

# PORTIA 2014



The annual journal of Victorian Women Lawyers

## ABOUT THIS EDITION OF *PORTIA*

The artwork pictured on the cover of this edition of *Portia* is *Changing the Conversation* by Margot Westhorpe (mixed media: acrylic paint, paper, plastic, pages from encyclopaedia, cotton thread, 25 x 25cm).

The piece is one of four works in a series entitled *Conversations from the Kitchen*. A key theme of the series is that the role of women in the 21<sup>st</sup> century is embedded in the lives of our mothers and grandmothers.

Margot says, in order to disrupt patterns of the past and construct new identities, we must understand former stereotypes and labels that were attributed to women. Her works draw on the ways in which women's identities have been linked to traditional roles. In the 21<sup>st</sup> century, according to Westhorpe, choice is possible; the boundaries have been disrupted although the challenges remain.

The work pictured draws on a variety of historical identifiers linked to gender. For women, according to Margot, motherhood and children were associated with the genteel arts rather than the professional world of academia, science and the law. The work asks us to relinquish outmoded identities and construct one appropriate for this century – breaking the patterns and removing the tags.



Image: Artist, Margot Westhorpe  
Artworks by Margot Westhorpe *Breaking the Mould* (bottom left), *Forget the Tags* (bottom right) (part of the *Conversations from the Kitchen* series). Photography of Margot's works by Lee Sanders of Soar & Barrow.



## Editors

**Kirsten Adams** (left) Special Counsel,  
Minter Ellison

**Caroline Jones** (far right) Lawyer,  
Minter Ellison



## Editorial team

**Cara Friedman** Lawyer, Minter Ellison,  
**Kate Ettershank** Associate, Nicholes  
Family Lawyers and **Ciara Coleman**,  
**Mariana Duthie**, **Sarah Saliba** and  
**Grace Walton** University of Melbourne  
Law School



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Images marked (WAR\*) kindly made available by the Women's Art Register.



Images (left and right): graphic design  
by Hugh Adams





# PORTIA 2014

The portrayal of women in the 21<sup>st</sup> century

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## MESSAGE FROM THE CONVENOR

### VERITY SHEPHERDSON

#### WELCOME TO *PORTIA* 2014.

This year, the legal and the broader community have had a number of significant conversations about issues central to VWL's objectives of improving the position of women in the legal profession, and supporting women's legal and human rights.

Much of the discussion on gender equity issues in the legal profession has been shaped by the Law Council's landmark National Report on Attrition and Re-engagement (**NARS**). Unsurprisingly, you will find continuing discussion of NARS and its findings here in *Portia*. You will also see that much of VWL's project work this year has focussed on addressing the issues identified in the report, and this work will continue into 2015.

Importantly, in 2014 we have also seen broad public discussion about violence against women and the impact of 'everyday sexism' on the perception of women and their place in society.

For the first time, family violence has become an election issue in Victoria. Prominent Victorians, including Victoria Police Chief Commissioner Ken Lay, have loudly voiced the view that the prevalence of misogynist attitudes in our society significantly affects the lives of all women, and has led to a culture where violence against women not only takes place, but is often ignored or excused.

This is a long overdue discussion, and it is one that needs to continue, and be had by all women and men. It is very pleasing to see these issues being aired in the mainstream media, and it is clear there is real desire for change in large parts of the Australian community.

During 2014 VWL held events and undertook project work focussing on various aspects of these discussions. As you will see from our event and committee

reports, we have covered a broad range of issues and engaged with a variety of women from across our profession and elsewhere.

*Portia* 2014 continues these discussions, and features thought-provoking articles from VWL members and friends. Picking up on one of the major themes of the year, this edition focusses on the representation of women, and its impact on our place in both the legal and the broader world.

In addition to feature articles, *Portia* contains extensive reports on our 2014

I hope you enjoy reading this edition of *Portia*. I am sure that like me, you will be impressed by the commitment of the countless VWL volunteers who have worked tirelessly to devise projects and hold events to benefit our members, the legal profession and women generally.

As Convenor, I am only one member of an extremely enthusiastic and dedicated Executive committee.

Thank you to everyone who has supported me over the last two years. In particular, I thank our Secretary, Sarah Bendall, and our Treasurer, Elizabeth Cooper. Sarah and Liz have done an amazing job throughout my time as Convenor, and there is no way I could have coped without them!

Thank you to all other members of Executive: Elizabeth Aitken, Lydia Kinda, Mary Louise Hatch and Tanya Tang. Thanks also to our Sponsorship Officer, Jackie Gilles, and to Julianna Marshall who held the role of Assistant Convenor for the first half of the year.

A special thank you to all committee chairs (named in the committee reports from page 42) for their hard work and contribution as non-voting members of our Executive.

In addition, the Executive thanks our administrator, Judy Nutter for her continuing support and dedication.

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.

Our sponsors not only support us financially, they also host events and their partners and employees generously provide their time and resources. We could not do what we do without them. And as always, we thank our Patron, the Honourable Chief Justice Marilyn Warren AC, not least for the inspiration she provides as a role model for all Victorian women lawyers.



### IN 2014 WE HAVE SEEN BROAD PUBLIC DISCUSSION ABOUT VIOLENCE AGAINST WOMEN AND THE IMPACT OF 'EVERYDAY SEXISM' ON THE PERCEPTION OF WOMEN AND THEIR PLACE IN SOCIETY

work, including the fantastic work of our committees. This edition also features a collection of interesting and diverse artwork by local female artists, many of which directly address the themes explored in the text. I extend my thanks to our Communications committee, led by Kirsten Adams and Caroline Jones, for their outstanding work in preparing this publication.

Photography by Michael Miller

## MESSAGE FROM OUR PATRON

### THE HONOURABLE CHIEF JUSTICE MARILYN WARREN AC

ONE OF THE MOST REWARDING ASPECTS OF MY ROLE AS CHIEF JUSTICE IS ADMITTING NEW LAWYERS. THE ATMOSPHERE AT ADMISSION CEREMONIES IS TRULY SOMETHING SPECIAL; THE NEW LAWYERS ARE SO EXCITED AND THEIR FAMILIES ARE SO PROUD. IT IS ALWAYS PARTICULARLY PLEASING TO SEE SO MANY YOUNG WOMEN AMONG THEM – IT ALWAYS REMINDS ME OF HOW FAR WOMEN HAVE COME IN THE LAW.

Admission to practice in Victoria has been available to women for over a century now. In 1903, the Victorian Parliament passed the *Women's Disabilities Removal Act* (Vic) enabling women to become legal practitioners. Section 5 of that act read: *No person shall, by reason of sex, be deemed to be under any disability for admission to practice as a barrister and solicitor of the Supreme Court of Victoria, any law or usage to the contrary notwithstanding.*

In 1905, Flos Greig became the first woman admitted to practice in Victoria, but it would take almost 20 years for a woman to sign the Victorian Bar Roll. It was Joan Rosanove in 1923. She was appointed Queen's Counsel in 1965. Ten years later, I was admitted to practice.

Since then we have made steady and significant progress, and seen many 'firsts' of this kind in Victoria. Today, the majority of the new lawyers I admit each year are women. Indeed 49% of Victoria's solicitors are now women. When I attended law school, my male counterparts outnumbered me nine to one; now, quite the reverse, women outnumber men three to two.

We should be exceptionally proud of these statistics. They are a testament to the talent and passion that women have brought to the law, to all the 'firsts' who have paved the

way for future generations, and to the dedication, support and perseverance of professional organisations like VWL. There is much to celebrate.

Notwithstanding this progress, significant challenges remain for women. Despite their weight in numbers among graduates, barriers to family leave arrangements, flexible work practices and support in the workplace continue to challenge women in their rise to the top. As a result, we are yet to see the statistics resonate into the higher echelons of the legal profession. Women

remain underrepresented among law firm partners, barristers and the judiciary.

So long as this underrepresentation continues, the community is missing out on a valuable resource.

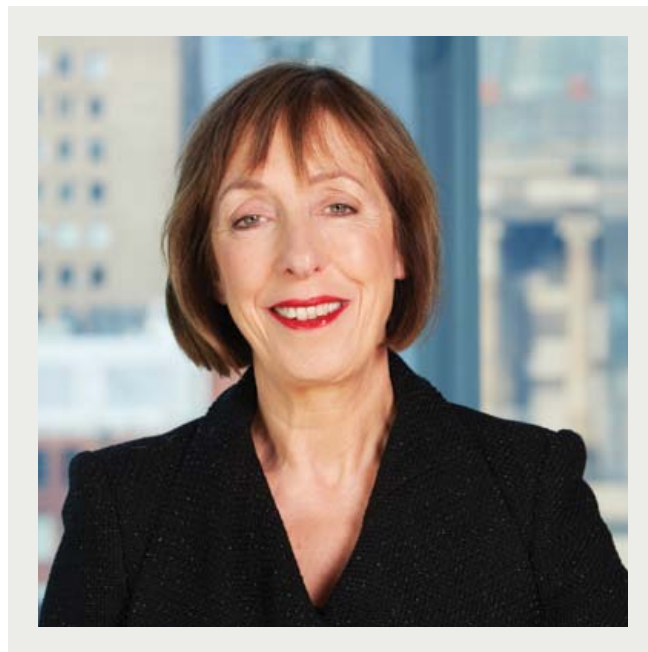
It is therefore vital that we continue to encourage and support women, at all levels within the profession, to come to the fore. It would be an extraordinary shame if the momentum were to plateau.

For role models we should look to our female leaders, who I hope in turn will continue to support young women's aspirations to follow their lead. I would like to commend VWL for being at the forefront of this campaign, particularly through its very successful mentoring programs.

One such leader is Justice Susan Crennan. The year 2015 will mark her Honour's retirement from the High Court of Australia. Justice Crennan was the first Victorian woman appointed to the High Court. Justice Crennan has achieved many 'firsts' for women in the law. She was the first woman to be appointed chair of the Victorian Bar Council and the first female president of the Australian Bar Association. These achievements have paved the way for, and will continue to inspire, generations of female lawyers to come.

As we move further into the 21<sup>st</sup> century it is timely to reflect on how women are currently portrayed and how we can ensure that our progress to date is preserved and continues.

The 2014 edition of *Portia* explores these questions and how issues arising from them affect women's aspirations in the law, as well as other important issues such as gender reporting and the role of business in championing women leaders, both in the law and more widely.



IT IS VITAL THAT WE CONTINUE TO ENCOURAGE AND SUPPORT WOMEN, AT ALL LEVELS WITHIN THE PROFESSION, TO COME TO THE FORE. IT WOULD AN EXTRAORDINARY SHAME IF THE MOMENTUM WERE TO PLATEAU.



# MESSAGE FROM THE PRESIDENT, LAW INSTITUTE OF VICTORIA

GEOFF BOWYER

## THE LAW INSTITUTE OF VICTORIA IS A PROUD PRINCIPAL SPONSOR OF VICTORIAN WOMEN LAWYERS.

We are acutely aware of the importance of women in the law. The evidence is reflected in our own membership statistics and the data on female practising lawyers from the Legal Services Board.

The ranks of women in the law are ever growing. This would indicate that VWL will be a robust and expanding institution over the years to come.

LSB statistics report that the total number of registered practitioners in Victoria as at 31 August 2014 was 18,137. Female practitioners now dominate in the 20 to 30 and 31 to 40 age brackets but were significantly underrepresented in the older age groups. There were 1,359 male practitioners and 2,330 female practitioners aged 20 to 30, and 2,321 males and 3,101 females aged 31 to 40, with numbers of women in the profession falling away in the older age groups. There were 2,039 males and 1,732 females in the 41 to 50 age group and the gap is greater in the older groups.<sup>1</sup>

I hope this is just a snapshot of the present time and our diversity and work life campaigns will see more women staying in the profession at senior levels for longer.

At the LIV, women are in the majority of our membership. In July 2014 we had 52% female membership and 48% male. This is particularly strong with our Young Lawyers and student members.<sup>2</sup>

But it is not just a matter of numbers.

The profession will benefit when female membership is better reflected in leadership roles.

At the LIV we have strong female participation in leadership roles, with more to come. Our incoming CEO, Nerida Wallace, is female. Our President elect, Katie Miller, is female. Of our 18 member Council, eight (or over 44%) are female.

This contrasts very favourably with the Australian Institute of Company Directors most recent statistics on women on ASX 200 boards. In August 2014 the percentage

of women on ASX 200 boards was only 18.3%. Shamefully there are 40 boards in the ASX 200 that still do not have any women.<sup>3</sup>

Numbers of females in our profession are not by themselves an indicator of success. With the increased numbers must come increased influence and positions of leadership – be that as partners of law firms, within the judiciary, running your own firms or heading community based organisations.

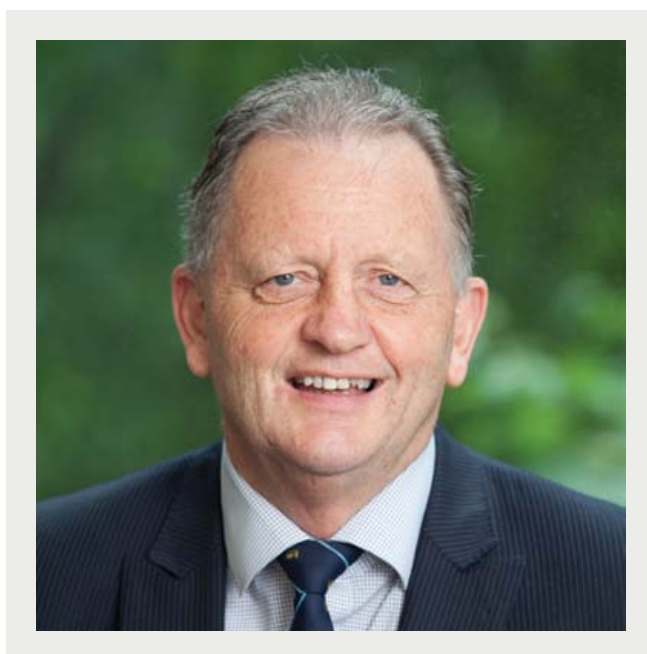
Can I encourage you to look around your workplaces. Are women well represented at senior levels? If not, why not? Ask yourself what you can do to change this.

And if you know a talented woman, tap her on the shoulder. Encourage her to get involved. Stretch. Apply for a promotion, join a committee. My experience is the more you put in, the more you benefit.

A good place to start is at the LIV. Our Young Lawyers section, many committees and Council are always looking for new and enthusiastic members. We also run many events and activities of interest to our women lawyers. A highlight is the annual Dame Roma Mitchell Memorial Lunch with VWL, which this year featured the Honourable Linda Dessau AM speaking on 'Everything I've always wanted to say'.

The theme of this year's edition of *Portia* – 'The portrayal of women in the 21<sup>st</sup> century' – could not be more appropriate, particularly with the recent disturbing demonisation of Muslim women and their right to dress as they choose. The legal profession has an ongoing duty to stand up for the rights of all oppressed, which so often includes the ranks of women.

Congratulations to VWL on another active and successful year of standing up for women lawyers in Victoria.

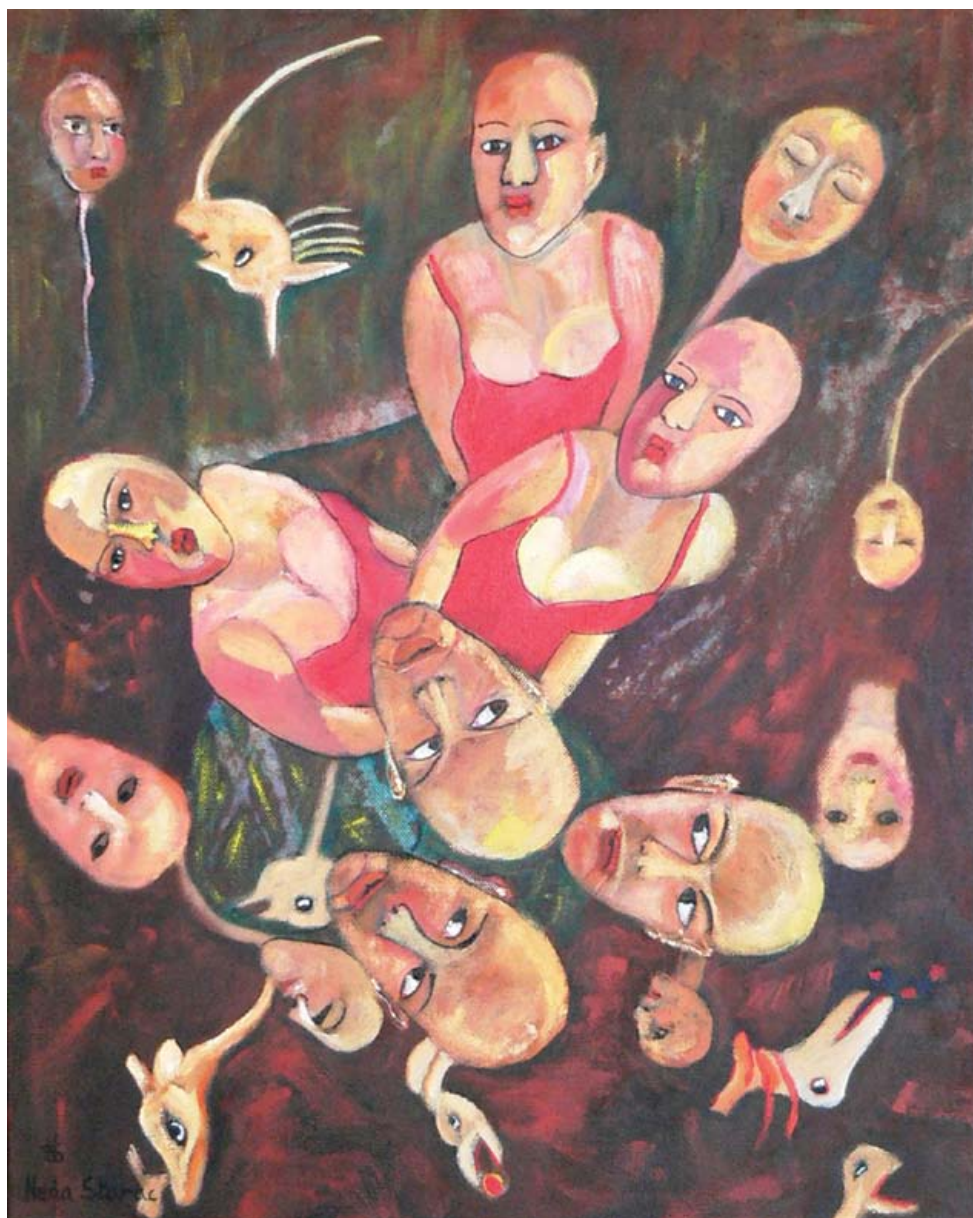


AND IF YOU KNOW A TALENTED  
WOMAN, TAP HER ON THE SHOULDER.  
ENCOURAGE HER TO GET INVOLVED.  
STRETCH. APPLY FOR A PROMOTION,  
JOIN A COMMITTEE.

1 <http://www.lsb.vic.gov.au/lawyer-search/practitioner-statistics/>

2 <http://www.liv.asn.au/About-LIV/Annual-Report>

3 <http://www.companydirectors.com.au/Director-Resource-Centre/Governance-and-Director-Issues/Board-Diversity/Statistics>



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Artwork by Neda Starac, *Mary Goes Around* (acrylic, 50 x 60cm) WAR\*

# **DAME ROMA MITCHELL MEMORIAL LUNCH**

## **Oration by the Honourable Linda Dessau AM**

21 MARCH 2014



### **EACH YEAR, VWL AND THE LAW INSTITUTE OF VICTORIA HOST THE DAME ROMA MITCHELL MEMORIAL LUNCH, WHICH COMMEMORATES THE LIFE AND REMARKABLE ACHIEVEMENTS OF DAME ROMA.**

Dame Roma was a woman of many Australian firsts, including the first female Queen's Counsel, the first woman appointed as a judge (of the Supreme Court of South Australia) and the first female Governor of a State (South Australia).

This year we were privileged to hear from another female judge who is also a trailblazer in the traditionally male-dominated field of sports administration. The Honourable Linda Dessau AM is a recently retired Justice of the Family Court of Australia and a current AFL Commissioner. She spoke on the topic 'Everything I've always wanted to say', and shared her experiences as a prominent female lawyer and her views on gender equality and the justice system.

Approximately 300 guests attended the lunch in the elegant Myer Mural Hall. Ms Dessau was an engaging and generous speaker, and it was clear from the diverse range of guests that she is admired across the legal and football worlds.

Ms Dessau stressed the importance of continuing to fight for proper representation of women in the senior ranks of the law, and urged leaders in the profession to champion women into senior positions. She decried the paucity of women in leadership roles, pointing out that this diminishes the whole profession.

She reflected on her time on the bench, giving us an insight into the pressure and isolation often experienced by judges. She told us that she believes one of the most morale-boosting moves made by the Family Court was the introduction of a coffee machine in the judges' common room. Although at first glance this might seem trivial, Ms Dessau felt that the wellbeing of judges was considerably improved by the

increased interaction and conversation this small change brought about. In a similar vein, she reminded employers of the importance of taking steps to keep lawyers engaged in what can be very stressful working environments, and reminded us all of the need to balance the stress of the law with other interests and broader community involvement.

Ms Dessau advocated for better funding for the courts, pointing out that litigants suffer due to lengthy delays in the justice system. Her comments highlighted that a lack of investment in the justice system ultimately costs the entire community.

She also took the opportunity to praise the work of the lawyers working in the family arena, reflecting on the important and complex work they undertake to serve their clients and the Family Court.

It was clear that guests enjoyed Ms Dessau's presentation and everyone was given much food for thought. We eagerly await the 2015 memorial lunch!





Image (facing page): The Honourable Linda Dessau AM says what she couldn't say on the bench

Image (above top left): The Honourable Linda Dessau AM and VWL Convenor Verity Shepherdson



Image (left): Her Honour Justice Betty King of the Supreme Court of Victoria

Photography by Peter Glenane of  
Peter Glenane Photography Pty Ltd

## INSPIRING CHANGE ON INTERNATIONAL WOMEN'S DAY

13 MARCH 2014

**THE WOMEN IN GOVERNMENT COMMITTEE AND THE RUSSELL KENNEDY WOMEN'S NETWORK CO-HOSTED A COCKTAIL AND NETWORKING EVENING TO MARK INTERNATIONAL WOMEN'S DAY.**

The 2014 IWD theme was 'inspiring change'. Fittingly, the guest speaker was the trailblazing Moira Rayner, who captivated the audience with her memoirs of, and suggestions for, inspiring change to combat sexism and ageism.

Moira delivered a captivating speech and took questions from the audience, which was wowed and inspired by the force that is Moira Rayner. Attendees enjoyed drinks and canapés throughout the evening, which proved another successful opportunity for women in government to connect with one another.



Photography by Shevan J Photography

## MEMBERS AND GUESTS' EVENING

6 MAY 2014

**WITH OVER 200 VWL MEMBERS AND GUESTS AT OUR ANNUAL MEMBERS AND GUESTS' EVENING, IT WAS A FANTASTIC TURN OUT FROM BOTH WOMEN LAWYERS AND LAW STUDENTS.**

The Apartment, newly refurbished, provided a beautiful space for the event, with delicious canapés and drinks. Following a highly successful run at the Melbourne International Comedy Festival, comedian Hannah Gadsby entertained guests to great applause and laughter.

Some of our lucky members and guests were treated to excellent door prizes. The complimentary show-bags, handed to each guest upon arrival, included luminous Coco Bird Swarovski crystal earrings and Goddess of Nails and Beauty vouchers and gift packs, amongst other goodies.

Thanks to the Networking Committee for its help in the lead up to the event, our sponsors who generously donated door prizes and show-bag items, staff of The Apartment and our wonderful VWL members who supported the event and brought along their friends and colleagues.



Photography by Lee Sanders of Soar & Barrow

Image (above): Hannah Gadsby



## SCREENING OF *THE JAMMED*

1 MAY 2014

THE JUSTICE COMMITTEE HOSTED A SCREENING OF THE FILM, *THE JAMMED* FOLLOWED BY A PANEL DISCUSSION ABOUT THE TRAFFICKING OF YOUNG WOMEN IN THE AUSTRALIAN SEX INDUSTRY.

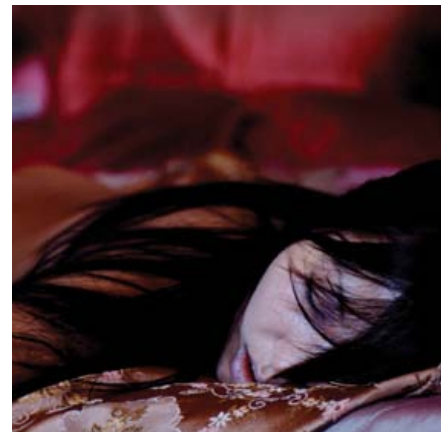
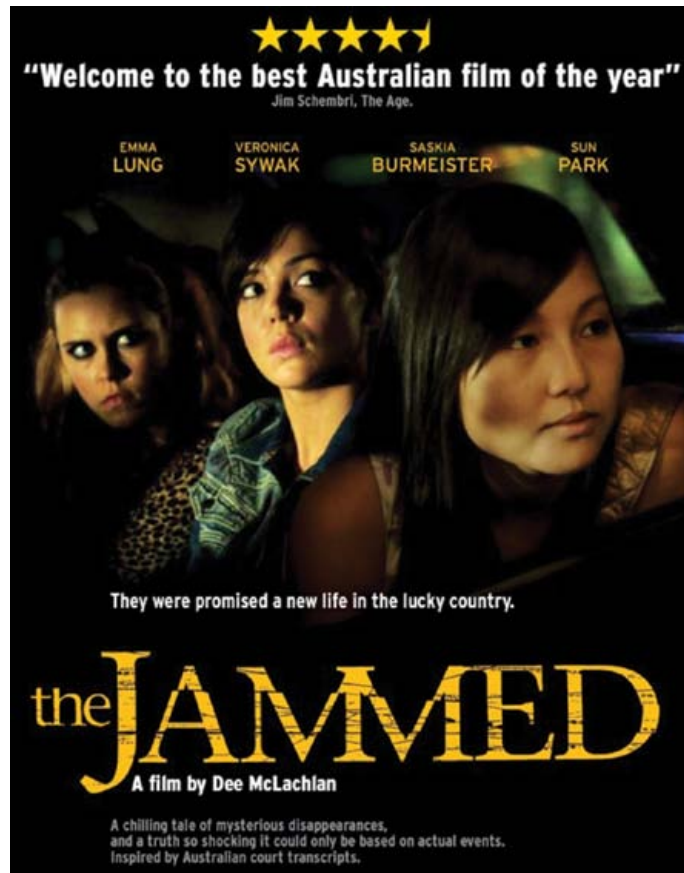
*The Jammed* is a fictional film inspired by real events and set in Melbourne. It depicts the agonising journey of three trafficked women, a mother's desperate search to find her daughter and a stranger who becomes enmeshed in a quest to liberate the tortured women.

Director Dee McLachlan and producer Andrea Buck discussed their motivation for writing and producing the film. They were joined on the panel by Fiona McLeod SC and Professor Susan Kneebone from Monash University.

The panellists exchanged opinions on legal reforms introduced since the film was made in 2007 and what further work could be done to better protect and provide support for victims of human trafficking. Ideas included: education for the Australian Federal Police to assist them in identifying situations involving victims of human trafficking; development of a unified or federal victims' compensation scheme; and visa reforms aimed at providing greater support to victims.

There was great debate about the value of introducing the 'nordic model' of prostitution that has delivered some success in countries such as Sweden. That model makes it illegal to buy sexual services but not to sell them. This displaces criminality from the sex worker, who may be a victim of human trafficking, to pimps, procurers and brothel operators.

The Justice Committee thanks host, Maurice Blackburn and each of the speakers. The event successfully raised awareness of the prevalence of human trafficking in Australia and what lawyers can do to help mitigate the problem. The Law Institute of Victoria recently set up a human trafficking taskforce to help address some of the reforms discussed. To become involved in the taskforce contact the LIV Community Issues Committee (see the LIV website for details).



Images: *The Jammed* advertising poster and promotional stills (courtesy of Jammed Films Pty Ltd trading as The Picture Tank)



# ANIMAL LAW BREAKFAST

2 AUGUST 2014

**THIS YEAR OUR ANNUAL ANIMAL LAW BREAKFAST WAS HELD AT SPONSOR FIRM, MADDOCKS, IN CONJUNCTION WITH LAWYERS FOR ANIMALS.**

In attendance was a capacity audience of around 70, including public and private sector lawyers and members of community organisations. On arrival attendees were offered refreshments and a vegan breakfast, and they enjoyed the opportunity to interact with others who share a passion for animal law.

The event focused on the plight of the Leadbeater's possum and the Victorian Supreme Court case of *MyEnvironment v VicForests* [2013] VSCA 356.

Attendees heard from environmental lawyer Felicity Millner, one of the instructing solicitors in the case. Felicity spoke of the devastating effects of the 2009 bushfires on Leadbeater's possums. She noted the survival of the species depends on the preservation of old decaying trees. Felicity emphasised the danger to Leadbeater's possums caused by logging activities, describing the case in which *MyEnvironment* unsuccessfully sought to restrain tree harvesting.

Barrister and human rights advocate Julian Burnside AO QC discussed the environmental damage caused by humans over centuries. Julian highlighted the alarming rate at which species are becoming extinct and prompted guests to reflect on their lifestyle and environmental consciousness. He discussed his role as barrister in *MyEnvironment v VicForests*, noting the matter was decided on statutory interpretation grounds. Julian maintained that the Supreme Court adopted one of a range of possible statutory interpretations. Both speakers suggested the case might prompt further litigation to achieve greater protection for endangered species.

Felicity and Julian's speeches were followed by a Q&A session in which guests asked thought-provoking questions about logging, environmental policy and anti-protest laws.



Images: Felicity Millner (top left), Julian Burnside AO QC (top right), Simone Holding (bottom left), Raeesa Rawal (bottom right) and attendees share views on animal law and environmental policy

Photography by Shevan J Photography

## GENDER EQUALITY FORUM

27 AUGUST 2014

**MEMBERS OF VWL, WOMEN IN FINANCE AND THE INSTITUTE OF CHARTERED ACCOUNTANTS GATHERED FOR A SPECIAL FORUM ON THE NEED FOR GENDER EQUALITY AND HOW TO REALISE IT.**

The audience was privileged to hear from three expert panelists: the Honourable Rob Hulls, Sally Macindoe of law firm, Norton Rose Fulbright and Kim Schmidt of accounting and corporate advisory firm, Grant Thornton.

Speaking from his experience as Attorney-General, the Hon Rob Hulls told of the criticism he faced when he appointed women to the bench. He emphasised his view that flexibility and diversity in working arrangements provide for greater opportunity and productivity.

Sally Macindoe spoke about her experiences as a partner of Norton Rose Fulbright and the steps the firm had taken to promote more women to senior positions. She reminded the audience that the work is ongoing and requires constant momentum.

Finally, Kim Schmidt provided insights from a human resources perspective into how gender equality can be achieved. She also contrasted the differences in approach between Australia and her home of South Africa.

In all, the audience was provided with three unique perspectives on how workplaces can work to attain gender equality. At the same time, we were reminded that a great deal of work still needs to be done to get there.



Image (above): Kim Schmidt, Sally Macindoe and the Honourable Rob Hulls

Photography by Lee Sanders of Soar & Barrow

## INSTITUTIONAL SEXUAL ABUSE Responses to the Royal Commission and other recent developments

2 SEPTEMBER 2014

**OVER PAST YEARS THE JUSTICE COMMITTEE HAS INVITED A PANEL OF GUEST SPEAKERS FROM VARIOUS BACKGROUNDS TO PARTICIPATE IN AN ANNUAL FORUM ON ISSUES RELATING TO SEXUAL ASSAULT AND ABUSE. IT CONTINUES TO BE ONE OF THE MOST EMOTIONAL AND THOUGHT-PROVOKING EVENTS ON THE VWL CALENDAR.**

This year's forum focused on the Royal Commission into Institutional Responses to Child Sexual Abuse. The timing of the event coincided with the Royal Commission's hearings in Melbourne.

The discussion panel consisted of:

- Dr Vivian Waller, principal of Waller Legal, a legal practice dedicated to looking after victims of crime and those who have endured sexual assault or child abuse
- Chrissie Foster, a mother whose life was turned upside down when she discovered that her parish priest had sexually assaulted her children
- Laura McDonough of the Melbourne office of Knowmore, a national independent legal advisory service that provides legal advice and assistance to people who are, or are considering, engaging with the Royal Commission
- Andrea Lockhart, a senior counsellor at the Ballarat Centre Against Sexual Assault.

Chrissie spoke first, describing the destruction caused by the discovery that her parish priest had sexually assaulted two of her three daughters. The audience was shocked to hear of the struggles her daughters went through in trying to deal with the abuse in their past.

Both Laura and Andrea spoke of their organisations' efforts to develop positive support networks and to obtain compensation for victims of institutional sexual abuse.

Vivian appositely summed up the evening with the bald statement that 'there needs to be change' by government and by the organisations within which sexual abuse has occurred.



# LAUNCH OF THE 2014 VWL AND WBA LAW STUDENT MENTORING PROGRAM

24 SEPTEMBER 2014

## VWL AND THE WOMEN BARRISTERS ASSOCIATION LAUNCHED THEIR 2014 MENTORING PROGRAM WITH A COCKTAIL NIGHT AT SPONSOR FIRM, K&L GATES.

Research shows that women often need encouragement to ask for advice on progressing their careers, and a mentor can be a safe way to pose questions. The VWL/WBA mentoring program, a core initiative of both organisations, has once again been met with strong interest and participation from mentors and students alike.

Now in its seventh 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 or WBA events, or whenever and wherever suits participants.

This year the Honourable Justice Marcia Neave AO launched the program with entertaining stories from the early days of her career and some reminders of the challenges facing young women lawyers, now and then. Justice Neave's infectious enthusiasm set the tone for a happy meeting of like minds.

Other notable speakers included Kathy Dalton, Partner of K&L Gates who urged participants to embrace the mentoring experience. Practical insights and advice about the mentoring relationship and its many benefits, including to the mentor, were provided by LIV Mentor of the Year, Jennifer Batrouney QC.

Thanks to sponsor firm, K&L Gates for supporting the program's launch by providing a venue, catering and staff for the event.

The 2014 program has well and truly kicked off and we look forward to hearing about participants' experiences. This year 113 pairs were matched according to professional interests, life experiences, proximity and (where possible) mentors' preferences. We are very lucky to have an array of practitioners, from diverse backgrounds and various stages of their careers, participating in the program.

Photography by Lee Sanders of Soar & Barrow



Images: Jennifer Batrouney QC commends the benefits of the mentoring relationship (top); program participants meet for the first time (middle); the Honourable Justice Marcia Neave speaks about the challenges facing young women lawyers (bottom)

If you would like to become involved in next year's mentoring program (as a mentor or a mentee), we encourage you to apply. Keep an eye on the VWL website for further details, to be released around May 2015.



## MARKETING, MENTORING AND CAREER MOTIVATION

9 OCTOBER 2014

THIS EVENT, HOSTED BY THE NETWORKING COMMITTEE AT SPONSOR FIRM, DLA PIPER, WAS AIMED AT EMPOWERING WOMEN IN THE LEGAL PROFESSION TO ACHIEVE THEIR CAREER OBJECTIVES.

Facilitated by Robynne Sanders, Partner of DLA Piper, an expert panel discussed career progression, personal branding, marketing and how to ask those 'tough questions' faced by lawyers with two to six years' post-admission experience.

The panel comprised Mark Huntington, Partner of DLA Piper, Melanie Wilkinson, Chief Executive Officer of Fenton Communications and Tracey McDonald, Director of Cup Half Full. The panelists shared their experiences, discussed common issues faced by young lawyers and provided practical tips to implement in the workplace.

Images: Robynne Sanders, Melanie Wilkinson, Mark Huntington, Bonnie Phillips (VWL), Tracey McDonald and Claire Walczac (VWL) (top); Mark Huntington, Melanie Wilkinson and Tracey McDonald share their views and experiences (bottom)

Photography on this page by Lee Sanders of Soar & Barrow



## WOMEN IN THE LAW TO CHANGE THE LAW

23 OCTOBER 2014

THE LAW REFORM COMMITTEE HELD A WIDE-RANGING PANEL DISCUSSION, LED BY MICHELLE BLACKBURN OF CORRIS CHAMBERS WESTGARTH, ABOUT WOMEN'S ROLE IN LAW REFORM.

The Honourable Justice Marcia Neave, former Commissioner of the Victorian Law Reform Commission, reflected on her law reform work in homicide defences, sexual offences and intellectual disability.

Dr Kate Auty, a Vice Chancellor's Fellow at the University of Melbourne told of her time as a Magistrate in the Koori Court and how non-Indigenous Australians have much to learn from the resilience and adaptability of Australia's Indigenous people. Dr Liz Bishop

of the Michael Kirby Centre for Public Health and Human Rights spoke passionately about her work in 'restorative justice'.

Tamar Hopkins of the Flemington-Kensington Community Legal Centre recounted the story of Corrina Horvath, whose nose was broken in an unlawful police raid over 20 years ago and who only received an apology and compensation from Victoria Police this year after a successful appeal to the United Nations.

The event was a major success, with most of the 90 guests leaving the event brainstorming ways to get more involved in law reform. Thanks to sponsor firm, Corris Chambers Westgarth for hosting the evening, the panellists for providing

their honest and unique perspectives on law reform, and all guests for supporting the event.



Image: Justice Marcia Neave, Dr Kate Auty, VWL Convenor Verity Shepherdson, Tamar Hopkins, Dr Liz Bishop and MC Michelle Blackburn

## COMING TO THE BAR

15 OCTOBER 2014

AT THE ANNUAL 'COMING TO THE BAR' PRESENTATION HELD BY VWL AND THE WOMEN BARRISTERS ASSOCIATION, GUESTS WERE AFFORDED VALUABLE INSIGHTS INTO LIFE IN CHAMBERS AND THE BAR READERS' COURSE.

Now in its eighth year, this year's event was held at the Essoign Club. Attendees heard about life at the Victorian bar from barristers, Georgina Costello and Jennifer Trehwella, and clerk and former barrister, Tammy Young.

The entertaining panel, facilitated by the WBA's Convenor, Diana Price, provided valuable career insights, including into the path to the Bar, the clerking system, finding a mentor, financial considerations and issues faced by women barristers. After the presentation attendees mingled over drinks and canapés.

## VIOLENCE AGAINST WOMEN IN A DIGITAL ERA

28 OCTOBER 2014

THE WOMEN IN GOVERNMENT COMMITTEE HELD A THOUGHT-PROVOKING EXPERT PANEL DISCUSSION, HOSTED BY SPONSOR FIRM, KING & WOOD MALLESONS AND MODERATED BY HER HONOUR JUDGE FELICITY HAMPEL SC.

Dr Delanie Woodlock of the Domestic Violence Resource Centre Victoria summarised the centre's *SmartSafe* research, which found perpetrators of intimate partner violence are increasingly using technology to stalk and intimidate victims. Pasanna Mutha-Merrennege of Women's Legal Service Victoria shared the disturbing story of a client whose ex-

partner hacked her Facebook account to post naked photographs of her. The social consequences, and the lack of effective legal redress, were devastating.

Crown Prosecutor Anne Hassan spoke of her experiences prosecuting perpetrators of sexual offences against children, including a perpetrator who created elaborate online identities to gain his victims' trust.

The event was well attended by over 70 lawyers and community sector domestic violence specialists, with the Q&A session highlighting the importance of collaboration between the sectors in working toward ending violence against women in all its forms.



Image: Anne Hassan and Pasanna Mutha-Merrennege take questions from the audience

Photography by Clare Plueckhahn

## TACKLING RACISM AND ITS IMPACT ON INDIGENOUS HEALTH

20 NOVEMBER 2014

HERBERT SMITH FREEHILLS KINDLY HOSTED A LUNCH ON BEHALF OF VWL AND THE MENZIES SCHOOL OF HEALTH RESEARCH.

The Menzies School of Health Research is the only medical institute in Australia dedicated to improving the health and wellbeing of Indigenous Australians.

Professor Joan Cunningham, a well-regarded social epidemiologist discussed Indigenous health frameworks and the Institute's research into the impact of racism on Indigenous health.

Professor Cunningham talked about her involvement in achieving changes within the health system for Indigenous Australians and raised awareness of initiatives aimed at reducing the prevalence and impact of racism in Australia.



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# LADY JUSTICE AND LEGAL LEADERSHIP

## Lessons from Legend

TANJA KOVAC

IT HAS ALWAYS BEEN A MATTER OF CURIOSITY THAT SUCH A MALE DOMINATED PROFESSION COULD HAVE, AS ITS MUSE, AN IMAGE OF JUSTICE SHAPED IN THE BODY OF A VOLUPTUOUS AND BLIND WOMAN.

Lady Justice, the figure in a silvery flowing toga above the County Court doors, has gone by many names. An archetypal image of justice, she shares common elements across cultures and centuries.

Learning from the iconography, and the legend of Lady Justice, provides hints for how women can lead as women lawyers in a profession that sometimes excludes them.

### Personifying justice as woman – a historical review

There have been many representations of Lady Justice across the ages.

#### Maat: Lady Justice in 3000 BC

In Ancient Egypt, justice was personified in a woman known as Maat, who was entrusted with judgement over humans in the afterlife. Tablets and tombs reveal that it was her job to assess whether the newly deceased had been faithful to the 42 Rules of Maat, a codification of laws in Ancient Egypt that are a precursor to the Biblical Ten Commandments and a Universal Declaration of Human Rights.

The rules of Maat encompassed everything Ancient Egyptians needed to do to live a good life, including pledging non-violence, truthfulness, piety and respect for private and public property (including the sanctity of water).

Maat was adjudicator of compliance with these rules in post-life litigation. She assessed the just life by weighing the heart of the deceased against a feather. If equilibrium was maintained then the deceased won the right to enter heaven. If the heart weighed heavy with transgression, the deceased was condemned to hell.

The earliest representation of justice emphasises its other-worldly nature, a theme that would later be retained by the Abrahamic religions, in which a system of post-life reward and retribution was maintained, but women were displaced as arbiters.

#### Themis: Lady Justice in 1800 BC

In Ancient Greece, divine law, custom and equity were also collectively depicted as a woman. Known as Themis, a titan goddess born from Uranus and Gaia (Heaven and Earth respectively), she was both counsel

advice on everything from work and war to love and marriage.

#### Justitia: Lady Justice in 22 AD

Appearing for the first time in 22 AD, the Roman goddess Justitia is known for her clear-sightedness. Originally depicted without a mask, by the 15<sup>th</sup> century she began to be adorned with a blindfold to convey impartiality and a sword to highlight the moral and judicial force behind her rulings.

Justitia continues to be a source of inspiration and imagery in legal practice and is even the name of a Victorian law firm founded by feminist lawyers, Mary-Jane Ierodiaconou and Sarah Rey.

What can these three womanly archetypes of justice tell us about how women should lead in the law today?

### 1. Women lawyers bring a natural order to legal chaos

Archetypal depictions of justice reassure us that women have particular skill in establishing and overseeing order. Whether natural, moral or social, the regulation of the seasons by Themis or of ancient rules on the good life by Maat, womanly justice is associated with systems, routine and pattern.

It is a skill to create and regulate order essential to all aspects of legal practice. Women lawyers can take advantage of the long held belief that they are naturally good at these tasks

to provide leadership in complex and interconnected legal cases.

Think of Lady Justice when wading through folders of discovery or working on complex interconnected commercial transactions, and remember that a significant part of being effective in law is bringing organisation where there is none. Women lawyers must be careful, however, not to be confined to jobs which are only about sorting and organising, rather than analysing and adjudicating.



## BEING BLIND TO BIAS IN THE LAW SHOULD NOT BE AN EXCUSE FOR TURNING A BLIND EYE

and lover to powerful gods like Zeus, providing advice on military matters during the Trojan War.

Themis' task was to protect the just and punish the guilty.<sup>1</sup> Like Maat, she was both a personification of regulative/ordering principle as well as a moral force higher than the law.<sup>2</sup> Ancient Greeks would appeal to her as oracle and she would provide

1 [www.winshop.com.au/annew/Libra.html](http://www.winshop.com.au/annew/Libra.html)

2 Justice and the Face of the Great Mother (East and West)', DM Giancola <http://www.bu.edu/wcp/Papers/Comp/CompGian.htm>

## 2. Women lawyers know justice is blind

Just as a mother has a unique ability to love children without favour, so too justice is best served when it is blind to partiality or preference. Justice as a blind woman who avoids prejudgments based on race, religion, gender, ability or social standing by association becomes a feminised gift.

If the ability to be impartial is a womanly virtue, then this provides women lawyers with inspiration for judicial appointment.

Being blind to bias in the law should not, however, be an excuse for turning a blind eye. Maat, Themis and Justitia all have a role in punishing transgressors of rules, and women should confidently call on the strength of that trait when calling out biases – particularly towards their own gender – within the legal system.

## 3. Women lawyers must balance

The scales in the hands of Maat, Themis and Justitia are symbols of the desirability of equilibrium between opposing forces. The just mean is a desirable destination in mediation and is another powerful legal skill historically associated with women.

The scales represent the hope of non-dualistic solutions in the law. Law as balance between duelling ideals, symbolised by the scales held aloft by Lady Justice, stands against the traditions of the adversarial legal system, where advocacy for a client is paramount. If the legal ideal is to hope for balance, rather than a win at all costs, is it any wonder some of the great champions of alternative dispute resolution and win-win solutions to legal problems are women?

The scales of Lady Justice also remind women lawyers that the key to a long and happy career for women in the law is learning to balance work and life.

## 4. Women lawyers – it's OK to be womanly

Lady Justice is a girly girl, voluptuous and always in a dress. She is a reminder that the practice of law need not come at the expense of suppressing all signs of femininity for the comfort of the court.

Regrettably, there are still stories of women lawyers being counselled on their attire, young women trainees told to cover up their lady parts and dress down their curves in court, so as not to be overly distracting to (mostly male) barristers and the bench.

Women lawyers can use Lady Justice's example to push back against unhelpful, sexist remarks about appropriate dress code for advocacy.



Artwork by Eleanor Ratcliffe

## Conclusion

Embracing the iconography of Lady Justice is important for women lawyers: to recognise themselves in the ideal image of the profession they serve. Understanding that for millennia women have been understood to embody all the virtues of order, justice and equity, should make negotiating for a pay rise and a promotion just that little bit easier. ■

## About Tanja Kovac

Tanja is a writer, lawyer and director of her own communication, leadership and justice consultancy, Kovac & Co where she provides leadership mentoring and other advice to women managers, lawyers and aspiring and current politicians. She is also the National Co-Convenor of EMILY's List Australia, a national network of women providing financial, political and personal support to progressive women in parliament.

# USING SOCIAL MEDIA TO HELP VICTIMS OF SEXUAL ASSAULT

CAROLYN WORTH

**THE SOUTH EASTERN CENTRE AGAINST SEXUAL ASSAULT (SECASA) STARTED IN 1977 AS A SERVICE FOR ADULT WOMEN WHO HAD BEEN RAPED WITHIN THE PAST FEW DAYS. THERE WAS ONE WORKER. SINCE THEN SERVICE PROVISION HAS GROWN AND DIVERSIFIED TO CATER FOR A WIDE RANGE OF PEOPLE WITH DIFFERENT REQUIREMENTS.**

However, there have always been people who cannot access the service for reasons such as mobility problems, not being ready for face to face counselling or wanting to remain anonymous. Reputable studies also told us that many people do not tell anyone about their abuse and are even less likely to report to anyone in authority. We wondered how to reach all those people and looked at the newly developing web technology as an option for providing services.

In 1998 SECASA created a static website to provide information to students, the general public and professionals. We found that this site didn't appeal to young people, even though overseas research said they were using the internet to find information and as the hub of their social life.

So we built a second, youth-friendly web site. We originally had a MySpace site in 2005 but six years later, Facebook was more popular and so we changed to Facebook. We had a brief flirtation with Second Life but when our avatar was sexually assaulted we decided it was not a good forum for us to disseminate information.

We became involved with Yahoo Answers!, a community-driven knowledge market website launched by Yahoo! in December 2005. This site is very popular and has 15 million users daily.

The question is often asked – why divert counselling resources to social media and internet applications? It is useful to know that the top 15 social networking sites have 1.5 billion users. The opportunities for providing a service and information free

to such a huge audience are unequalled in any other forum. In addition, you receive instant feedback and that for a direct service agency is invaluable.

We are asked questions online which the duty/intake workers are clear would never come to them over the telephone.

For example:

*When I was sexually abused, the guy who did it, his cousin sat there and watched the full thing. I know it's wrong. If I went to the police, would anything happen about*

*chat on Facebook. He calls me cute and compliments me. Recently he's been asking for a picture of my boobs. I am not sure what to think about this relationship. Please help me.*

These types of questions and the forums in which they occur give us a chance to give people information about their options and to direct them to those who can help them. Sometimes this requires research – because the worldwide web really is worldwide – but we have become skilled at directing people to organisations in other countries who can help them.

We have had our online program evaluated by the Australian Catholic University and a report has been written: *The use of an on-line site to seek information and help after sexual assault.* We put considerable resources into various social media sites and need to ensure that they are effective and an efficient use of resources.

SECASA will continue to pursue social media avenues. The challenge is keeping up with technology that moves and changes almost daily. But just as our service that began in 1977 bears no resemblance to the face-to-face counselling now delivered by over 40 workers, I am sure that in 10 years' time our cyber program will bear no resemblance to our online services delivered today. ■



WE ARE ASKED QUESTIONS ONLINE WHICH THE DUTY WORKERS ARE CLEAR WOULD NEVER COME TO THEM OVER THE TELEPHONE

*the guy who watched even if he didn't do anything? It's just been running through my head.*

*I was raped lotsa times when I was a kid by this man. I had counselling and dealt with it. That was over 10 years ago tho and I can't have sexual relations so I haven't had a boyfriend ever. I am really sad and lonely. Please help.*

*I'm 16 and my Dad has sex with me. Is this right?*

*I think I am in love but we only text and*

## About Carolyn Worth

Carolyn has been the Manager of SECASA for 22 years. She has worked

in Vietnam for UNICEF providing family violence training and writing manuals for child protection training. She is spokesperson for the Centre Against Sexual Assault (CASA) Forum, the peak body representing CASA in Victoria. Carolyn sits on a number of advisory committees. She is the recipient of the Robin Clark Memorial Award and in 2012 was inducted into the Victorian Honour Roll of Women.



# WORKING MUMS – AN UNTAPPED RESOURCE

## VWL's Pregnancy and Return to Work Survey

SASKIA DEERSON, LAW REFORM COMMITTEE

HAVING CHILDREN IS A LIFE-CHANGING EVENT. BUT SOMETIMES, AS A RECENT SURVEY SHOWS, THE CHANGES IMPACT ON THE WORKPLACE.

VWL's Law Reform Committee surveyed 119 women from across the legal profession in Victoria in relation to the impact of childbearing on their work. The survey was created to gather evidence for submissions to the Australian Human Rights Commission's Pregnancy and Return to Work Review. The aim was to find out whether women still experience disadvantage as a result of pregnancy and parenthood. The findings were surprising. In spite of major advances in attitudes towards women at work, some old prejudices are still evident.

Respondents to the survey included solicitors, barristers, legal assistants and students. Of those surveyed, 23% were solicitors engaged in private practice, while another 30% or so were senior lawyers or principals in private practice. Over 60% of respondents had been pregnant or taken parental leave.

The findings show that employers aren't getting the message that parenthood should not adversely affect women's careers. Women in the legal profession consistently feel discriminated against, despite laws and policies that supposedly prevent unjust treatment. Forty-three per cent of respondents experienced difficulty attending out-of-hours events, while another 30% reported missing out on training or development opportunities due to parental leave or pregnancy. Getting CPD points and attending early morning meetings were found to be particularly troublesome. Twenty per cent had encountered a lack of flexibility in return to work situations. One woman commented that she 'was essentially given an ultimatum. I was told that the company could not accommodate my part-time schedule of two days and that I would have to work a minimum of four days ... the silence at the end of the sentence was deafening.'

Change to the quality, nature or remuneration of work was also raised as an issue by the women surveyed. Some found that: '[You] see more of lower value/complexity/less profitable matters as these are more easily managed with part time working.' Others found that they were essentially demoted, or missed out on pay rises or promotions when



Artwork by Anastasia Bekos, *Morning Babysitter*, 1988 (oil on canvas, 54 x 57 x 4 cm) WAR\*

they returned to work. One woman said: 'I was promoted to Senior Associate seven years ago and have not advanced since then. My male counterparts [were] made Senior Associates well after that time [and] have all progressed to partnership. I have not had overseas travel opportunities for work compared to my full time counterparts, despite making budget and engaging in a good amount of marketing.'

consider that part-time work or raising a family and a future in the law are impossible.' Some women were made redundant shortly before or after returning to work from parental leave, or told they could no longer work on litigation files.

The tenor of the responses indicates that workplaces are aware of their responsibilities but appear to find them too onerous or too difficult to implement fully. Those surveyed

WORKPLACES ARE AWARE OF THEIR RESPONSIBILITIES BUT APPEAR TO FIND THEM TOO ONEROUS OR TOO DIFFICULT TO IMPLEMENT FULLY

Worryingly, direct discrimination was also reported by many women. Over 36% had observed inappropriate or negative comments from a supervisor or manager. Others reported serious issues with promotion for mothers: 'Any hope of career advancement or progression ended the day I announced I was pregnant. It has been made clear by my employer that they

particularly complained of: employers 'allowing' them to work fewer days, but failing to reduce their workloads; out-of-hours meetings; and difficulties returning to work after maternity leave. What employers are failing to understand is that women are a resource, and that women workers will reward employers well if employed effectively.

This is not just a matter of human rights. Employers are also missing out on the talents and skills of their female employees. Law firms are under-utilising a large part of their workforce, and things need to change. The survey results show this clearly. Over 60% of the women surveyed said that they had made decisions about their career on the basis of perceived or actual challenges encountered with pregnancy and return to work. A number of respondents stated they were considering leaving the legal profession entirely.

But women are beginning to fight back. An increasing number of female lawyers are aware of their rights and are willing to act on them. They are also alive to family friendly workplaces and opportunities. One respondent stated: *'I have actively sought out a workplace that is genuinely supportive of part time workers.'* Another said she 'escaped to in-house' work after being 'put onto the 'Mummy track''. Others reported looking for opportunities as community lawyers, where the working environment is often more welcoming to women with families. It seems women are taking a stand when it comes to perceived discrimination and are not putting up with sub-par work conditions and double standards.

The Pregnancy and Return to Work Survey conducted by VWL's Law Reform Committee showed a surprising level of discrimination in the workplace. This is appalling given the public profile of equal rights for women and the fact that the profession is now around 60% female. It seems that gender bias is still alive in chambers, firms and courts across Victoria. ■



#### About Saskia Deerson

Saskia is a lawyer at Maurice Blackburn Lawyers specialising in Comcare and personal injury law. She is a member of VWL's Law Reform Committee and has interests in literature, women's rights and environmental protection.

## APPALLED Moira Rayner on the Results of VWL's Pregnancy and Return to Work Survey

### VWL SPEAKS WITH MOIRA ABOUT CAREER OBSTACLES, WOMEN'S POWER, WOEFUL MANAGEMENT OF LAW FIRMS AND WOMEN'S PORTRAYAL IN THE 21<sup>ST</sup> CENTURY.

**VWL recently conducted a survey into the experience of discrimination based on pregnancy or parental leave by women in the legal profession. The results of our survey demonstrated that the majority of our respondents had made choices about their career as a result of perceived or actual challenges relating to pregnancy and parental leave. Have you experienced career obstacles based on your gender?**

I've read some of those responses and I am appalled that nothing has, basically, changed in the last 20 years, and not a lot had been achieved back then, either. The saddest aspect of these women's experiences is that feel they have to accept that a decision to seek flexible working conditions or take anything but the most basic of time out of a career path means career death. The fault, in my view, lies in

the incredibly old-fashioned and resilient practices that reward long working hours, insane 'commitment' to the firm – that helps ensure lawyers burn out in their middle years – and high rates of stress related illness, impairment and mental illness.

Of course there were obstacles in my career, because when I started to study the law (in 1966) there were barely any women undergraduates and a very poor attitude towards us as students, which was quite representative of the attitude in the profession of those times. I won prizes and was among the top graduates of my year and yet had grave difficulties obtaining articles – though they were very fine articles indeed which prepared me for practice very well: I could do just about anything! I am very grateful to the veteran solicitor who gave me such a thorough apprenticeship. She was a *rara avis*: a sole practitioner who happened to be a smart woman.

When I set up with my own shingle I didn't realise that 'women can't do that', so I did. The kind of work that came my way was not what I wanted and expected – my interests



Artwork by Anastasia Bekos, *Baby Collection*, 1988 (oil on canvas 54 x 57 x 4 cm) WAR\*



were in commercial law, litigation and trusts – because as a woman I was expected to dabble in family law and then retire to the home and family life.

I didn't do that.

I was able to adapt my working hours when my 'adopted' daughter Sara came along, aged five, because I was then and have, nearly all of my career, been self-employed. Naturally this came at a cost, but I was largely protected from the condescension and exclusion of young women lawyers by some larger firms.

**The Women's Power Handbook, co-authored by yourself and Joan Kirner, Victoria's first female Premier, has been republished many times, including this year. Do you feel that its relevance has diminished or grown since its first publication in 1999?**

A small advertisement here: copies of the handbook can be ordered from the Victorian Women's Trust, EMILY's List Australia, and from myself. It was republished as a public service so the purchase price is reasonable. There is still a steady demand for it, because it is a practical guide to the dilemmas women face in their access to and appropriate use of power, and it seems still relevant today when some young people misunderstand what 'feminism' is all about and decry the lessons old-timers such as Joan and myself have learned.

There are still structural obstacles to women having an equal share of opportunities, and both challenging and satisfying work as well as fulfilling personal lives: I don't talk about work-life 'balance' so much as satisfactorily combined – we only have one shot at life and nobody regretted spending too little time at work. A 'feminist' doesn't have to call herself such, but our view was, and is, that understanding discrimination and disadvantage, and **deciding to do something about it** for other 'outsiders', is something all women should do: sharing power and lifting as we climb. It's as necessary as ever, if not more so.

**While a large number of VWL survey respondents felt their organisation is aware of their legal responsibilities in relation to pregnancy and return to work,**

**88% reported experiencing challenges in returning to work after parental leave. What more should be done by organisations and others to respond to these experiences?**

This is the big question. So many law firms are woefully managed – lawyers aren't natural diversity managers anyway, because of our training and experience. We must engage with genuine leaders who appreciate and are competent at leading their businesses in the modern world. The majority of brilliant lawyers are women, but they are not valued adequately because of old-fashioned and ultimately destructive practices based on discredited assumptions about how to demonstrate merit and how to package services to clients.



## DECIDING TO DO SOMETHING ABOUT IT IS SOMETHING ALL WOMEN SHOULD DO: SHARING POWER AND LIFTING AS WE CLIMB

Those law firms who recruit these women, by and large lose the majority of them by the time they are forty. The real reason smart women get out of private practice is most often because their careers have stalled, or are profoundly unsatisfying. They don't just want to 'spend more time with the family' – they want to make a contribution. Until the firms and the educators and milieu in which they move appreciate how they are cutting their own throats with the current way of being, women will not take up the high profile and leadership positions in the

law that they should. And not by becoming 'honorary blokes'. You can't be.

**What do you think about the portrayal of women in the 21<sup>st</sup> century?**

I bless the day I discovered social media and saw that it is diverse and there are many 'other' voices out there than the producers and manufacturers who see women in terms of stereotypes based on body shape, makeup, clothing and decorations. I get depressed when little girls slip into the pink and slinky pre-pubescent self-consciousness in which appearance and conformity is valued above character and leadership. I love spreading the word about linguistic and other research which demonstrates how many of the 'natural' qualities of women are socialised from their earliest childhood years, as are men's!

I am heartened by the many women who act with courage (even some recklessness, like Pussy Riot) to challenge the status quo, and succeed or are punished for it, but keep on getting up and getting on with it. As I age, I get fed up with Australian society's propensity to treat older women as invisible.

**What do you wish you knew when you started your career?**

That I was more capable than I felt, that nothing creates success better than meticulous preparation, and that no matter how badly you screw something up, or get screwed over, life is beautiful. ■

### About Moira Rayner

Moira is a prominent Victorian lawyer with broad experience both inside and outside of government organisations. She is also a well-known writer

and advocate for human rights, equality and gender issues. She has co-authored several books on governance, human rights, government policy and women and power. Her positions have included the last Victorian Commissioner for Equal Opportunity and the first Director of the Office of Children's Rights Commissioner for London. Moira currently works in private practice.



# TOWARDS A MINDFUL PROFESSION

LAURA HELM, LIV

AS A FLEDGLING WORKING MUM, I AM LEARNING ABOUT A WHOLE NEW WORLD OF STRESSORS AS I TENTATIVELY WALK THAT TIGHTROPE I THINK PROBABLY ALL WORKING MUMS STRIVE FOR: THE PERFECT WORK LIFE BALANCE.

I think a common feeling is one of guilt – that you are neglecting your child, your partner, your friends, your family, your work or your dog, if you have one – because there are only 24 hours in a day and only seven days in a week – and boy, do they seem to fly by.

Working part-time brings many rewards as you seek to strike that balance. You have more time for your child and they spend less time in childcare (you can deduct some feelings of guilt here). You can stay engaged in a job that hopefully you love, continue to challenge yourself in ways that are fulfilling and generally feel like you are managing to maintain a well-rounded new version of yourself, which includes an important part of your old career-driven self that is so important for your feeling of self-worth.

But sometimes you can feel like that tightrope is a knife's edge and you are dangerously teetering on the brink of neglecting all those things you are striving to balance. Because you are only one person with the same 24 hours in a day as everyone else.

Working effectively part-time requires a number of things. For me, I think the key to maintaining a healthy balance has been first and foremost a supportive workplace. This includes a supportive manager who trusts in your ability to work flexibly and continue to deliver the same quality of work. But quality does not mean quantity. Crucial is a mutual understanding of what your reduced output will be.

Because part-time means you cannot and should not hope to deliver the same volume of work. You need to agree on limits to your previous role. But these limits should not change the nature of the work you do, which usually is the particular character of your work that keeps you engaged and motivated.



Artwork by Rita A Neske, *Untitled* (oil/acrylic/mixed media on canvas). Rita's work portrays a woman of the 21<sup>st</sup> century with her thoughts and concerns tangled in her hair. She is nursing her heart at the end of a busy day. The ceiling symbolises love, life and hope.

Returning to work earlier than I originally planned late last year, it was not without irony that I agreed to complete the Law Institute of Victoria's 'Mental Health and the Legal Profession' project. As I researched and consulted with lawyers and law students across Victoria about what preventative steps were needed at a profession-wide level to tackle the profession's wellbeing

problem, more than once I asked myself 'why have I taken this on?'. I'd be trying to work from home with a very demanding little person pulling at my leg the second I came on the computer and feeling guilty as I finished a phone call with him crying from his cot in the other room when he slept for less time than I hoped. I joked I would be the first caller to our new 24 hour Vic Lawyers'

Health service, launched on 11 September 2014 to coincide with R U OK? Day, which aims to support legal professionals in developing coping strategies to deal with the stresses of legal practice and other life events.

What I learnt through the project was that while most lawyers feel stressed during their careers, for many reasons (including juggling family responsibilities), only some will experience elevated distress that leads to depression and/or anxiety. For some, distress levels might become severe when additional stresses happen in their personal lives, such as relationship breakdown or loss and grief. Others may deteriorate if they feel unsupported by their employer. But the same events and stressors will affect all lawyers differently.

Good mental health and wellbeing in the legal profession is not just about the absence of mental illness. It is about striving to create safe working environments where lawyers are in the right roles that will allow them to reach their full potential and cope with the normal stresses of life as a lawyer.

I have also learnt that good mental health is also not about the absence of stress. Stress is a normal response in our busy, high-paced lives and can often be a driver to success. What is important is recognising when stress might be leading to distress and seeking assistance.

The LIV's report, *Mental Health and the Legal Profession: A Preventative Strategy* seeks to drive cultural change in the profession to protect and promote wellness, while providing equality of access to useful and meaningful services across the diversity of the legal community. Critical to cultural change is building consensus about what constitutes unhealthy legal work practices and taking collective action to ensure that working as a lawyer is not detrimental in itself to individual mental health. And we identify sex discrimination, sexual harassment, attitudes to family responsibilities and part-time work as priority areas for further work as well as bullying, vicarious trauma and working conditions and workplace culture.

We all have responsibilities to protect and promote wellbeing of lawyers – by self-awareness and self-care, as contributors to workplace culture and being mindful of our interactions and responsibilities to others – as colleagues, managers, employers and family members.

And remember the age old mantra 'prevention is better than cure'. Simple measures like good nutrition, getting enough sleep and moderate exercise can be critical to making that tightrope manageable. I try to cook big, healthy meals on my days off so that we can eat leftovers on work days. I walk to the shops instead of driving, even if it means going more often, so I can stay moderately fit, and I try to go to bed at least an hour earlier on work nights in case my son wakes in the night. ■



GOOD MENTAL HEALTH  
AND WELLBEING IN THE  
LEGAL PROFESSION  
ARE NOT JUST ABOUT  
THE ABSENCE OF  
MENTAL ILLNESS



If you are feeling stressed and are concerned about your mental health, please seek professional assistance as soon as possible.

LIV members can call Vic Lawyers' Health for support and solutions-focused counselling on 1300 664 774.

See [www.viclawyershealth.com.au](http://www.viclawyershealth.com.au) for information about this and other support services.

The LIV report, *Mental Health and the Legal Profession: A Preventative Strategy* is available at <http://www.liv.asn.au/For-Lawyers/Submissions-and-LIV-projects/Health-and-Wellbeing>.



#### About Laura Helm

Laura is experienced in legal policy and law reform, working as both lawyer and policy advisor in administrative law and human rights, elder and succession law at the Law Institute of Victoria.

She has managed the LIV's mental health project for the last 12 months, including preparing *Mental Health and the Legal Profession: A Preventative Strategy* and presenting on mental health at national and State forums.

# PRACTISING LAW IN ROMSEY

## 30 years on

MAUREEN WILTSHIRE



### WE WERE MARRIED WITH TWO YOUNG DAUGHTERS AND LIVING IN MELBOURNE, WHAT WERE WE THINKING MOVING TO ROMSEY?

Young and enthusiastic, I wanted to start a practice in Romsey just beyond the urban fringe, 60 km from Melbourne, so I could live and work near my family. As luck would have it, we were able to buy a house with the office next door which was to satisfy my two main objectives to further my career and care for my children.

As I look back after 30 years of practice in Romsey, what advice can I offer to young women lawyers about the challenges of rural practice, particularly for a woman?

#### 1. WORK HARD

Make sure you strive for producing perfection in your work. Your reputation in all aspects of your professional and personal

life is central to your success in a small rural community. People talk about you, and the quality of the legal service you deliver will determine your reputation. You only get one reputation so do not cut corners or do anything that would tarnish it, even when you may be stretched or pressured to do so. The best thing about working hard in your own practice is that you are working for your own benefit – not anybody else's.

#### 2. GET INVOLVED

Volunteer community groups are the life blood of rural communities. Serve and assist on community groups and committees. Provide leadership and 'legal input' in decisions that affect your community. The community looks to its leaders for guidance and serving your community professionally and personally is both a rewarding and daunting responsibility for a young female lawyer. You will learn a great deal about yourself and others, and by and large, you will get back far more than you put in.

#### 3. GET SUPPORT

As much as you would like to, you cannot do it all and you will need to have reliable and supportive people around you – both at home and in the office. I was fortunate to be able to engage a nanny/housekeeper at home who would look after the children and do the housework during the times when I needed to manage my practice. This allowed me to breastfeed my babies and work flexibly knowing that the children and the house were being looked after.

#### 4. SUPPORT OTHER WOMEN

At work, I have engaged mostly married women as support staff. They also have families and sought flexible work arrangements close to home. I understood that their reasons were the same as mine. I encouraged and supported job sharing, engaged in a lot of collaborative work and most importantly, had an office focused on social interaction. We have always had regular staff meetings, celebrations

Artwork by Dorothy Braund, *Ruffled Jumper*, 1983 (oil on masonite, 60 x 90 cm) WAR\*



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of birthdays, personal and professional milestones and monthly lunches. Job sharing and working part time can be an isolating experience for anyone (particularly women) and to ensure continuity of good quality staff, offering and supporting flexible working is critical.

#### 5. TAKE ADVANTAGE OF THE PERKS!

Make the most of having your own rules. Work flexible hours and days that allow you to participate in whatever extra-curricular activities you choose.

Take time out during the working day if it suits you. Volunteer to be the parent helper at kindergarten or to go on excursions with the school. You control the leave requests so make the most of the fact that you are the decision maker.

Looking back, one of the questions asked of me by the male lawyers at my interview for articles in 1974 was 'Do you have a boyfriend?' as a prelude to 'Are you going to get married?'

40 years later I still feel the outrage at that question being asked.

What would the questioner say today if he learned that I have had my own legal practice for over 30 years and that I presently employ five permanent staff and am about to relocate into purpose built self-owned premises?

The truth is that I did have a boyfriend, I did get married and I had four beautiful children.

But these are the things that have enriched my life rather than prevented me from having a long and sustained career in the law. I hope my experiences can help me now to act as a mentor and advocate in helping other young women on their journey to a successful career in the law. ■



#### About Maureen Wiltshire

Maureen is a Director of James Kelleher Lawyers, a family law and general law practice in Romsey, Victoria. She is also a Director of Romlaw. Maureen is experienced in family law, probate, wills and family provision claims.

She has a Bachelor of Arts and Bachelor of Laws from the University of Melbourne, a Diploma of Family Law from Monash University and a Masters of Applied Law (Family Law) from College of Law NSW.

### IF I WASN'T AFRAID ... OLIVIA CHAPMAN AND GIORGINA M<sup>C</sup>CORMACK



As part of our International Women's Day celebrations at the Melbourne University Law School this year, we ran our own 'If I Wasn't Afraid' project.

The movement was started by Sheryl Sandberg, Chief Financial Officer of Facebook, and asks women to respond to the question: 'What would you do if you weren't afraid?'. The campaign aims to encourage women to put their fears out into the open, so that they can challenge themselves to overcome them.

Eager to bring this movement to the women at the Law School, we created a large corkboard titled, 'If I wasn't afraid...' and surrounded it with pens and post-it notes, asking female students to participate and confront the fears that hold them back. We wanted women at the Law School to challenge their personal fears, but we also gained an insight into different hesitations that affect the wider female community.

The results were overwhelming, revealing a variety of honest, clever and funny responses to the prompt. A few examples include:

*Stress less about the future*

*Not wear makeup*

*Stand up for people without a voice*

*Run kayak tours up the North Coast*

*Question why I am being asked to define myself and my womanhood by my fears*

We hope this activity encouraged women to think about how they are portrayed and how they portray themselves, and question what holds them back.



Olivia and Giorgina's role as Women's Officers of Melbourne University Law School is to support women within the law school, promote equality amongst law students and raise issues affecting women in the legal profession.

Their work includes organising speakers for various social justice and career-focused functions and panels, and celebrating events such as International Women's Day.

WORKING IN THE LAW CAN TAKE MANY DIFFERENT FORMS. WE ASKED SIX VICTORIAN WOMEN LAWYERS TO SHARE THEIR EXPERIENCES AND VIEWS ON WOMEN'S PORTRAYAL IN THE 21<sup>ST</sup> CENTURY. THEIR RESPONSES, APPEARING ON THESE PAGES AND CONTINUING ON PAGES 29, 35, 39 AND 41, ARE UNIQUE, PERSONAL AND INSIGHTFUL.

## Q&A

### ANNA LOZYNSKI



#### How are you involved in the law?

I currently hold the position of General Counsel for L'Oréal Australia & New Zealand. Prior to that, I was in-house at GM Holden (both locally and overseas) and Westpac after commencing my legal career at Minter Ellison.

Having spent my private practice career as a litigator, I am now very much a legal generalist.

#### What first drew you to the law?

It was a long held ambition to practise as a lawyer, which was cemented when an opportunity arose to shadow a barrister during a high school work experience program. My interest for legal studies ensued, and the rest is history ...

#### Describe your most wonderful experience in the law.

In private practice, I was afforded the opportunity to participate in a mentoring program at a less privileged secondary school in Melbourne. It was a six week program during which a group of us visited the school regularly and were assigned a student mentee. It was an enriching and rewarding experience. At the other end of the spectrum, having the likes of Megan Gale, Eva Longoria and Barbara Palvin visit the L'Oréal offices is also pretty exciting!

#### Describe your most horrible experience in the law.

It is always disappointing to hear about instances of women not helping other women in the law.

#### How do you think women are portrayed in the 21<sup>st</sup> century?

This is a complicated question to answer in a short interview. What comes to mind is the interesting debate which sparked following Marisa Mayer, CEO of Yahoo appearing in the September edition of US Vogue lying across a chaise lounge wearing a blue pencil dress with heels to match. Labelled by some as inappropriate, the photo shoot in my view was blown out of context. The naysayers were pushing a clear angle – that this woman can't have it all – whereas [media company] Condé Naste was clearly celebrating and playing to her persona of a 'stylish geek'.



Artwork by Eleanor Ratcliffe

#### What does it mean to you, to be a woman involved in the law in the 21<sup>st</sup> century?

While there's no Vogue photo shoots on the horizon for me, there's certainly an opportunity to be a change agent where possible, and practise a degree of mindfulness for the benefit of future generations: *I am who I am because of the choices I made yesterday* – Eleanor Roosevelt.

#### Who are your role models?

I cannot single out any specific role models but certainly admire the paths of many individuals (both male and female) across various industries.

#### If you could wave a magic wand and change one thing in the law, what would you change?

Women are the world's most underused resource, according to Hilary Rodham Clinton. The recent study conducted by the Law Council of Australia has found that women continue to face significant levels of discrimination. The less than ideal female attrition rate is a clear candidate for improvement and progressive thinking from within the profession. ■

## Q&A

FIONA LEAHY



### How are you involved in the law?

I work at the Victorian Institute of Forensic Medicine (VIFM) as its Senior Medico-Legal Adviser. I am one of two lawyers and together we undertake a wide range of legal and project work relating to the forensic work of the Institute. Primarily, we

work with our medical and scientific colleagues to ensure that our operational work is both legal and ethical. I am also the executive officer for the VIFM Ethics Committee and work on research governance issues.

### What first drew you to the law?

I grew up in a Catholic family of educators and have a very strong sense of social justice. Although I studied maths and science at school, I had enough insight to realise that I would be happier working with ideas and hopefully law reform. I did not particularly enjoy my early years in law school and came close to throwing in the towel. But I am grateful that I finished my Arts/Law degree and then fell on my feet when I secured a

job as a junior adviser to the State Attorney-General and then in the Department of Justice working on legislative reform.

### Describe your most wonderful experience in the law.

The most exciting project that I have been involved in – and it is one that I would never have envisaged coming my way – is the identification of Edward “Ned” Kelly by the Victorian Institute of Forensic Medicine. I was a project manager and also researched the historical record that assisted in the confirmation of the identification of Ned’s skeletal remains by DNA analysis. This project has sparked a keen interest in the colonial history of Victoria and the stories of the legal and medical characters of the time.

### Describe your most horrible experience in the law.

I feel very fortunate that, in my professional life, there are not many bad experiences to recall beyond the normal stresses of a legal position. As a young lawyer, I spent some time volunteering for the Refugee Advice and Case Work Service interviewing asylum seekers and drafting their claims for refugee status. I found this work particularly challenging and our successful cases were achieved in the knowledge that these people had suffered terrible persecution and continued to worry daily about friends and family who remained in their homeland. The plight of asylum seekers always weighs heavily on my mind.

### How do you think women are portrayed in the 21<sup>st</sup> century?

In my professional ‘bubble’ I believe that women are respected as equals. This is probably due to being surrounded by strong and smart women, and men who understand the demands of our professional and private lives. That is not to say that the division of labour is always equal! I am greatly concerned, however, that around the world girls and women continue to be portrayed as lesser citizens, suffer discrimination and are victims of violence.

### What does it mean to you, to be a woman involved in the law in the 21<sup>st</sup> century?

I enjoy being involved in the law at this time where I hope that my small contribution will improve the delivery of forensic science services to the justice system and to the community.

### Who are your role models?

The people I admire most are those who are not afraid to stand up, to challenge authority and the cynical masses, and to lead. Professor Gillian Triggs, President of the Australian Human Rights Commission is currently demonstrating this brave leadership.

### If you could wave a magic wand and change one thing in the law (or beyond), what would you change?

My top three ‘magic wand’ projects would be to eliminate violence against women and girls, establish a humane global response to asylum seekers and create a carbon free world. Is that too much to ask? ■



Artwork by Margaret Gurney, *Lucy*, WAR\*



# THE BURDEN OF SPEAKING TRUTH TO POWER

MITZI GILLIGAN

**WOMEN IN THE LAW FACE DAILY BATTLES. WE BATTLE WITH DISCRIMINATION, HARASSMENT AND BULLYING, AND WE BATTLE AGAINST AN INFLEXIBLE, TRADITIONAL WAY OF PRACTISING LAW THAT JUST DOES NOT WORK FOR MANY OF US. THE NATIONAL ATTRITION AND RE-ENGAGEMENT STUDY (NARS) CONDUCTED BY THE LAW COUNCIL OF AUSTRALIA CONFIRMED WHAT MOST OF US ALREADY KNEW. THESE BATTLES ARE REAL AND THEY ARE SERIOUS.**

One of our battles is over the way in which we are portrayed. It is our basic human right to have our equality recognised and for us to be protected against discrimination and incitement to discrimination. However, women generally, including women lawyers, are often portrayed in demeaning stereotypes (eg superwoman vs mummy track) rather than fairly and without discrimination.

If you need reminding that the portrayal of women generally has a long way to go it is worth looking at some of the social media based movements in Australia such as Collective Shout and Destroy the Joint. Collective Shout is a grassroots campaigning movement against the objectification of women and sexualisation of girls in media, advertising and popular culture (<http://collectiveshout.org/>). Destroy the Joint describes itself as being 'for people who are sick of the sexism dished out to women in Australia'. It makes a stand for gender equality and civil discourse in Australia by publicly calling out sexism (<http://destroythejoint.org/>).

Remember that what we are talking about is human rights. What we can do to fight the battles, in our own small way, is stand up for our human rights and for those of others.

In June 2014, Justice Connect and the Human Rights Law Centre hosted their annual Human Rights Dinner. The highlight of the event was a keynote address by Hina

Jilani whom I was privileged to meet. Hina is a pioneering human rights lawyer, pro-democracy campaigner, leading activist in Pakistan's women's movement and an international champion of human rights. Her remarks moved us all greatly and she received a standing ovation.

Hina spoke about the importance of the valuable work of human rights defenders. She said: *'Human rights defenders work in all kinds of situations trying to ensure that human dignity is protected and respected ... Unfortunately there is a cost they pay for the*

*about the rights of women and their inclusion in all public affairs.'* The work of Hina and her colleagues brings our own struggles into perspective and their courage can inspire us to think about how we can take on the 'burden of speaking truth to power'.

So what is the truth that needs to be spoken about the legal profession in Australia? The NARS results released earlier this year show that Australia's law firms need to seriously reconsider the way that they practise. Half of all the women surveyed reported experiencing discrimination due to their gender. Approximately one in four women said they had been discriminated against due to family or carer responsibilities. One in four had experienced sexual harassment in their workplace. The study also found that 50% of the women surveyed, and one in three men said, they had been bullied or intimidated at some point in their legal career, sometimes by women. The report highlighted that these issues are more prevalent in large and medium sized law firms.

The forms of gender discrimination in the legal profession were found to be both overt and more subtle. Examples of overt gender discrimination that were reported were allocation of different types of work, being denied access to opportunities and being rejected or judged as less competent by clients and colleagues. Subtler forms of discrimination that were reported include demeaning and condescending language by colleagues or clients

and exclusion from conversation or social activities. A number of women reported receiving unwanted advances, feeling objectified or being exposed to inappropriate sexual behaviour. I am sure some of these examples will be familiar to many of you.

One of the priority recommendations made by the Law Council coming out of NARS was to promote flexible work practices and explore alternate billing models in order to foster a more collaborative profession.



**"YOU DON'T ALWAYS WIN YOUR BATTLES BUT IT'S GOOD TO KNOW YOU FOUGHT."**

**LAUREN BACALL**

*work that they do. Human rights defenders all over the world are subjected to killings, arbitrary detentions, disappearances, torture and vilification campaigns to discredit them and their work. It is not just those individuals who suffer for taking on this burden of speaking truth to power. It is their families who suffer as well. Women human rights defenders find it even more difficult to work. They are more vulnerable to social exclusion and repudiation even by their own families because they are challenging social and cultural mores; because they are talking*

At Hive we certainly don't think we have all the answers but we have chosen to fight some of these battles. What we have done is started with a clean slate and designed a firm without the structural impediments that seem to work against women in traditional practices.

Our aim is to ensure that flexible working is both optimised and optimal. Our secure workspace and home office set up have been specifically designed to facilitate remote working, so that people have many choices of workplace. We believe that clients care about results and value, not the internal workings of law firms. We do not direct our team about when and where to do their work – we trust them to make the choices that will provide the right results for our clients. We know from

experience that it is perfectly possible to run matters with teams working flexibly without compromising on client outcomes.

Hive strongly prefers value pricing. We do not charge by the hour and we do not require time recording. Time recording fails to measure or value the very skills in which women lawyers excel – collaboration, efficiency, organisation, thoughtfulness, proper planning and project management, strategic thinking, wisdom and judgement, nurturing client relationships and developing the skills of others.

We believe that our model can provide better outcomes for both clients and our team. If we are successful we hope that we will have spoken our own small truth to power. ■

### About Mitzi Gilligan

Mitzi is a Principal and Founder of Hive Legal practising in commercial and regulatory law.

She has 25 years' experience working in traditional law firms – 13 years as a partner managing complex projects with teams in diverse locations and frequently on flexible work arrangements.

She is also Board Chair at Justice Connect and a member of the External Law Advisory Committee at Swinburne University of Technology.

## Q&A

### SALLY NICHOLAS



#### How are you involved in the law?

Managing Partner of Nicholes Family Lawyers, a boutique specialist family law firm. Independent Children's Lawyer.

#### What first drew you to the law?

A sense of justice and wanting to be able to have the skills to provide access to justice. When I was at school one of my schoolmates was in a position where she desperately needed legal assistance. I felt inadequate that I could merely be a friend and wanted to do more. I admired the lawyers who were able to assist my schoolmate and this inspired me to enrol in law at the University of Melbourne with the genuine intent that one day I may be in a position where I could help vulnerable children or people.

#### Describe your most rewarding experience in the law.

One of the most rewarding experiences has been acting in cases where new law has been created in new factual scenarios. Some novel mental gymnastics and applications were required! One matter involved the first case in Australia seeking treatment for a transgender child (Re Alex) and another providing a 'voice' and independent representation for children, via a case guardian, who were in the middle of a highly publicised international child abduction case. I also remember acting in a very large, complex property case where the Senior Counsel who referred the matter to me said he did so as the 'men had failed' in representing the client; he thought he would give 'a woman' a go; and I settled the case after a series of different challenges! Recently, I had huge fulfilment from settling a high conflict matter that had been in the courts for many years (my first case as an Independent Children's Lawyer) and I was told by the experts that it was 'un-settleable'. Working closely with the experts over a number of

months, I was able to inform the children that their parents had come to an agreement – the children's tangible relief made all the hard work worthwhile.

#### Describe your most challenging experience in the law.

Being surprised by practitioners who do not have the same value set and ethics.

#### How do you think women are portrayed in the 21<sup>st</sup> century?

I think that women are still meant to be superheroes in terms of juggling work, family and recreation. It's an impossible task and yet there is still pressure on women to perform 110% in all avenues (normally that pressure is applied by ourselves).

#### What does it mean to you to be a woman involved in the law in the 21<sup>st</sup> century?

I think it's more a matter of being a human being and a lawyer in the 21<sup>st</sup> century and keeping to the original reasons of why one first decided to be a lawyer, sticking to those values and making sure that once you reach a certain seniority, you can actually give back. The ultimate challenge is to be able to give back meaningfully when you have those superior skills and provide others with access to justice.

#### Who are your role models?

There are a number. One standout is Alastair Nicholson, former Chief Justice of the Family Court who tirelessly works to speak for those who don't have a voice, such as in his role in anti-bullying campaigns and other NGO work. The other is Dr Judith Slocombe, CEO of the Alannah and Madeline Foundation who conducts herself in such an honourable and energetic way, running enormous projects aimed at protecting children from violence. The integrity of her character and that of the Foundation always shines through.

#### If you could wave a magic wand and change one thing in the law, what would you change?

It's a repetitive theme, but to provide all children with a voice in Family Court proceedings. ■

# LETTER TO A YEAR 12 STUDENT

CLAIRE O'CONNOR

DEAR VIRGINIA,

**CONGRATULATIONS ON YOUR YEAR 12 RESULT. OF COURSE, WITH A GRADE OF 99% YOU ARE SURE TO GET INTO YOUR CHOSEN PROFESSION OF LAW.**

Along with females who have graduated with you from secondary school with good grades, you will go to university and you are more likely than your male classmates from secondary school to end up in full time education.<sup>1</sup> You will all attend your first day thinking that your life is ahead of you and hope, having chosen law, to be entering a world where you can help those who are unheard, to have a rich and rewarding professional life and to perhaps get the rewards afforded the best in your field; to be a partner, a judge or a Senior Counsel.

It will shock you though, Virginia, to learn that not only is the law flawed but it is flawed in giving you, as a woman lawyer, equality.

You may find that you have equality within the education system and that your achievements at law school reflect your skills and abilities. Your grades will not depend on gender. Unfortunately, that equality does not exist in the practice of law.

As of October 2011 there were 59,280 practising solicitors in Australia. Of those, 54% were male.<sup>2</sup> By the time you graduate, Virginia, the percentage in favour of women will probably have reversed throughout Australia. More women are graduating with law degrees each year than men. The age profile of solicitors differs substantially by gender. In 2011 close to half (48.8%) of all female solicitors were aged under 35 years, compared to only one quarter (24.2%) of male solicitors. Conversely, two

fifths (40.4%) of male solicitors were aged over 50 years, compared to only 15.2% of females. As the statistics show, in years to come, if the pattern continues and the older males retire, it is estimated that females will outnumber males by 2 to 1 in less than two decades. About one third of all lawyers in Australia are under the age of 30.<sup>3</sup>

What will your career look like when you first leave law school and get your first legal job? Well, when you first graduate you will be shocked to learn that your male classmates will be earning, on average, almost 8% more than you. That's right. The average starting wage for women lawyers is \$50,700 and for male lawyers is \$55,000. I'm going to repeat it because the inequality is not a glass ceiling that may hit you part way through your professional life. It is a slippery ladder that begins on day one of your employment. The average starting wage for women lawyers is \$50,700 and for male lawyers it is \$55,000.<sup>4</sup>

And what shocked me in researching this letter for you Virginia, is that the statistics are getting worse, not better. The Australian Lawyer reported recently that:

*The 2012 GradStats Report by Graduate Careers Australia has revealed that the starting salary of male law graduates is around \$4,300 higher than female law graduates, which is almost a doubling of the \$2,000 disparity recorded in 2011.*<sup>5</sup>

And Virginia, that wage gap will continue for your whole working life. You will earn less, have less superannuation and have fewer advancement opportunities than the males

you see on your first day at university in your classes. New South Wales statistics confirm that the wage gap continues for women lawyers throughout their careers. In 2013, 38.9% of men and only 24.1% of women in New South Wales earned more than \$150,000 per annum, while 30.4% of women and only 23.3 % of men earned \$75,000 or less.<sup>6</sup> I have no doubt, Virginia that the same picture would exist throughout the rest of Australia.

Once you are working as a lawyer, as a female, you are more likely to be in public sector law and less likely to be in private practice.<sup>7</sup> If you are in private practice you are less likely than your male firm members to make partner. The Lawyers Weekly reported in 2012:

*The diversity spotlight shone starkly on the legal profession this year, exposing its holes for all to see. More than half of all law graduates in Australia are female; yet only around 20% of partners in Australian law firms are women.....A report released last week by the Victorian Equal Opportunity and Human Rights Commission gave many reasons for the great divide and, if the Victorian experience is anything to go by, it's not surprising women are leaving the profession in droves.*

*Forty percent of the female lawyers surveyed had experienced discrimination, and around one in four had been sexually harassed.*<sup>8</sup>

Your chances for equality will not improve, Virginia, if you decide to go to the Bar. The percentage of silk appointments is lower for women than for men. At the Victorian Bar there are 524 female barristers of whom 28 are Senior Counsel (SC) and Queens Counsel (QC). There are 1,422 male barristers and 249 are SCs and QCs.

In South Australia there are 48 women

- 1 In 2012 a higher percentage of females (16.3% compared with 13% for males) were studying for a tertiary education in the under 20 age group. In the 20–24 year age group, 32.9% of females and only 29.7% of males were engaged in full time study in 2012. See Foundation for Young Australia *How Young People are Faring 2012* [www.fya.org.au/wp-content/uploads/2012/FULL\\_DIGITAL\\_HYPAF2012.pdf](http://www.fya.org.au/wp-content/uploads/2012/FULL_DIGITAL_HYPAF2012.pdf) (last accessed, 24 September 2013).
- 2 2011 Law Society National Profile Final Report [www.lawsociety.com.au/cs/groups/public/documents/internetcontent/640216.pdf](http://www.lawsociety.com.au/cs/groups/public/documents/internetcontent/640216.pdf) at Executive Summary p i (last accessed, 13 October 2014).

- 3 <http://www.lawsociety.com.au/cs/groups/public/documents/internetcontent/640216.pdf> Chapter 6 (last accessed, 13 October 2014).
- 4 "New study reveals women disadvantaged financially with gender pay gap more than doubling last year" Courier Mail Jan 14 2012 [www.couriermail.com.au/new/queensland/new-study-reveals-women-disadvantaged-financially-with-gender-pay-gap-more-than-doubling-last-year/story-e6freoof-1226547370130](http://www.couriermail.com.au/new/queensland/new-study-reveals-women-disadvantaged-financially-with-gender-pay-gap-more-than-doubling-last-year/story-e6freoof-1226547370130) and "Gender pay gap doubles in a year" <http://www.smh.com.au/national/tertiary-education/gender-pay-gap-doubles-in-a-year-20130103-2c78q.html> (last accessed, 24 September 2013).
- 5 <http://www.lawyersweekly.com.au/news/it-pays-to-be-a-male-law-grad> (last accessed, 13 October 2014).

- 6 See <https://www.lawsociety.com.au/cs/groups/public/documents/internetcontent/823347.pdf>.
- 7 The ratio of female to male solicitors was higher in government (57.5%) and corporate (58.3%) while males were more strongly represented than females in private practice (59.5% male, 40.5% female). Ibid p 12.
- 8 [www.lawyersweekly.com.au/features/alone-in-a-crowd](http://www.lawyersweekly.com.au/features/alone-in-a-crowd) (last accessed, 24 September 2013).



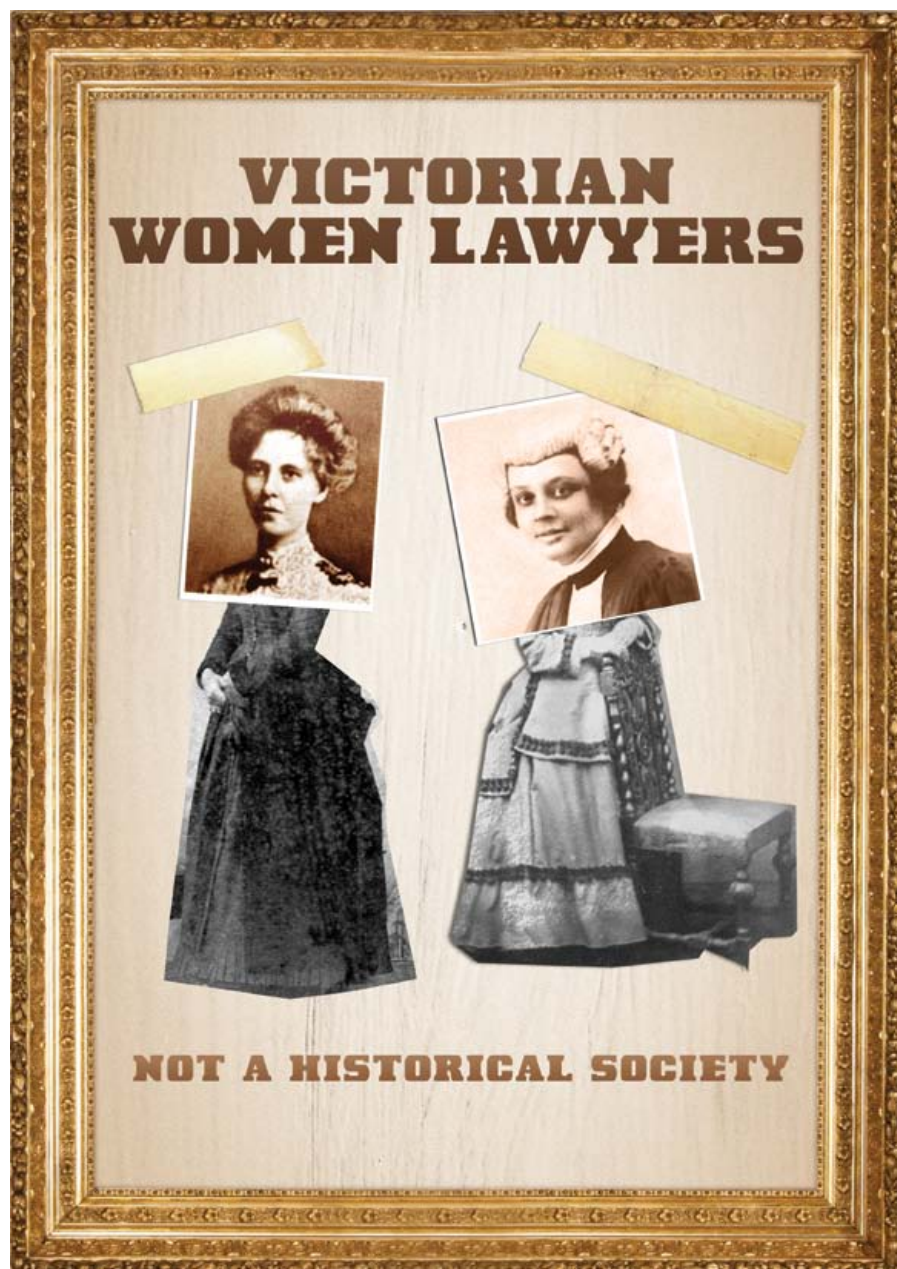
barristers and eight SCs and QCs. There are 159 males of whom 30 are SCs and QCs.

In Queensland there are 179 female barristers and 743 male barristers. There are nine female QCs and 89 male SCs and QCs.<sup>9</sup>

I have not done the research for other States and Territories but if you examine the statistical chances of becoming silk, gender is very significant. In Victoria 5.34% of female barristers are appointed SC and QC, compared to 17.51% of males. In South Australia 16.66% of females are SCs and QCs; 18.86% of males are so rewarded (until this year's appointments, where there were two women and four men appointed, those statistics were 12% of female barristers and 18% of male). In Queensland 5.02% of females at the Bar are Queens Counsel or Senior Counsel, while 11.9% of males are so rewarded.

Male barristers are more likely to practise in the commercial and corporate legal areas, and are more likely to actually be in court than their female counterparts. In 2009 the Law Council of Australia conducted a gender study which found that 81% of barristers appearing in Australia's superior courts were male, and in briefings from private law firms the gender appearance statistics show that males were briefed 86% of the time. The appearance time for male barristers was also longer than their female counterparts (3.8 hours per matter for men compared to 2.8 hours for women).<sup>10</sup> The Law Council is considering a repeat of this study to ascertain the current position. I am certain things have not changed.

As South Australia is my home State and I know the gender of all counsel who appear in the headnotes of cases, it was easy to carry out my own research for a 12 month period. I have counted the appearances in all civil appeals in the Full Court decisions reported in 2012 in South Australia listed on AUSTLII. There were only two women counsel who appeared as lead counsel and two women who juniorled male counsel, and only one of the former was a South Australian barrister (the second was from the New South Wales Bar). For the same period there were 72 appearances by men as lead counsel and 44 appearances by men as juniors. In statistical terms, that means women were appearing in only



Artwork by Hugh Adams, *Not a historical society*. Since Flos Greig entered law school in 1897, and Joan Rosanove signed the bar roll in 1923, a lot has changed. And a lot hasn't. Over a century on, Victorian Women Lawyers continues to work for change.

3% of the total appearances in the South Australian Full Court.

In that same year for Supreme Court civil trials, also via AUSTLII, there were 295 male counsel appearances as lead or sole counsel, and only 20 female appearances (or less than 6% of the total). There were 56 appearances by men as juniors and only seven by women (11% of the total).

You probably suspect that things would be better in the District Court? Well, I'm the bearer of more bad news because the statistics won't make you happy, Virginia. Of the cases on AUSTLII for the whole 12 month period in 2012, there were 146 appearances as lead or sole counsel: 135 appearances by men and 11 by women

(7% of the total). And of 17 junioring roles in total, only three were women (17.64% of the total). Of those three juniors, incidentally, only one was at the independent Bar – the other two were solicitors (in a law firm and at a community legal centre, respectively).

So the total court appearances for civil South Australian District and Supreme Court cases reported in AUSTLII for 2012? There were 661 appearances in total. Of those, there were 45 appearances by women: 33 as lead counsel and 12 as juniors (6.80% in total). Remember Virginia, that women make up 28% of the Bar. While it is true that some women choose to work only in the family and criminal areas of law (which I did not count), those barristers are in the minority.

<sup>9</sup> Email from the Queensland Bar Association to the author 11 October 2014.

<sup>10</sup> *Barrister Gender and Litigation Success in the High Court of Australia* Vinod Mishra and Russell Smyth <http://www.buseco.monash.edu.au/eco/research/papers/2013/1513barristeremishrasmyth.pdf> p 11.



Artwork by Vicki Sullivan, *Encore* (oil on linen, 120 cm x 90cm). *Portrait of Liane Keegan, one of Australia's finest mezzo sopranos.*

And Virginia, this occurred in South Australia where there has been an equitable briefing policy in existence for almost a decade.<sup>11</sup>

The reality is that you will not be successful at the Bar unless you are exposed to junioring opportunities as a young barrister and briefed in trials at the District or County Courts of Australia and go on to be briefed as lead counsel in more difficult trials and appeals in the Supreme Courts, Federal Courts and even the High Court. And you will not be considered for senior legal positions, including SC or judge, unless you appear in courts.

11 Such a policy simply asks solicitors to consider briefing females as senior and junior counsel when considering a barrister. It is not compulsory and I know of no State or Territory which has such a policy that carries out any audit of the application.

If you are not a partner of a law firm, if you earn less, if you do not get appointed SC or to the bench, or if you are not given difficult and challenging briefs you will be deprived of having authority in the world of law. It is those who are appointed to senior positions in the profession who make decisions and shape the world you will inhabit for your professional life.

In a famous case in the 1980s (and yes Virginia, in my legal lifetime), a female lawyer rose to announce her appearance and to make submissions and she was told to 'Sit down girlie!'<sup>12</sup> Almost all women lawyers I speak to about such things have

12 This episode gained such notoriety that it has led to a regular column, "Sit Down Girlie" in the Australian journal, *Alternative Law Journal*, see: <http://www.altlj.org/news-and-views/sit-down-girlie> (last accessed, 24 September 2013).

told me of their being dealt with differently than their male practitioners by the bench and by their colleagues. Maybe we have not been spoken to quite so directly but we do notice gender bias in our day to day working lives. You will notice it too.

It will come as no surprise that the gender imbalance is well and truly apparent on the bench in superior courts.<sup>13</sup> Once again I am using South Australian statistics because that is where I practise but the same pattern is present throughout Australia.

As of 13 October 2014 there were 13 South Australian Supreme Court judges of whom three were female. Yes, Virginia, that is only 23%. There were 21 judges in the South Australian District Court of whom four were female; that is, 19% only.<sup>14</sup> This means a total of 20% of the judges of both courts are female, Virginia when we females make up almost half the profession.

The High Court of Australia fares better than the South Australian superior courts. Three of the High Court's current seven judges are female - 42%. I remember, Virginia, appearing in the High Court in 2004, before all seven judges, and there were no female judges at all, so things have improved of late in Canberra, haven't they?<sup>15</sup>

The year 2012 marked the 50th anniversary of Dame Roma Mitchell being appointed silk. The first female silk in Australia. She led the way for women in the law all those decades ago. Sadly, since that time we have not achieved gender equity at the rate we need and should expect. I remember hearing Dame Roma speak when she was in her 80s and giving a paper on gender and the law at a South Australian Law Society conference. She told the audience it was not until that decade that she realised she needed to support affirmative action for women because equality was not

13 The magistracy has 50% female representation but is the lowest paid and least influential court.

14 In 2011 across Australia the figure was similar – only 23% of all judges in Australia were women. *Barrister Gender and Litigation Success on the High Court of Australia* Vinod Mishra and Russell Smyth <http://www.buseco.monash.edu.au/eco/research/papers/2013/1513barristermishrasmyth.pdf> p 12 (last accessed, 24 September 2013).

15 There have been 42 Justices and 12 Chief Justices of the High Court since it first sat in 1903. Mary Gaudron, the first female, was not appointed until 1987 and served until 2003. Dame Roma was the first female to appear before the High Court, albeit as a junior in a non-speaking role in 1938, and the first to have a speaking role 30 years later. *Ibid*, 4.



being achieved through waiting for the appointments and promotions to occur naturally.

In 2013, at the Ubud Readers and Writers Festival, Anne Summers was delivering a speech on women's issues.<sup>16</sup> I wrote down what she said because I wanted to share it with you. She said:

*Misogyny extends from hating women to excluding women; just not wanting to have them around.*

Men are going to tell you (and sadly some women as well) that the inequality in practice is simply a reflection of merit tests. *If women were good enough then they would get ahead.* But the above statistics show that this cannot be correct, Virginia. It certainly doesn't explain first year wage inequalities where women achieve high grades at law schools at the same rate as men. Besides, who applies the merit test in our legal world? Yes, just like our Prime Minister appointing only one female as a member of his Cabinet in 2013, it is usually men.

And, Virginia, you are less likely to get ahead if you take time out to raise a family – as it is often still expected of females in a working family to take time out and put their career on hold for a while, or sadly, if the marriage does not last, to raise children as single parents. It is interesting to note that only two of the six women who have been appointed to the South Australian Supreme Court since its inception have had children.

I recommend reading Annabel Crabb's new book, *The Wife Drought*. In it she says that, among full-time working fathers, 76% have a spouse who either works part-time or doesn't do paid work at all, while among full-time working mothers only 15% have the same arrangement.<sup>17</sup> Life is easier if you have someone managing your home-life for you, Virginia.

Women are leaving the profession, in part because of perceived inequalities and in part because of the impact of the harassment they experience in their working life at a greater rate than men. This year the Law Council of Australia issued its National Attrition and Re-engagement Study (NARS)

which sought to determine the numbers of women leaving and ascertain what their reasons were.<sup>18</sup> Half of the women surveyed had experienced bullying in the workplace and half had experienced some form of discrimination because of their gender.<sup>19</sup> Law societies and Bar associations throughout Australia are now engaging with the NARS Report, particularly in response to its recommendations for cultural change and monitoring of improvements.

So, Virginia, before you start your first day at law school, ask yourself, ask your teachers and continue to ask those who have gone before you and practise law: what can be done to change things so that you, and your daughters and their daughters will not face the inequalities that I, and other women of my generation, face each day. Do not, as we were told to do (and as many will probably think I should do now and not write this letter to you), ignore the issue and pretend it doesn't exist or keep it to myself. Time and again as a female lawyer naming injustice you will be told '*don't rock the boat*' or people will describe your conduct if you do point out gender problems as being the reason why you won't get ahead! A difficult call to make, I know, especially at your tender age, but the more who do the fewer men will get away with ignoring the injustice of the present system.

I keep this quote from Virginia Woolf in my room in chambers:

*There it is, then, before our eyes, the procession of the sons of educated men, ascending those pulpits, mounting those steps, passing in and out of those doors, preaching, teaching, administering justice, practising medicine, making money.*

It is from *The Three Guineas*. I was hoping, when I first started practising law 34 years ago, that by 2014 this quote would have been a reflection on a past age of inequality, much like we shudder at the stories of the Stolen Generation or of black Americans having to sit at the back of the bus. However, I still practise in a gender divided profession that lacks justice for women.

Ask yourself, if, when you become an educated lawyer, you fail to receive justice as a practitioner because of your gender, do you have confidence that your sisters who utilise the legal system as clients will be treated fairly? But Virginia, that is another letter for another time ...

The position of women in the legal profession will not change in my working life because there are so few years left, but I sincerely hope it does in yours. ■



#### About Claire O'Connor

Claire is a Senior Counsel from South Australia (SA) who has been practising law for 34 years. In 2005 she departed SA Legal Aid for the independent bar.

Some of her significant cases include acting as junior counsel to Julian Burnside AO QC in the only successful stolen generation case in Australia (*Trevorrow v The State of South Australia*), in the High Court for the applicant in *Al Kateb v The Secretary of the Department of Immigration* (a leading constitutional case on the powers to detain unlawful non-citizens) and in the inquest into the SIEV 221 which crashed off the coast of Christmas Island in 2010 (mostly appearing pro bono).

Claire has been a feminist all her legal career. She was a member of the SA Women Lawyers' Association when it successfully sought Commonwealth funding to set up a Women's Legal Service in the 1990s, and for many years served on its management committee, including as chairperson.

Recently Claire was instrumental in the establishment of both a women's barristers' committee and a gender equity committee of the SA Law Society.

<sup>16</sup> Ms Summers is a writer of books on women's issues. Her famous book, which I suggest you read in the holidays before university starts, is called *Damned Whores and God's Police* (Penguin Books 1975, 1994 and 2002). The work deals with the history of women in Australia from colonisation to recent times.

<sup>17</sup> <http://www.theaustralian.com.au/media/the-working-woman-wants-a-wife/story-e6frg996-1227073233796> (last accessed, 13 October 2014).

<sup>18</sup> [http://www.lawcouncil.asn.au/lawcouncil/images/LCA-PDF/NARS%20Report\\_WEB.pdf](http://www.lawcouncil.asn.au/lawcouncil/images/LCA-PDF/NARS%20Report_WEB.pdf) (last accessed, 13 October 2014).

<sup>19</sup> Ibid p 6.



## WHO ARE WE NOW? Women in the 21<sup>st</sup> Century

FIONA MCLEOD SC

AS WE APPROACH THE 70<sup>TH</sup> ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, IT IS TIMELY TO ASK HOW FAR HAVE WE PROGRESSED IN REALISING THE ASPIRATIONS OF THE TIME.

How far we have secured:

*fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women.*

In 1948 we were emerging from World War II. Women had ably stepped in to fill all manner of professional and trade roles. Yet after the war the culture shifted, away from women's advancement and prosperity, to secure the more fragile goals of global peace and restoration.

The world was reeling in the face of unspeakable atrocities, the maiming, slaughter and displacement of millions of lives, the destructive impact of weapons of mass destruction. We women stepped back – to comfort and heal the shattered men returning from war. We took off our overalls and put on our aprons, and in doing so we relinquished the opportunity to cement our place as natural and equal partners in leadership.

Now, more than a century after universal suffrage in Australia we are still waiting for the promise of the Universal Declaration to be fulfilled.

Yes, we are women judges and lawyers, academics and senior public servants, occasionally we are politicians and governors, but our numbers lag well behind. We have achieved some firsts in public life, but remain largely absent from decision-making.

While women are becoming more visible in the court room and in the firm board room, they only occasionally take the lead role. In a significant class action conducted in Melbourne recently, none of the expert witnesses across a huge range of scientific and engineering disciplines were women.

The last time I saw a female expert scientific witness in court was years ago.

We continue to experience harassment and discrimination at work and in the allocation of work – a major cause of the loss of women from private practice. We are told by men – and by women – that we are being precious, or over reacting to bad behaviour and that we need to 'man up' to get ahead.

Our privileged view as professionals can sometimes mask the grinding reality for other women in society. The pay differential

assaulted, exploited and murdered in the home, at work, in public here and overseas.

We are swamped by images of women's bodies selling things – de-identified, disembodied, objectified, pornographised, ever younger and thinner, photo-shopped beyond any resemblance to real faces and bodies in the endless appetite for sexual fulfilment. We join in the chorus of criticism of each other's appearance, we vanish our elder women and condone the silencing of their voices.

We have become overwhelmed and inured to stories of abuse, with such low expectations of the treatment of women and children here and overseas that we barely register the treatment as abuse until it touches someone we love.

The solutions for these issues are complex but are certainly within our grasp – with will and creativity. At the core, we need to expose and reframe our deep held beliefs about girls' and women's worth in society – to celebrate the feisty boisterous nature of girls, to encourage them to express themselves and their needs and dreams fully and frankly as we do our boys. To resist the temptation to idealise and sexualise them. To observe and record the points along the way at which being 'like a girl' diminishes us, rather than celebrates us.

We need to start with a common vision. What would the world look like if those girls and women of 1948 had followed the path promised by the Universal Declaration over the last 70 years? If we were truly free, truly empowered

to participate in society, fed, educated, housed, employed and employing others, respected, appreciated, expressing ourselves freely, leading our institutions and our communities?

We have been there at a tipping point, and we can be there again. First and foremost, we need the economic tools to demonstrate that, when women participate



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IF THOSE GIRLS AND WOMEN OF 1948  
HAD FOLLOWED THE PATH PROMISED  
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OVER THE LAST 70 YEARS?

translates into lifelong insecurity and dependency for many. Women experience violence and abuse in confounding numbers and are increasingly at risk of homelessness, incarceration, mental illness and isolation. We often suffer in silence, paralysed by the fear of worse if we seek help.

Women continue to be impoverished, prostituted, trafficked, abducted, idealised,

in society the whole community benefits, to reframe policy decisions to factor in the long-term cost to community when women do not.

And then we need the tools to sell the message, to fire imaginations and bring others with us.

Lawyers by training are problem solvers, excited by puzzles and the emotional and intellectual stimulation that comes from solving them. Think about your favourite moment at work – did it involve intense focus on a new factual situation, a joy of discovery of some turning point in a case or deal that led to the breakthrough? We are conflict managers, familiar with human experience, using our wits and instincts and turning it to our particular ends.

Our tools are words. Words that reason, berate, soothe, cajole and admonish. But words alone have not been enough to break through. So we need new tools.

We have never before been equipped with the power to reach out to others so cheaply and quickly, to harness an unimaginable power of creativity and collaboration

with grass roots funding and direct participation. In the last decade we have seen the emergence of GetUp, Avaaz, All Out, the Rules and Peers to name a few. Social media absorbs our attention for hours of every day. People are longing for ways to hear and tell, to participate in stories that resonate and unite us in our common humanity.

We need to tell simple and authentic stories, as we have done for centuries, of success and survival, of pain and loss, to share and respect the contribution of others, pool the collective wisdom of the fireplace where lessons are learned in stories told in the leaping flames, accepting that this problem is so big that we need all of us to solve it.

We need to take our stories and collaborate with those who speak directly through pictures, music and simple messages to millions. To collect up the dreamers, activists, organisers, creatives, nerds, story tellers, economists and policy designers to create a new wave, to help us move on into a new century for women, the one promised to us decades ago. ■

#### About Fiona McLeod SC

Fiona is a Senior Counsel at the Victorian Bar practising in human rights, commercial and common law, administrative law and Royal Commissions of Inquiry.

She appears regularly in the Victorian Supreme Court and the Federal Court, and has also appeared in the High Court. In 2012-13 she was Chair of the Victorian Bar.

Currently she is an executive director of the Law Council of Australia and the Vice President of the Australian Bar Association. In 2014 Fiona was inducted into the Victorian Honour Roll of Women.

#### Q&A

##### GEORGIE COLEMAN



#### How are you involved in the law?

Since May this year I have been a barrister at the Victorian Bar, practising in commercial and public law.

#### What first drew you to the law?

I studied law never intending to practise (I had grandiose dreams of becoming a diplomat) but the more I studied it, the more I enjoyed the problem solving aspects, and the interesting stories and history behind legal issues.

#### Describe your most rewarding experience in the law.

Being a judge's associate (to Justice Dodds-Streeton at the Federal Court): getting to help someone who is at the apex of her career, seeing great cases and gaining insight into how judges make decisions.

#### Describe your most challenging experience in the law.

The first few years (particularly the graduate year) are challenging, because the work can be tedious and you have little autonomy. It is easy to lose sight of the 'bigger picture': that everyone has to start at the bottom and that the more rewarding and interesting work is around the corner.

#### How do you think women are portrayed in the 21<sup>st</sup> century?

How to answer this in a few words? Short answer: a lot better than we have been in any other century (in the first world, at least). The long answer is best found in Sheryl Sandberg's *Lean In*.

#### What does it mean to you, to be a woman involved in the law in the 21<sup>st</sup> century?

Happily, it doesn't mean much – we have quite an inclusive, meritocratic profession, particularly in the areas in which I practise.

#### Who are your role models?

Rowena Orr, who I am reading with at the Bar, the Honourable Julie Dodds-Streeton, for her intellect, work ethic and ability to rock velvet and Valentino, and Tina Fey.

#### If you could wave a magic wand and change one thing in the law, what would you change?

The costs and other hurdles too many members of our community encounter in their attempts to access justice. ■

# HELPING COMPANIES IMPROVE WORKPLACE DIVERSITY

JENNIFER WESTACOTT

**THE BUSINESS COUNCIL OF AUSTRALIA (BCA) AND ITS MEMBERS ARE PASSIONATE ADVOCATES FOR THE NEED TO IMPROVE WORKPLACE DIVERSITY, PARTICULARLY THE REPRESENTATION OF WOMEN IN THE SENIOR RANKS OF OUR COMPANIES.**

In the *Action Plan for Enduring Prosperity*, released by the BCA last year, member Chief Executive Officers set an ambitious goal of increasing the proportion of women in senior roles within their companies to 50% in the next decade.

To help members achieve that goal, the BCA went on to commission research to identify best practice in recruitment, appointment and promotion processes for growing the number of women in senior executive roles.

The research led to the publication of a comprehensive report, *Increasing the Number of Women in Senior Executive Positions: Improving Recruitment, Selection and Retention Practices*.

The project also prompted the BCA to develop a series of 10 best practice checklists to provide member companies with clear, practical suggestions for change.

The checklists:

- cover the role of the board and chief executive in ensuring gender diversity, as well as critical elements of the recruitment, selection, retention and promotion processes;
- examine merit-based approaches to recruitment, selection and progression in an organisation, and provide clear advice on how to minimise the potential for inherent biases in the critical stages of these processes;
- recommend how boards and chief executives can encourage a pipeline of women in senior management positions. They reflect the importance of organisational culture, and the need for targets, measures and organisational accountability;

– also address specific aspects of recruitment, selection and retention processes where the risk of unintentional gender bias and poor procedures are most likely to impede merit-based progress of women into senior management roles.

Aspects of the checklists have already been adopted by several BCA member companies.

For example, Westpac publicly reports on the proportion of women in its leadership roles, and based on these, sets bold future

part-time hours, job sharing and working from home. Rio Tinto has also trialled shifts during schools hours, which have been successful at several mining operations, and is also working to increase the availability of childcare places at its remote sites.

There is now broad cross-sector agreement in Australia that the low representation of women in senior levels of management cannot continue. We risk not having the best talent in the right roles, and women not fulfilling their individual potential.

As Australia faces a conjunction of significant global forces of change, the implications of this problem are of growing concern to the nation and individual Australians. ■



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targets to grow the number of women working in the company. Westpac has also set-up a Women's Markets team, which is dedicated to supporting women employees and customers by providing education, information and networking opportunities across Australia.

Rio Tinto has identified the need to attract more women to work in the resources industry. To achieve this, the company encourages all employees to apply for flexible work arrangements, including

## About Jennifer Westacott

Jennifer has been Chief Executive of the Business Council of Australia since 2011. For over 20 years she occupied critical leadership positions in the Victorian and New South Wales governments. She was also previously a senior partner at KPMG.

Jennifer facilitates the contribution of the BCA's CEO members across a broad policy agenda including economic policy and competitiveness, regulation, labour market, skills and education. In 2013 she coordinated the BCA's landmark *Action Plan for Enduring*

*Prosperity*, one of the most significant recent contributions to economic policy debate in Australia.

Jennifer is a National Fellow of the Institute of Public Administration Australia and a Fellow of the Australian Institute of Company Directors. Since 2013 she has been Chair of the Mental Health Council of Australia.



# MOVING BEYOND TALKING

## Using data to drive practical measures to improve gender equality in Australian workplaces

HELEN CONWAY

**IT IS WELL ACCEPTED THAT AUSTRALIA MUST INCREASE ITS PRODUCTIVITY, AND INCREASING FEMALE WORKFORCE PARTICIPATION IS A KEY LEVER WE CAN PULL IN THAT REGARD.**

The present female workforce participation statistics reflect a market failure. The lack of women in senior positions, low participation rates for women aged 25 to 44 and the large proportion of women working part-time all point to our inefficient use of our female talent. To help correct this situation and encourage more women into work, we must help employers translate their good intentions on gender equality into action that will increase the number of women in the workforce. Company-specific, standardised gender reporting data is a critical part of this picture.

This year marks the first year of full reporting to the Workplace Gender Equality Agency under the *Workplace Gender Equality Act 2012*. The Agency is an Australian Government statutory body with a mandate to promote and improve gender equality in Australian workplaces. The Act requires that organisations in the non-public sector with 100 or more employees report annually to the Agency.

Under the new reporting framework, organisations report in a standardised way against a set of gender equality indicators focussed on outcomes. Those gender equality indicators address the most pressing contemporary challenges to achieving workplace gender equality and are designed to encourage measures that improve gender equality over time. The Agency's reporting organisation population represents in excess of 11,000 employers and approximately four million employees. This means that the reports to the Agency yield a very significant, standardised data set. The data will give the Agency an unprecedented picture of the state of gender equality in Australian workplaces and will substantially underpin our efforts to help employers accelerate change.

Importantly, too, the data will be of great assistance to reporting organisations.

The Agency believes that it should return to reporting organisations value commensurate with the effort they make in reporting to the Agency. Specifically, the Agency will do that by providing to each reporting organisation a confidential, customised benchmark report. Those reports will be based on the data reported to the Agency and will be customised to the extent that reporting organisations



can choose their comparator groups. The reports will be a very important business intelligence tool. They are the evidence base which will enable organisations to pinpoint their efforts to improve gender equality in their workplaces. At the same time as the benchmark reports are released, the Agency will launch a gender equality strategy toolkit. The toolkit will enable organisations to leverage the value of the benchmark reports in a strategic, structured and sustainable way.

In addition to the benchmark reports, data reported to the Agency will be available in aggregated form on [data.gov.au](http://data.gov.au) and through an innovative data visualisation presentation on the Agency's website. This data visualisation tool will enable stakeholders to view and interact with the data in an engaging visual environment.

It has been suggested by some that gender reporting diverts organisational resources away from implementing initiatives to improve gender equality. On the contrary, the benchmark reports will enable organisations to target their efforts where they are most needed so they are not wasting resources.

It has also been suggested that the data reported to the Agency duplicates existing data. This is simply incorrect. The Agency's reporting data will provide organisation-specific information which can be used to create solutions which drive change. Macro-level workforce indicators generated by organisations such as the Australian Bureau of Statistics help paint a broad national picture but they are of little relevance to an individual organisation and highly unlikely to drive change – something painfully obvious given the lack of progress to date. Other available data sources are incomplete, not suitably specific and not standardised, and accordingly not useful to individual organisations.

The data reported to the Agency will be a game-changer. It is the lever to more effectively drive change and opens up exciting possibilities for the Agency, reporting organisations and the broader community. It will provide the necessary information to improve workplace gender equality and so contribute to the nation's future growth. This new era of gender data will enable us to treat workplace gender equality as the economic imperative it is. ■

### About Helen Conway

Helen is the Director of the Workplace Gender Equality Agency. She previously spent about 30 years in the private sector. She has established a track record in the equal opportunity sphere focussing in particular on initiatives in support of women. Helen spent 10 years on the NSW Equal Opportunity Tribunal including three years as its Senior Judicial Member.

# WOMEN, LEADERSHIP AND SPORTS

PEGGY O'NEAL

## A YEAR AGO I HAD THE HONOUR OF BECOMING THE PRESIDENT OF THE RICHMOND FOOTBALL CLUB.

At that point, I had been on the Club's board for eight years and had served on a variety of board committees, including the committee which reviewed the structure of the Club and the one which selected our current Chief Executive Officer.

Since my appointment I have often been asked about how women fit into the AFL landscape, whether I feel accepted, whether there are lessons that I can impart to others who want to pursue a similar role and what the future looks like for women in the sporting world. I, personally, do not have any words of wisdom. These issues transcend my individual experience. However, there is some significant work being done which I want to bring to your attention.

The AFL was at the forefront of sports in Australia when it promulgated its 'Respect and Responsibility' policy in 2005. That policy was an important step in making women feel safe and welcome as spectators and as participants of the game. No doubt, its impact was significant.

However, that policy didn't necessarily translate to women's involvement in the business of the game. It has been left to the clubs to chart their own courses in that regard. At the time of writing this article, there is still one club without a woman on its board and many do not have any women in their executive ranks. Given the prominent place that football occupies in this country, it seems obvious that voices from the entire community should be represented around the table.

However, in my view, achieving gender diversity isn't simply a matter of sprinkling a handful of women into decision-making roles. Diversity (gender and otherwise) must go hand-in-hand with genuine inclusion which means that the strength of the culture which underpins a diversity agenda is critical.

In the past couple of years, the Richmond Football Club concluded that gender diversity made good sense on so many levels that we decided to get serious about making it happen.



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THE CULTURE WHICH UNDERPINS A  
DIVERSITY AGENDA IS CRITICAL.

First, we examined our membership base and discovered that we were below industry average in the percentage of women who were members. The industry average is about 34% women members and we have set ourselves the ambitious target of getting to 50% women members within a decade.

Second, the board instructed management to develop and implement a female engagement strategy to not only better engage with the Club's female supporter base but also to find and include women in all levels and areas of the business.

One of the first things that management did was review the communications which we issue and the way we present ourselves on our website. Do those images and words give an accurate depiction of who we are? Do we show the variety of our membership?

Third, and perhaps the most far-reaching and significant effort, is the project which the Club initiated and which has been funded by the AFL and the Australian Sports Commission.

The first phase of the project required extensive research involving interviews with 60 men and women (from inside and outside the AFL industry) about their experiences and opinions. This was necessary to determine the scope of the issue and to hear first-hand from a broad cross-section of the community. Bluestone Edge conducted this stage of the project and issued a report in July 2014, *Gender Equity: What It Will Take to be the Best*. The report identifies and analyses the real and perceived reasons for women not occupying positions of leadership across all of Australia's sporting bodies.

Artwork by Kelly Manning, (left) *The Great Leap Forward I*, (right) *The Great Leap Forward V*

The interviews revealed an explicit acknowledgement of the need to address gender inequity throughout sports and the report indicates that, while there is a sense that we are on the brink of change, there remains a great deal of cynicism that change will ever be achieved. You can find an abridged version of the report on the Richmond Football Club website at: <http://www.richmondffc.com.au/genderequity>. The report's conclusions clearly have application beyond sporting organisations.

In the second phase of the project, over 2015 and 2016, the Richmond Football Club will implement the report's recommendations across its business. We have committed to design measurable, practical ways to embed gender equity into the management and governance of our Club.

In the final phase of the project, the Club will report on what has been achieved. We will be judged by our results.



Australian Rules Football is a magnificent sport with a high profile which allows it to be an effective vehicle for social progress and community cohesion. The inclusion of women in all aspects of the game, whether playing, as fans, in executive and administration roles or as board directors is good business and is a necessity to make our great game even better and to secure its future. ■

#### About Peggy O'Neal

Peggy is a consultant to Lander & Rogers and since October 2103, has been president of the Richmond Football Club.

She has practised exclusively in financial services law for more than 20 years. Peggy is a Fellow of the Australian Institute of Company Directors and serves on the boards and committees of several financial services institutions and not for profit companies.

She is also the chair of the Victorian Government's Taskforce on Women in Sport and Recreation.



#### Q&A

VICKI BELL



#### How are you involved in the law?

I am a Senior Associate at Minter Ellison in the Commercial Disputes team.

#### What first drew you to the law?

After a career in classical ballet, I was looking to challenge my mind as distinct from my body. Law seemed an obvious choice for me at the time.

#### Describe your most wonderful experience in the law.

When we get a great result for a client that is a wonderful experience.

#### Describe your most horrible experience in the law.

The only horrible experience I have had in the law has been being opposed to a self-represented litigant and having no option but to stand by and watch as they worsen their position by losing what was always a hopeless case.

#### How do you think women are portrayed in the 21<sup>st</sup> century?

Women in the 21<sup>st</sup> century are portrayed as capable, but still lagging behind men in terms of ambition and ability to succeed in the corporate world.

#### What does it mean to you, to be a woman involved in the law in the 21<sup>st</sup> century?

I feel an obligation to future generations to do whatever I can to ensure that women continue to improve their position in leadership roles within the law. In particular, I want to show younger women in the law that it is possible to have a family and a successful career.

#### Who are your role models?

My mother, who ran a busy accounting practice whilst raising children. She has always told me that I can achieve whatever I set out to if I work hard enough at it.

#### If you could wave a magic wand and change one thing in the law, what would you change?

I would like to see better access to justice for parties to more minor civil disputes. I detest seeing people give up rights simply because they are unable to afford legal advice or the cost of litigation. ■



# THEY WON'T MAKE ME WEAR A MINI SKIRT TO CLIENT MEETINGS, WILL THEY?

CORINNE GRANT

**I DIDN'T UNDERTAKE A LAW DEGREE ON A WHIM. I SPENT A YEAR ON RESEARCH, MOSTLY TALKING TO AS MANY PEOPLE WORKING IN THE LEGAL PROFESSION AS I COULD. MANY OF THOSE CONVERSATIONS WERE DISCOURAGING.**

As I spoke to lawyer after lawyer, it struck me that every man told me law was a fantastic career and I would love it. Conversely, save for one woman, every female lawyer told me not to do it. I was advised that it's a terrible job if you want to start a family, that the culture is blokey, that women are passed over for promotions and that the long hours and stressful nature of the work would take its toll. In short, the law is still a man's world and I would be better off avoiding it.

So why did I press on with the degree? The answer is simple. It wouldn't matter what profession I chose, I would face the same hurdles. Almost any career that is challenging, rewarding, intellectually stimulating and highly competitive is going to be dominated by men.

Stand-up comedy is about as anachronistically male as it gets. The physical appearance of female comedians often matters more than what we say.

We are assumed to be ditzy while men doing exactly the same job are declared intelligent. There are a handful of producers, writers and comedians for whom I will always have enormous regard simply because they treated me as an equal. It is a sad indictment on the industry that I should be thankful to find a few who treated women with respect. I've spent 20 years working in pubs and clubs, sitting backstage with men who compete with each other for attention, sometimes while female fans sit beside them and giggle at every word they utter. I've been completely ignored in television writing meetings as the men talked over

the top of me and then chastised me for not contributing. Working on one television show, I couldn't get a single script through the production process until I convinced a male colleague to substitute his name for mine as the author of my work. Sketches I had written that had been ignored for months were suddenly put to air.

But despite all of the hurdles facing women in comedy, I succeeded. I have made a very good living out of comedy and have had some incredible experiences. I might have had to work harder than some of the

sit around making quips about proprietary estoppel while nubile female secretaries sit in their laps, breathlessly hanging off their every word. I am assuming no partner will insist that I wear a mini skirt to a client meeting. I am sure that when I stand before a male judge, he won't yell obscenities or demand I reveal particular parts of my anatomy.

I'm now two years into my degree and have met many female lawyers who love their jobs and are enthusiastic about their futures. I am proud to have two female mentors that

I admire enormously and I have learned as much from them as I have from my teachers.

Clearly, my initial research was not as broad as it could have been but it still signals there is much work to be done. It is frustrating that in 2014, women who are as equally talented as their male colleagues still struggle for the recognition and respect they deserve.

While the adventures that a career in the law offers are unique, the gendered challenges that women face are not. The only way to avoid sexism in the workplace is to give up and not work at all. Imagine how many incredible female members of the profession we would lose if we allowed that to happen. As they say, giving up is not an option. ■



IT IS FRUSTRATING THAT IN 2014, WOMEN WHO ARE AS EQUALLY TALENTED AS THEIR MALE COLLEAGUES STILL STRUGGLE FOR THE RECOGNITION AND RESPECT THEY DESERVE

men, but I achieved all of the goals I set myself. I'm not moving on to law because comedy became too hard – I'm moving on because I want a new challenge.

I firmly believe working as a lawyer can't be any worse than what I've already faced. I have a strong feeling male lawyers don't

## About Corinne Grant

Corinne is a comedian, actor and writer. She is also a Federal Vice-President of the Media, Entertainment and Arts Alliance, and a Board Member of the Fitzroy Legal Service.

She is currently undertaking a Juris Doctorate degree at the University of Melbourne.

## Q&A

### ZANA BYTHEWAY



#### **How are you involved in the law?**

I am the Executive Director and Principal Lawyer of JobWatch, an Employment Rights Legal Centre which provides assistance to Victorian workers regarding their rights at work.

#### **What first drew you to the law?**

A keen sense of justice and the desire to assist those having to navigate their way through a complex legal system where fair outcomes are not guaranteed.

#### **Describe your most wonderful experience in the law.**

Assisting individuals is always rewarding as you can see the immediate impact. Achieving outcomes for the broader community is rewarding as it has far reaching implications.

So combining both is the ultimate as was the case when I represented a young girl employed by a clothing store where she and others were required to wear, as part of their uniform, a tee-shirt which had emblazoned on it 'Stop Pretending That You Don't Want Me.' Failure to wear this offensive tee-shirt, whilst subjecting staff to the risk of sexual harassment, lead to dismissal. The case created community outrage and caused the store to withdraw the tee-shirt and was a reminder to employers to ensure their workplace provided for a safe and healthy environment free from sexual harassment.

#### **Describe your most horrible experience in the law.**

As a young lawyer I represented the wife in a family law dispute involving the payment of maintenance for her four young daughters and the division of matrimonial assets, including the matrimonial home, which the wife wished to retain for her daughters.

The wife and children were subjected to violence as the husband refused to move out. After protracted proceedings resulting in sole occupation orders for the wife and children, and restraining orders against the husband, the husband during his family's absence burnt the house down. From time to time I am reminded of that feeling of devastation.

#### **How do you think women are portrayed in the 21<sup>st</sup> century?**

Women in the 21<sup>st</sup> century are empowered to make choices. They can choose to be highly educated, to be independent and to seek and obtain positions of power. With this empowerment comes responsibility to continue the pursuit of equality and freedom from violence and sexual abuse. As a consequence, women in the 21<sup>st</sup> century are portrayed as being able to make a difference.

#### **What does it mean to you, to be a woman involved in the law in the 21<sup>st</sup> century?**

To be a woman involved in the law in the 21<sup>st</sup> century means that I must embrace technological advances that are transforming the face and work practices of the legal sector. This is a challenge within itself but not as big a challenge as the age discrimination embedded in the misconception that older lawyers cannot keep up with the pace set by this cutting edge environment.

#### **Who are your role models?**

There are extremely talented women working in so many different fields who are excellent role models to us all. I shall keep my specific role model close to home as she is a friend and has been engaged in the law in her various positions as Magistrate, State Coroner and now as a Commissioner. The qualities I admire in her are integrity in her profession and a fierce determination to improve the lives of others.

#### **If you could wave a magic wand and change one thing in the law, what would you change?**

I am not convinced that the law is the only vehicle necessary to change the disturbing levels of violence that I am concerned about, as those complex issues require a multi-faceted approach.

However, whatever the levels of violence – whether there has been an increase or the levels have remained the same – addressing violence against women, domestic violence and drug and alcohol related violence should be priorities. It is not a race to the bottom and as a society we should always strive for a higher objective. ■



Artwork by Kelly Manning, *Hung, Hanoi Apartment*



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Artwork by Samantha Thompson, *Café Chat*, 2005 (pastel on paper, 470 x 690 mm) WAR\*



## SPECIAL REPORT

### FROM THE SPONSORSHIP OFFICER, JACKIE GILLIES

#### OUR SPONSORS

VWL's work 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.

#### 2014 UPDATE:

The following major sponsor firms generously hosted a VWL event at their premises:

- Corrs Chambers Westgarth – *Women in the Law to Change the Law*
- DLA Piper – *Mentoring, Marketing and Career Motivation*
- King & Wood Mallesons – *Violence Against Women in the Digital Era*
- K&L Gates – annual *Mentoring Program Launch*
- Maddocks – annual *Animal Law Breakfast*
- Maurice Blackburn – annual sexual assault forum, *Institutional Sexual Abuse: Responses to the Royal Commission*.

Special thanks to the following firms for supporting VWL throughout the year by hosting events:

- Russell Kennedy – *VWL's Annual General Meeting and Christmas Party*
- Herbert Smith Freehills – *Tackling racism: An essential element in achieving health equity for Indigenous Australians*.

We thank all our sponsor firms for their ongoing support throughout the year. We look forward to working alongside them in 2015 and beyond.

#### 20 CENTS' WORTH

The media affects our ideas of who we are and what we could be. We create our identity in response to the images we see around us from a young age, and widespread access to media's limited representations of gender have serious and dangerous consequences.

When people are repeatedly shown images of women as victims (think Maroon 5's music video 'Animals' or Robin Thicke's 'Blurred Lines'), sexualised (as in DC Comics t-shirt merchandising which reads 'I only date heroes' and 'Score. Batman does it again') or in domestic roles (another DC Comics t-shirt which says 'Training to be Batman's Wife'), they are more likely to accept the images as normal.

When women are portrayed as passive, dependent, weak or stupid (think the Libra tampon ad which claims to 'absorb way more than you ever did in math class' or Christopher Pyne's comments that women aren't studying law or dentistry), it can seem unusual for them to be active, independent or powerful in society. And when strong female role models – like former Prime Minister, Julia Gillard – are covered in the media, they are judged according to what they wear and whether they are married or have children rather than by their position on the issues.

These stereotypical depictions of women affect both men's and women's ideas about which careers women might be good at, how important it is for women to be sexually attractive and whether women should be in positions of authority. Our ongoing task is to challenge these representations of women and to offer up strong role models for women and girls to aspire to – without the stereotyping. After all, you can't be what you can't see. ■



Artwork by Dorothy Braund, *Flying*, 1983 (oil on masonite, 90 x 60 cm) WAR\*



## COMMUNICATIONS COMMITTEE

CO-CHAIRS:  
KIRSTEN ADAMS AND  
CAROLINE JONES

### ROLE

To coordinate and promote communication between VWL and the wider community, and among its members.

### 2014 ACHIEVEMENTS

This edition of Portia!

We have also been looking at ways to boost our social media presence and hope to work to implement changes in 2015.

### SPECIAL MENTIONS

Thank you to our wonderful committee members, Cara Friedman, Kate Ettershank, Sarah Saliba, Grace Walton, Ciara Coleman and Mariana Duthie, and to all the writers and artists who have contributed to this edition of Portia.

### 20 CENTS' WORTH

- On the internet, outspoken women are portrayed as 'fair game' for sexually aggressive comments. It is a form of trolling and it is also a violent form of sexism.
- Musician Lauren Mayberry of band Chvrches, and sports journalist Erin Riley are just two examples of women who recently have been subjected to online abuse. Mayberry wrote about it for the Guardian in an article entitled 'I will not accept online misogyny'.
- None of us should accept online misogyny. We must be alert to it, challenge and call it for what it is. ■

## JUSTICE COMMITTEE

CO-CHAIRS:  
RAEESA RAWAL AND  
JULIA SWIFT

### ROLE

To bring to light justice and human rights related issues that affect women, by providing a forum for VWL to engage with such issues and initiating functions and projects which seek to explore them.

### 2014 ACHIEVEMENTS

Another successful year involving three great events, all of which were very well received by members and guest speakers alike:

- **'The Jammed' movie screening and panel discussion on human trafficking for sexual exploitation.** Panelists included Dee McLachlan (Producer and Director of The Jammed), Andrea Buck (Producer of the Jammed), Fiona McLeod SC (Barrister and a leading campaigner against human trafficking) and Susan Kneebone (Professor of Law, Monash University).
- **The Plight of the Leadbeater's Possum.** A joint event with Lawyers for Animals during which Julian Burnside AO QC and Felicity Millner (Director of Litigation, Environmental Justice Australia) discussed the Supreme Court case of *MyEnvironment v VicForests* [2013] VSCA 356 over a vegan breakfast.

- **Institutional Sexual Abuse: Responses to the Royal Commission and other recent developments.** Panelists included Dr Vivian Waller (Waller Legal), Chrissie Foster (Author of 'Hell on the way to Heaven'), Andrea Lockhart (Ballarat Centre Against Sexual Assault) and Laura McDonough (Knowmore Legal). The panel shared their thoughts on the Royal Commission and provided insights into other recent issues, including the Government's response to the Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Organisations.

We are already looking forward to next year's events, which will include a movie night and other events aimed at promoting awareness of injustices in our community.

### SPECIAL MENTIONS

The success of our events could not have been possible without the dedication and contribution of our 2014 committee members: Claire Humble, Jade Saunders, Monique Hurley, Deborah Kliger, Julie Asher, Julianna Marshall, Erin Fradd, Isobel Rechter, Andrew Main, Kiri McEwan, Cassandra Adams and Mieke Car.

Special thanks to Maurice Blackburn and Maddocks for hosting our 2014 events.

### 20 CENTS' WORTH

It is vital that women continue to be portrayed as influential in their plight to seek justice for women who have experienced injustice and to counter injustices faced by the community in general. ■



Artwork by Kelly Manning, *Pray*

## NETWORKING COMMITTEE

CO-CHAIRS:  
BONNIE PHILLIPS AND  
STEPHANIE MILIONE

### ROLE

To hold events that support women's professional development in the work force by way of career planning, mentoring and learning about legal issues, along with networking events. We often host events with other groups such as the Women Barristers' Association.

### 2014 ACHIEVEMENTS

- Annual Members' and Guests' Evening, this year held at The Apartment with entertainment by Hannah Gadsby
- Gender Equality Event held in conjunction with Women in Finance and the Institute of Chartered Accountants
- Marketing, Mentoring and Career Motivation Event
- Annual Coming to the Bar Event
- Christmas Party and VWL's Annual General Meeting

### SPECIAL MENTIONS

This year we said farewell to former co-chairs, Vanessa McKay and Chloe McGuinness who did a fantastic job during their tenure.

Thanks to Michelle Berry, Claire Walczak, Louise Fairbairn, Natalie Plumridge, Sunita Warrior and Jasmina Davis for their hard work organising our successful networking events this year.

### 20 CENTS' WORTH

Whilst society in the 21<sup>st</sup> century seeks to promote women in the workforce and create a veneer of equality between men and women, the portrayal of women as fully equal participants in society still has a long road ahead.

Various institutions strive for equality between men and women in the workforce, however, factors such as a woman's age, appearance and marital status, and whether or not she has children, continue to play a central role in how women are portrayed. Those factors do not apply to men, or not to the same extent.

This needs to change. ■

## LAW REFORM COMMITTEE

CO-CHAIRS:  
MONIQUE HURLEY AND  
AMY JOHNSTONE

### ROLE

To participate in law reform activities that impact on and interest our members.

### 2014 ACHIEVEMENTS

- **Pregnancy and Return to Work – Research and Submission to the Australian Human Rights Commission.** This project, our major focus for 2014, has shown that a high percentage of women in the law continue to experience challenges in returning to work after parental leave.
- **Support for the Indigo Foundation.** This year VWL formally commenced its financial sponsorship of the Indigo Foundation's 'Women's Education and Empowerment Project' which supports women to attend law school in Afghanistan. VWL's commitment follows 2013's hugely successful 'Women in Law to Change the Law' event, which looked at issues affecting women in the law in Afghanistan.
- **Exploring issues of body image and the law.** In January 2013 Israel introduced laws that require all models to have a minimum body mass index (BMI) of 18.5 and all photoshopped images to include a statement to that effect.

We have begun a research project to examine whether such laws improve body image and to look at other initiatives which have been introduced around the world. If you are interested in getting involved in this work, contact VWL!

### SPECIAL MENTIONS

Thank you to Beth Altson, who stepped down from her position as co-chair, for her energy and leadership – especially her commitment to making our Pregnancy and Return to Work submission a reality!

Thanks also to:

- all the VWL members who contributed to the Pregnancy and Return to Work Survey with such openness and honesty – your responses were eye-opening and heartbreaking, but formed a strong basis for our submission
- Moira Rayner, who responded to our research with a 'Blimey!' and generously contributed her reflections in the terrific piece included in this year's edition of Portia
- our committee members who bring such energy and enthusiasm to each meeting and put in the leg-work to make great things happen!

### 20 CENTS' WORTH

Despite the popular portrayal of women 'having it all', this year's research into pregnancy and return to work shows that 'having it all' is difficult to achieve in practice.

Law reform efforts help keep gender inequality on the map and provide hope that one day full equality will become a reality and not simply an aspiration. ■



## WOMEN IN GOVERNMENT COMMITTEE

CO-CHAIRS:  
SARAH LENTHALL AND  
ERIN RICHARDSON

### ROLE

To provide a forum for women lawyers working in and for the government to share experiences, enhance career progression opportunities and network with each other and the wider legal community.

### 2014 ACHIEVEMENTS

- Our vibrant International Women's Day Event, hosted by Russell Kennedy. Guest speaker Moira Rayner addressed the 2014 IWD theme 'Inspiring change'.
- Our thought-provoking 'Violence Against Women in the Digital Era' panel event, hosted by King & Wood Mallesons and moderated by her Honour Judge Felicity Hampel SC of the County Court of Victoria.
- The development of a survey targeted at government lawyers to inform our 2015 Committee Action Plan.

### SPECIAL MENTIONS

Thanks to each of our 2014 committee members, for their enthusiasm and hard work.

### 20 CENTS' WORTH

The media plays a key role in reflecting and shaping societal norms. Harmful representations of women in the media, therefore, restrict women's advancement toward full gender equality.

While we have undoubtedly seen progress in recent decades, the treatment of former Prime Minister Julia Gillard is a recent example of the sexist double standard which confronts women with a public profile. The media obsession with Ms Gillard's clothing, fertility and relationship status, and the hostility directed towards her by some parts of the media, serve as a stark reminder of how far we have to go.

Yet it is important to recognise that the portrayal of women is improving, and will continue to improve, as women's influence and status in the public arena expand. As professional women, and as members of the community, we all have an interest in seeing negative stereotypes undone and supporting one another to work towards a more equal world, in the 21<sup>st</sup> century and beyond. ■

## WOMEN MIGRANTS' LEGAL INFORMATION COMMITTEE

CO-CHAIRS:  
SATU AHO AND  
MICHELLE LOKE

### ROLE

To formulate and implement a project to disseminate legal information to migrant women in the Victorian Community, and to provide them with links to appropriate services.

### 2014 ACHIEVEMENTS

Supported by Victoria Law Foundation and InTouch Multicultural Centre Against Family Violence, our pilot project produced six radio announcements. The announcements, recorded in Arabic and English, inform listeners about the availability of free and confidential advice in situations involving family law and domestic violence matters, and related immigration law issues.

The announcements were recorded and aired by 3CR Community Radio between December 2013 and May 2014, reaching both Arabic and English speaking listeners. The pilot project created a format on which further announcements will be based.

Over the coming months our focus will turn to Vietnamese and Mandarin languages, which cover large Victorian migrant communities. InTouch reports that it currently does a considerable amount of work for women in those communities. As in the pilot project, the next six announcements will be recorded and aired in Melbourne with the help of community radio stations.

Our committee meetings are held once a month. We always welcome new members – it is only with new skills and contributions that we can advance our cause. If you are interested in contributing to the Vietnamese and Mandarin project please email Satu (saturmarjaana.aho@gmail.com) or Michelle (michelleljen@hotmail.com).

### SPECIAL MENTIONS

Thanks to Ms Heba Bendak and Ms Elham Tawfiq for translating and reviewing Arabic announcements, our committee members and the staff at InTouch and 3CR.

### 20 CENTS' WORTH

A life free from violence is a global human right. ■

## WORK PRACTICES COMMITTEE

CO-CHAIRS:  
MARY LOUISE HATCH  
AND JO BOWERS

### ROLE

To examine and respond to the impact of legal work practices on women lawyers – with particular focus on issues such as flexibility, attrition, discrimination, pay equity and the progression of female lawyers into leadership roles.

### 2014 ACHIEVEMENTS

In response to this year's National Attrition and Re-engagement Study Report (NARS Report), we have been busy updating the Work Practices Toolkit which includes best practice protocols for parental leave, flexible working and job-sharing arrangements. The revamped Toolkit will be launched at a special event to be held in early 2015.

Our current research projects include:

- producing and disseminating to law firms a questionnaire to gauge their response to the NARS Report;
- producing and disseminating to special counsel of law firms a questionnaire about their perception of the role of 'Special Counsel';
- responding to LIV parental leave and accredited specialist policies which have the potential to impact unfairly on practitioners taking parental leave. Through dialogue with the LIV we hope to effect some change to these policies and procedures in the future.

In addition, we continue to provide bi-monthly articles, highlighting current issues affecting women, for the 'According to Merit' column in the Law Institute Journal.

### SPECIAL MENTIONS

Thanks to all committee members for their hard work and commitment to helping shape the environment within which women lawyers work and seek to prosper.

### 20 CENTS' WORTH

Despite comprising the majority of law graduates for decades and female admissions to the legal profession currently in excess of 60%, women continue to be inadequately represented at senior levels in the law and experience a disproportionate level of attrition from private practice. This must change. ■

## SPECIAL REPORT

### FROM THE TREASURER, ELIZABETH COOPER

#### 2014 UPDATE

VWL has had another busy year financially, with a focus on responding to member requests for lower or nil cost functions. This saw function revenue drop by 80%. Function costs in 2013/14 slightly increased, due in part to some expenses being carried over from the 2012/13 financial year.

Interest revenue also dropped due to a decline in deposit interest rates. This decline was partly offset by more careful management of funds in hand.

Membership fees were maintained and are now fully reflected in the accounts, with VWL successfully transitioning to in-house account preparation and management by administrator, Judy Nutter.

Sponsorship revenue was down, but almost all outstanding payments from the 2013/14 year have now been received.

Brand expense and website expense reflect the successful launch of VWL's new logo and colour scheme, with branding costs to be written off over five years. Efforts have been made to improve website usability and this will be an ongoing focus for 2014/15.

Administration fees for the year reflect the first full year of our administrator's employment. VWL's administrator now manages accounts through to tax return preparation, at which point they are passed to Moore Stephens. This has seen our external accounting costs reduce by almost half, with further savings expected in the 2014/15 tax year.

The year saw a slight decline in VWL cash reserves by 1.3%. This is in line with the philosophy of running the association prudently while returning revenues to members in the form of seminars and functions or supporting member interests, such as VWL's ongoing sponsorship of an Afghani female law student through the Indigo Foundation. Better forecasting of cash needs in the short term has seen a greater proportion of funds being invested in short term interest-earning deposit accounts.

#### FOCUS AREAS FOR 2015

Ensuring available finance for the improvement of VWL's website, enhancing the member experience and facilitating communication between VWL and its members.

Continuing to reduce administration costs, by further decreasing the reliance on external professional accounting advisors and minimising the need to store material in archives. ■



Artwork by Erica McGilchrist, *Bunch of Nonsense* (detail), 1966 (acrylic on canvas, 66 x 48 inches) WAR\*

# AS IF: 40 YEARS AND BEYOND

## The Women's Art Register in the 21<sup>st</sup> Century

SALLY NORTHFIELD,  
WAR - CELEBRATING 40 YEARS - CO-ORDINATOR

IN 1975 THE INTERNATIONAL WOMEN'S YEAR WAS CELEBRATED IN MELBOURNE AND WITH IT EMERGED THE WOMEN'S ART MOVEMENT AND THE WOMEN'S ART REGISTER (WAR).

WAR began as a feminist initiative to rectify the inadequate documentation of women's art and to support and promote women artists. As one of only three such organisations in the world, WAR has flourished as a remarkable lending library of slides and materials documenting the work and lives of Australian women artists. It was, and still is, run by practising artists and remains a vital arena of support and advocacy.

WAR is unique, in that the collection process enables each artist to submit their own choice of images, text and statements, which sit side-by-side with material collected from other sources, such as press extracts or exhibition catalogues. All contributions of artwork are accepted from women and this bypasses traditional collection methods where artworks are selected, culled and interpreted via intermediaries. In 1977 WAR expanded to include artists from the past and to encourage the artistic contributions of women from all over Australia. WAR currently represents almost 5000 Australian women artists from the 1840s to contemporary times.

Undoubtedly, the years since the creation of WAR have been a time of dramatic change for Australian women – socially, materially and politically. The shackles which kept women out of the workforce and in the home, and the public arenas previously reserved for men, were shaken and stirred. Women's art-making practices and the definitions of art also changed radically during this period and along the way Australian women artists created sometimes provocative and sometimes reflective work on the issues affecting their lives.

Poster art, photography, body performance art, found art, installations: Australian women explored new ways to produce art and bring their concerns onto the streets via the sides of trams, wall murals and giant billboards emblazoned with calls to action, such as 'Don't get mad, get elected!' Whatever the media used by the artist, there was an increasing amount of commentary on women in the home and women in the external world. Women's art was, and is, frequently political, questioning and challenging the confines of domesticity and discrimination, and creatively splintering the frame defining women's silencing and censorship.

Celebrating its 40<sup>th</sup> birthday in 2015, the Register is now recognised as a Collection of National Significance. Holding over 14,000 slides (which have recently been digitised), 3000 information folders, books, CDs, posters, photographs and other valuable resources, WAR continues to evolve as a dynamic, vibrant and responsive organisation. Accepting submissions from artists and now attracting younger women interested in what their artistic predecessors were making and how they were living their lives as women and as artists, WAR ensures that women's art is not lost to future generations and remains publicly accessible.

The images selected for this issue of *Portia* are mainly sourced from a series of slide-kits produced by WAR in the 1980s and 1990s. The slide-kits sought to educate the public about the rich heritage of women's cultural contributions to the artistic landscape in Australia, which had largely been ignored. However, in case the challenges associated with envisaging, establishing and sustaining an art practice as a woman in Australia be considered merely archival points of interest held in the WAR Collection, or as redundant feminist issues confined to the 20<sup>th</sup> century, then a glance through *The Artist's Career Research* commissioned by the Australia Council (2010), proves otherwise.

The gap between males and females in the general workforce (17%) is amplified in the Arts – a 38% disparity in 2009.

*It is a well-established fact that, despite anti-discrimination legislation that is now universal, females in the workforce as a whole earn less than males, even after accounting for differences in part-time/full-time participation rates, hours worked, and so on. The earnings gap is particularly acute for women artists....The bleak picture of the financial circumstances of women professional artists is further reinforced by a consideration of the distribution of incomes...It can be seen that in all cases there is a greater proportion of women than men in the lowest income category.*<sup>1</sup>

These images therefore act as testament to the dazzling array of women's creative art-making practices that continue to visually stimulate debate and to remind us why it is vital that organisations such as WAR persist and insist that women's art matters. As WAR now grapples with the ethical and legal intricacies and challenges of publishing digitised images held in its collection, we also look forward to continuing to collate what women are documenting, celebrating, protesting and reflecting upon in their art practices over the next 40 years of the 21<sup>st</sup> century. ■

### WAR\*

Images supplied by the Women's Art Register are marked (WAR\*). They appear on pages 1, 5, 15, 19, 20, 24, 27, 42, 43, 44 and 47.

<sup>1</sup> D Throsby and A Zednik (2010), *Do you really expect to get paid? An economic study of professional artists in Australia* (Australia Council), pp74-75



# ABOUT VICTORIAN WOMEN LAWYERS

## VWL'S OBJECTIVES ARE TO:

- Remove barriers and increase opportunities for participation by, and advancement of, women in the legal profession in Victoria by:
  - providing a common meeting ground for women lawyers
  - fostering the continuing education and development of women lawyers in all matters of legal interest
  - encouraging and providing for the entry and retention and advancement of women in the legal profession
  - participating as a body in matters of interest to the legal profession
  - advancing equality for women in the legal profession
  - creating and enhancing awareness of women's contribution to the practice and development of the law
  - providing a professional and social network for women lawyers, and
- Promote the understanding and support of women's legal and human rights by:
  - identifying, highlighting and eradicating discrimination against women in law and in the legal system
  - achieving justice and equality for all women.



Image: Margot Westhorpe, *Yesterday's Dreams* (part of the *Conversations from the Kitchen* series)

## GET INVOLVED!

JOIN A COMMITTEE

PLAN OR HOST AN EVENT

BECOME A MENTOR OR MENTEE

CONTRIBUTE TO NEXT YEAR'S PORTIA

If you would like to get involved in these or any other ways,  
please email [VWL@liv.asn.au](mailto:VWL@liv.asn.au).

**Disclaimer:** This journal is published by the Victorian Women Lawyers Association. The views expressed are those of the respective authors and not necessarily representative of the Victorian Women Lawyers Association or its members. No responsibility is accepted by the Victorian Women Lawyers Association or its members for the accuracy of information contained in this journal.

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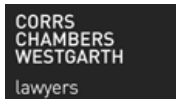


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GPO Box 2314 or DX350  
Melbourne VIC 3001

Ph: +61 3 9607 9390

Fax: +61 3 9607 9558

Email: [vwL@liv.asn.au](mailto:vwL@liv.asn.au)

Website: [www.vwl.asn.au](http://www.vwl.asn.au)