's Medical Society;
- Minter Ellison hosted the *Fitted for Work* networking and fundraising event;
- Clayton Utz hosted the *2013 AGM and End of Year celebration*;

In addition, special thanks also go to:

- Russell Kennedy for hosting two events:
 - *Women's Rights: Key Issues and Recent Australian Developments*, a discussion forum; and
 - a film screening of *Between the Devil and the Deep Blue Sea*, a documentary looking at the circumstance and decisions that lead someone to become a 'boat person';
- Victorian Government Solicitor's Office for hosting two events:
 - *Where Do We Go From Here?* A panel discussion on the unique pay and progression opportunities for women working as government lawyers; and
 - *Speed Networking*, a networking event for government lawyers; and
- Leo Cussen Centre for Law for providing a venue for *Sexual Abuse within Religious Organisations: Responses and Recent Developments*, a discussion forum.

We look forward to working alongside our sponsors in 2014 and beyond.

COMMITTEE REPORTS

COMMUNICATIONS COMMITTEE REPORT

Co-chairs — Evelyn Young and Katrina Stuart

THE ROLE OF THE COMMUNICATIONS COMMITTEE IS TO KEEP VWL MEMBERS INFORMED OF UPCOMING EVENTS, OPPORTUNITIES TO GET INVOLVED AND THE WORK OF THE OTHER VWL COMMITTEES, AND TO PROMOTE COMMUNICATION BETWEEN VWL AND THE LEGAL PROFESSION.

The Communications Committee keeps Victorian Women Lawyers in touch with its members via:

- The Victorian Women Lawyers website
- Facebook
- Twitter
- Our annual journal, *Portia*
- Email updates

This year saw a transition from communications via monthly newsletter, to a more fluid, web based format, in keeping with how people are accessing information.

A significant amount of work has been invested behind the scenes by the committee, and we would like to thank the entire committee for their contribution. We specifically would like to thank Grace Walton, Kate Ettershank, Sarah Saliba and Mariana Duthie for their exceptional contributions.

Sadly Evelyn will be stepping down as co-chair as she is moving interstate. We would like to thank Evelyn for her leadership, hard work and commitment and wish her all the best.

We would also like to thank all the authors who contributed feature articles for this publication. We received an overwhelming response to our call for submissions, and are proud of the diverse range of articles we have received. We trust that all readers found an article of interest for them.

JUSTICE COMMITTEE REPORT

Co-chairs- Julianna Marshall and Raeesa Rawal

THE JUSTICE COMMITTEE AIMS TO RAISE AWARENESS OF JUSTICE ISSUES OF INTEREST TO OUR MEMBERSHIP. IN 2013, WE HAVE AIMED TO INVOLVE OUR MEMBERSHIP IN A NUMBER OF ISSUES INCLUDING THE PLIGHT OF ASYLUM SEEKERS, STATUS OF WOMEN'S RIGHTS IN AUSTRALIA AND SEXUAL ABUSE WITHIN RELIGIOUS ORGANISATIONS.

Our aim was to facilitate discussions as to how our membership could become involved in responding to the call for access to justice in these areas.

The events run this year were:

1. Panel discussion and film screening of 'Between the Devil and the Deep Blue Sea'
2. Panel discussion – Women's Rights – Key issues and recent Australian Developments
3. Panel discussion – Sexual abuse within religions organisations: Responses and Recent Development

Each event was attended by over 60 people including both members and non-members and followed by an involved Q & A session. Our first event raised \$1,385.00 which was donated to the ASRC and Deep Blue Sea National Tour. Gold coin donations from our final event were donated to Broken Rites.

A special thanks to the Justice Committee team – Claire Humble, Luci Georgeson, Julia Swift, Eric Fradd, Isobel Rechter, Andrea Main and Deborah Kliger – for all their hard work throughout the year.

As always, the Justice Committee welcomes new members. If you would like to become involved, please log onto the VWL website for further details.

COMMITTEE REPORTS

LAW REFORM COMMITTEE REPORT

Co-chairs – Beth Altson and Amy Johnstone

THE LAW REFORM COMMITTEE WAS ESTABLISHED TO GIVE VWL A DEDICATED COMMITTEE TO PARTICIPATE IN LAW REFORM ACTIVITIES THAT IMPACT AND INTEREST OUR MEMBERS. THE COMMITTEE THIS YEAR HAS CONTRIBUTED TO DISCUSSIONS INVOLVING WOMEN'S RIGHTS, THE PREVENTION OF DISCRIMINATION AND VIOLENCE, AND AREAS OF IMPORTANCE TO OUR MEMBERSHIP, WOMEN LAWYERS.

This year has seen continued growth in our committee's membership, and ongoing commitment to our work in the area of law reform.

Monitoring State and Federal Law Reform Bodies

The committee has taken time this year to continue to monitor state and federal law reform bodies to ensure VWL remains involved in key areas of reform that impact on our membership.

Consolidation of Federal Anti-Discrimination Laws

The Law Reform committee had been part of the project to reform Federal Anti-Discrimination legislation since early 2010.

VWL partnered with a number of other women's groups in the Equality Rights Alliance, who met with Government representatives in Canberra to discuss the proposed consolidation. The committee, with assistance from the Women's Lawyers Association of NSW, also provided two written submissions to the Government Consolidation with recommendations for the consolidated Federal Act.

Unfortunately, in March 2013 the Federal Government announced that it would delay the consolidation project, and would not introduce the consolidated bill to parliament prior to the 2013 election.

Following the change in government, the future of this project is unclear. Going forward, VWL will take the opportunity to involve ourselves in this project in any appropriate capacity.

Women in the Law to Change the Law

At the AGM in 2012, a VWL member brought our attention to the Indigo Foundation's 'Women's Education and Empowerment Project'. This project funds Afghani women to study law and other degrees at the Gawharshad Institute of Higher Education in Kabul.

This led to the discussion as to why it is important for women to study law and how this can effect law reform in the future.

We decided to explore these issues with an event that would invite a number of prominent women to talk about the status of women in Afghanistan and why having women in the law is important to effect beneficial law reform.

The speakers we engaged to take part in the panel discussion were Nouria Salehi OAM, founder of the Afghan Australian Development Organisation, Dallas Mazoori, a human rights and transitional justice advocate who has worked in Afghanistan over a number of years, Kate Eastman SC, a human rights and public law barrister who helped develop the Women's Education and Empowerment Project with the Indigo Foundation, and Lisa De Ferrari, a commercial and public law barrister who was involved in the widely reported 'Tahiri' case.

The event was a wonderful exploration of the role of women lawyers in Australia and Afghanistan, and significant funds were raised to assist the Indigo Foundation's 'Women's Education and Empowerment Project'.

Committee News

In 2013 the committee was co-chaired by Emily Hart and Beth Altson.

Emily Hart resigned from her position as co-chair of the law reform committee in September 2013, and the law reform committee would like to take this opportunity to thank Emily for her hard work as both a long term committee member and valued leader of the committee over the past four years. Emily was replaced by Amy Johnstone, who will join Beth Altson as co-chair of the committee for 2014.

Beth, Emily and Amy would like to thank all our committee members for their hard work, enthusiasm and commitment to our law reform projects and they look forward to continuing the good work in 2014.

COMMITTEE REPORTS

MEMBERSHIP COMMITTEE REPORT

THE MEMBERSHIP COMMITTEE'S FUNDAMENTAL OBJECTIVE IS TO EXPAND THE MEMBERSHIP OF VWL AND TO ENSURE THAT VWL MEETS ITS MEMBERS' NEEDS AND INTERESTS. THE MEMBERSHIP COMMITTEE IS ALSO RESPONSIBLE FOR COORDINATING THE PROCESS OF BECOMING AND REMAINING A MEMBER OF VWL.

This year's membership drive has been a great success. Work has been carried out on our web portal to improve the interface for new and renewing members. Further work will be carried out in 2014 to further improve the efficiency of our renewal process.

The Ambassador Program was launched in 2012, and involves individual representatives from sponsor firms gathering to brainstorm ways in which VWL could better serve the needs and interests of women. This program was further developed in 2013, with plans to continue in 2014.

In 2014 VWL is committed to expanding and broadening the breadth of its membership base.

We will be looking for new members to join our Membership Committee and look forward to building on the progress made this year in 2014.

NETWORKING COMMITTEE REPORT

Co-chairs – Vanessa McKay and Chloe McGuinness

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, learning about legal issues as well as 'meet and greet' events. It also organises non-legal events focusing on issues of general interest to our members with a view to provide a common meeting place for entertainment and networking purposes.

The Networking Committee hosted a number of well-attended, informative and dynamic events in 2013, catering for a range of interests and providing a host of networking opportunities for our members. These events included:

- The annual Members and Guests' Night, which included entertainment and a very amusing performance by comedienne Claire Hooper (see the Event Reports section for a report on the evening and photos);
- For the very first time, VWL joined forces with the members of the Victorian Women Medical Society (VWMS) to provide an evening of networking, enlightening discussion and debate on the top of Female Genital Mutilation / Cutting in Australia;
- An evening of stylish entertainment and fundraising for Fitted for Work involving guest speaker Anthony Cuthbertson of David Lawrence (see page 41 for a report and photos);
- The annual Coming to the Bar event, organised in conjunction with the Women Barristers Association; and
- VWL AGM and Christmas Party.

The Co-Chairs, Vanessa and Chloe, would like to sincerely thank each of the dedicated Committee members for their endless enthusiasm, innovation and tireless diligence. Thank you to:

- Amira Alic
- Michelle Berry
- Kylie Cheah
- Eleanor Davis
- Jasmina Davis
- Filippina Ensabella
- Louise Fairbairn
- Sarah Reid
- Sunita Warrior

We would also like to extend a special thanks to Natalie Devitsakis and Ruth Hamnett, the previous Co-Chairs of the Networking Committee. The advice, support and input both Natalie and Ruth have provided has been greatly appreciated.

As always, the Committee thanks the VWL Executive and Administrator, Judy Nutter, for their fantastic support throughout the year.

COMMITTEE REPORTS

WOMEN IN GOVERNMENT COMMITTEE REPORT

Co-chairs – Natasha Maugueret and Michelle Miller

THE WOMEN IN GOVERNMENT (WiG) COMMITTEE WAS LAUNCHED IN NOVEMBER 2010. WiG AIMS TO PROVIDE A FORUM FOR WOMEN LAWYERS WORKING IN THE GOVERNMENT SECTOR TO SHARE EXPERIENCES, DISCUSS CAREER PROGRESSION AND NETWORK WITH EACH OTHER AND THE WIDER LEGAL COMMUNITY. WiG IS A COMMITTEE FOR ALL WOMEN LAWYERS (WHETHER PRACTISING AS LAWYERS OR NOT) IN LOCAL, STATE AND FEDERAL GOVERNMENT FIRMS, AGENCIES, DEPARTMENTS AND STATUTORY BODIES.

In 2013, WiG has hosted two events for government lawyers and has a third event planned for November 2013.

The WiG committee together with Russell Kennedy lawyers hosted an International Women's Day event on 12 March 2013 titled 'The Gender Agenda: Gaining Momentum'. The keynote speaker was Ms Jennifer Kanis, State Member for Melbourne and former convenor of Victorian Women Lawyers. Ms Kanis spoke candidly about her experiences as a woman in Parliament and gender distinctions throughout her working life, giving a very personal take on the 'gender agenda'.

An International Women's Day event is held annually with the generous support of Russell Kennedy, so keep an eye out for it again in March/April 2014.

On 17 May 2013, the WiG Committee hosted a panel discussion on the unique pay and progression situation for women working as government lawyers. Again, the speakers very generously opened up about their personal experiences of working in the government sector, many of which resonated profoundly with the audience. This free event was preceded by a delicious networking lunch generously sponsored by the Victorian Government Solicitor's Office.

Some of the Committee members teamed up for the LIV Young Lawyers Trivia Night 2013 in July. While we didn't win, it was a great opportunity for the Committee to spend time together in a (competitive) social setting.

Finally, the WiG Committee has a 'speed networking' event planned for 20 November 2013. This event is an exciting opportunity to master the skill of effectively networking by picking up tips from Bev Brough of Master Networking and by putting those tips into practice through 'speed networking' with other event participants. Hot and cold canapés and drinks will be served after the 'speed networking' portion of the evening so participants can continue to use their skills in a more informal setting.

Looking forward, the challenge for the WiG committee in 2014 is to continue to engage women lawyers across government and provide events and information that are relevant to them. To that end, a survey of members is planned for late 2013/early 2014. The committee plans to continue hosting events that bring women in government together and, as always, we welcome any feedback or suggestions for future events and engagement.

The committee's co-chairs, Natasha Maugueret and Michelle Miller, wish to thank all the women in government who gave their support to WiG in 2013, and in particular WiG's committee members: Penina Berkovic, Sarah Daniell, Claire Rennie, Katherine Francis, Patricia Athanasiadis, Jessica Tribe, Priscilla Wong, Janelle Dubern, Jennifer Lim, Jade Birman, Sophia Angelis, Kate Ashmor, Emily Broadbent, Catherine Haslock, Dao Nguyen, Danielle Woollorton, Erin Richardson and Julia Bojanovic. We also thank WiG's previous co-chairs, Astrid Haban-Beer and Sara Law, who have been called to the Victorian and New York bar respectively.

WiG continues to be generously supported, by way of donated resources, by the Victorian Government Solicitor's Office.

WOMEN MIGRANT LEGAL INFORMATION PROJECT COMMITTEE REPORT

Co-chairs – Marine Guillou and Yagmur Cagrier.

THE WOMEN MIGRANTS' LEGAL INFORMATION PROJECT COMMITTEE (WMLIP) BEGAN IN 2009 AND IT IS VWL'S ONLY PROJECT-BASED COMMITTEE. WMLIP'S AGENDA IS TO DRAW UPON THE EXPERTISE AND RESOURCES OF ITS MEMBERS TO MAKE LEGAL INFORMATION MORE ACCESSIBLE TO MIGRANT WOMEN.

The WMLIP Committee is made up of senior and junior lawyers as well as law students. It is supported by marketing professionals working in the legal industry. It is currently chaired by Marine Guillou and Yagmur Cagrier.

The WMLIP Committee has translated its previous research and resources into a pilot project. In 2012 the Committee was delighted to receive a grant from the Victoria Law Foundation, which enabled a part-time Project Manager to oversee the pilot project. The project consists of three radio announcements in Arabic and English, broadcast on community radio station 3CR, on the topics of:

- Family law
- Family violence
- Spousal visas

COMMITTEE REPORTS

The Project Manager Satu Aho has worked with the partner organisations InTouch Multicultural Centre Against Family Violence and 3CR to create these announcements, which will be aired in November-December 2013. Podcasts of the announcements will also be available for listening both in English and Arabic on the 3CR website (www.3cr.org.au/podcast). In 2014, WMLIP hopes to explore opportunities for wider broadcasting in various languages.

WMLIP Committee meetings are held once a month. The Committee always welcomes new members as it is only with their skills and contributions that the Committee can advance its cause. If you are interested in contributing to the project please email Yagmur (Yagmur.Cagrier@slatargordon.com.au).

WORK PRACTICES COMMITTEE REPORT

Co-chairs – Michelle Whyte and Jo Bowers

THE WORK PRACTICES COMMITTEE'S PRIMARY FOCUS IS TO EXPLORE, CRITICALLY EVALUATE AND PUBLICALLY COMMENT ON THE STATE OF WORK PRACTICES FOR WOMEN LAWYERS WHICH INCLUDES SUCH THINGS AS FLEXIBILITY, ATTRITION, DISCRIMINATION, PAY EQUITY AS WELL AS THE ISSUES SURROUNDING THE PROGRESSION OF FEMALE LAWYERS INTO LEADERSHIP ROLES IN VICTORIA.

Women lawyers continue to face a host of unique challenges within the profession that are barriers to advancement. Despite having been the majority of law graduates for decades, women are still not adequately represented at senior levels and still have a disproportionate attrition level from private practice. In 2013 the Work Practices Committee has continued to publically comment on these issues and find practical ways to address them by developing research projects and tools to assist women lawyers and legal managers, directly lobbying for change to systems that negatively impact on women lawyers' career progression, and nurturing partnerships with similarly minded organisations.

2013 – Current work

- Practice management protocols tool kit update and re-launch preparation

The VEOHRC 2012 report on women in the law recommended providing resources to support organisations and individuals to increase participation rates and combat discrimination against women. While VWL's existing work practices protocols already address these recommendations, we decided this was an ideal time to update and re-launch them in the form of a comprehensive 'tool kit' to give them more traction. The kit will comprise a collection of the A4 protocols covering issues such as parental leave, negotiating flexible work arrangements, and managing flexible work practices (based on the 'Do you Manage?' training program). Committee members have been

reviewing and updating these protocols to reflect changes in law, policy, and research findings relating to gender equality and effective work practices for women. We plan to launch the toolkit at an event to be held in early 2014.

- Research projects – the role of Special Counsel

In response to perceived misunderstandings about the role of special counsel in law firms – and how it has evolved as a particularly female alternative to the traditional partnership path – we developed a questionnaire to gain an insight into what 'special counsel' lawyers themselves understand about this job role and title. We are currently rolling out the survey and will report on our findings in 2014. Special thanks to Brittany Milne, a law student member who helped us put together this survey.

- Research projects – Billable Hours

We have considered research project ideas put forward by committee members that will help us to better understand women's attrition from private practice. Much discussion was held this year, both internally and with research partners, about whether the practice of billable hours as a performance measurement tool might be worth investigating, particularly as such research was recommended in the 2012 VEOHRC report. Discussions are ongoing.

- Parental leave and LIV Accredited Specialist policies

It was drawn to our attention this year that some accredited specialist policies and procedures relating to 'leave of absence' requirements could be unfairly impacting on practitioners taking parental leave. We have identified the issues and how they could be rectified, and hope to influence some change to these policies and procedures in the near future.

- Law Institute Journal – According to Merit

The committee continues to provide bi-monthly articles for the According to Merit column in the Law Institute Journal. The column gives the VWL an avenue and opportunity to agitate for debate and discussion regarding women in the law to a broader audience. The committee tries to highlight current issues and controversies affecting women. The articles will also be available on the VWL website.

We would like to thank the Work Practices for all their hard work and commitment to helping shape the environment within which women lawyers work, and hopefully can prosper.

The Work Practices Committee for 2013;

Katherine Navarro, Angela Burr, Janet Tan, Clare Lethlean, Mary Louise Hatch, Alice MacDougall, Alina Humphreys, Fiona Knowles, Georgina Frost, Kate Marshall, Kirsten Follows, Christine Melis, Laura Keily, Margaret Ryan, Suzanne Tinkler, Vanessa Filippin, Virginia Jay, Astrid Haben-Beer, Brittany Milne, Jo Bowers & Michelle Whyte.

In 2014 the Work Practices Committee will continue to agitate for real change on the progression and retention of women in the law and the removal of barriers to women's full and equal participation.

HOW TO GET INVOLVED

JOINING A COMMITTEE IS A GREAT WAY TO BECOME MORE INVOLVED WITH VWL. ALL COMMITTEE WORK IS VOLUNTARY. THE TIME COMMITMENT IS FLEXIBLE; WE ARE LOOKING FOR ENTHUSIASM MOST OF ALL. PLEASE CONTACT VWL@LIV.ASN.AU IF YOU ARE INTERESTED IN JOINING A COMMITTEE.

The Executive Committee is elected each November. Our other committees are:

JUSTICE – social justice events including the annual sexual assault forum and supporting indigenous law students.

LAW REFORM – monitoring law reform proposals and coordinating submissions on behalf of VWL.

WORK PRACTICES – addressing the important issues that affect women lawyers in the workplace, conducting research and holding forums.

NETWORKING – organising events for VWL, and with affiliated organisations including the Women Barristers' Association.

WOMEN MIGRANTS LEGAL INFORMATION PROJECT – planning and producing various broadcasts (in several languages) to assist women migrants with key legal rights and support.

WOMEN IN GOVERNMENT (WIG) – VWL's newest Committee, in conjunction with the Victorian Government Solicitor's Office, plans events and initiatives to assist female practitioners working for public authorities and agencies.

COMMUNICATIONS – organising this newsletter, coordinating the editing and publication of Portia, our annual magazine, maintaining VWL's website and liaising with the media.

MEMBERSHIP – looking after our members' needs, leading VWL policy and protocol development and promoting VWL membership within the legal community.

THANKS FROM OUR CONVENOR VERITY SHEPHERDSON

**I WOULD LIKE TO TAKE THIS OPPORTUNITY TO THANK
THE MANY WOMEN WHO HAVE VOLUNTEERED THEIR
TIME AND BEEN A PART OF VWL THIS YEAR.**

Internally, this year VWL has had a particular focus on financial governance and management. Our Treasurer Liz Cooper has done an incredible job, and I marvel at how she has juggled VWL with her full time job. I am pleased that we are in a strong financial position, and this is in no small part due to Liz's hard work. Similarly, our Secretary, Sarah Bendall, has continued to dedicate enormous time and energy to VWL. I would not have been able to do my job without her, and again, I am amazed at how she juggles work, two small children and VWL.

I also thank the other voting members of Executive: general members Alexia Staker, Tanya Nguyen and Natalie Devitsakis, and immediate past Convenor Patricia Athanasiadis. Each of them has taken on heavy workloads to assist with our projects, events and administration. They have all impressed me with their dedication and energy.

The tireless Jackie Gillies has continued her role as Sponsorship Officer, barely pausing to give birth to her second son, Mason. She maintains relationships with all our sponsors and provides enthusiastic support whenever the Executive and committees need assistance finding venues and supporters for events and projects.

Our Committee chairs have also devoted huge amounts of time to VWL, and have ensured the ongoing success of the organisation. I thank them and all of their committee members.

Kate Ashmor has also continued her years of dedicated service to VWL, acting as our representative on the Board of Australian Women Lawyers – yet another member with apparently boundless energy.

I also thank our Administrator, Judy Nutter, for all her hard work during the year. Judy has been with us for just over a year now, and none of us can imagine how VWL would function without her!

Finally, I am sure you will join me in congratulating our Communications Committee Co-Chairs, Katrina Stuart and Evelyn Young, for doing such a fabulous job preparing *Portia*!

Verity Shepherdson

Convenor

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