

PORTIA 2015



The annual journal and report of Victorian Women Lawyers

ABOUT THIS EDITION OF *PORTIA*

IN THIS EDITION WE ARE DELIGHTED TO REPRODUCE WORKS OF PORTRAITURE SUBMITTED BY WOMEN ARTISTS AS ENTRIES FOR THE 2015 PORTIA GEACH MEMORIAL AWARD. THE ANNUAL AWARD EXHIBITION IS HELD AT THE SH ERVIN GALLERY, SITUATED IN THE ROCKS, SYDNEY. THIS YEAR, THE AWARD CELEBRATED ITS 50TH ANNIVERSARY.

The award was first given in 1965 in memory of the artist Portia Swanston Geach (1873 – 1959). Portia was born in Melbourne where she studied design and painting. In 1896 she won a scholarship to the schools of the Royal Academy of Arts in London and later exhibited in England, Paris and New York, before moving to Sydney with her family in 1904. Portia was especially talented at portraiture as well as painting Sydney Harbour and Victorian rural scenes.

Portia is remembered as a feminist who founded and was president of the New South Wales Housewives' Association (later named the Housewives' Progressive Association). The Association initially aimed to educate women in the principles of proper nutrition and to combat rising food prices. It soon broadened its interests, lobbying on issues affecting women generally. Portia believed in equal pay for men and women and the right of women to hold public office. She also highlighted the difficulties faced by women artists in seeking to exhibit their work.

The Portia Geach Memorial Award was established by the will of the late Florence Geach in memory of her sister.

The award of \$30,000 is awarded to the entry which is of the highest artistic merit – 'for the best portrait painted from life of some man or woman distinguished in Art, Letters, or the Sciences by any female artist resident in Australia during the twelve months preceding the close date for entries.'



Image: Artist, Natasha Bieniek

The winner of this year's award (selected from 295 entrants) is a self-portrait by Natasha Bieniek, titled *Sahara*. At only 13.5 x 18.5cm, incredibly it is one of the largest that she has created in the past five years. Natasha's recent focus has been on the genre of miniature work, a tradition found in historical painting from India to France.

This year, in addition to winning the Portia Geach Award, Natasha has won the \$50,000 Wynne Prize for landscape, been shortlisted for the Brett Whiteley Travelling Art Scholarship and sold all 14 paintings exhibited at the Sydney Contemporary Art Fair.

We would like to thank the SH Ervin Gallery, Natasha and the finalists whose pieces appear in the pages of this year's *Portia* for kindly allowing us to reproduce their works.

Other artists featuring in this edition of *Portia*:

Janet Boddy

Janet Boddy has spent most of her adult life as a full time painter and innovator – despite being warned that 'it was no job for a woman'!

Janet lives in Eltham where she built her house and studio in the early 1970s. Now in her 80th year she spends many hours in her studio when not writing poetry and prose. She has works in numerous public collections in Australia and overseas, and has won many awards and commissions.

Margaret Gurney

Margaret Gurney's contemporary style emphasises shape, form and spontaneous, sensuous line.

Winner of numerous art prizes, Margaret is represented in collections around the world. Her career includes 23 solo exhibitions and numerous selected group exhibitions nationally and internationally. She has been invited to represent Australia at the Florence Biennale since 2009.

A former teacher with the National Gallery of Victoria and art societies, Margaret has worked in a variety of arts roles. You can see her in the television program, 'Put Some Colour in Your Life' (via Youtube).

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Footnotes available upon request.



PORTIA 2015

Women, art, law and literature

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MESSAGE FROM THE CONVENOR

KIRSTEN ADAMS

IN 2015 VICTORIAN WOMEN LAWYERS CONTINUED TO STRIVE TO MEET ITS OBJECTIVES OF REMOVING BARRIERS AND INCREASING OPPORTUNITIES FOR WOMEN'S PARTICIPATION AND ADVANCEMENT IN THE LEGAL PROFESSION.

We have done this over the course of 24 events involving such diverse and resounding voices as the Honourable Justice Chris Maxwell AC, President of the Court of Appeal, Clementine Ford, Victorian Equal Opportunity and Human Rights Commissioner, Kate Jenkins and Tracey Spicer.

Following overwhelming interest from students in the eighth annual Law Student Mentoring Program, more than 130 aspiring mentees were matched with mentors from legal practices. Blessed with the vision of VWL's patron, the Honourable Chief Justice Marilyn Warren AC, in 2015 the inaugural Warren Moot was launched. Designed to give women lawyers speaking roles often denied them, the moot competition in its first year attracted over 30 participants and 15 expert adjudicators from the bench, the bar and private practice.

VWL remains committed to promoting women's legal and human rights. In 2015 our commitment to this ongoing cause saw an increased focus on domestic and family violence, with strong messages from Angela Barker – a survivor who is now involved in an important school awareness campaign – and Rosie Batty, who has been instrumental in bringing the experiences of women and children out from behind closed doors. We await the findings of the Royal Commission into Family Violence and look forward to the Victorian Government's positive response to its recommendations. At this year's Dame Roma Mitchell Memorial Lunch, author and

historian Professor Clare Wright spoke about women's part in shaping history and how their contributions are negated by writing them out of the script.

This theme featured at VWL's biennial Lesbia Harford Oration, with writer and social media activist Clementine Ford speaking on the invisibility in mainstream discourse of women who experience oppression on a number of intersecting fronts. That is, because they are not white, middle class, able-bodied, educated, financially secure or otherwise

with perspectives on law reform in the area of access to women's health services, the power of corporate counsel to exert influence as buyers of legal services and fledgling feminism outside of the Western world. There is a new Arts Section with book, film and music reviews, and we have partnered with the Portia Geach Memorial Award to highlight the winning art work for 2015 and many of the shortlisted entries.

VWL's other work this year included the release of its new *Flexible Work Protocols*.

We made a number of law reform submissions to government; for instance, on the proposal for the introduction of Commonwealth 'revenge porn' legislation. And we released public commentary on key issues affecting women such as the proposed, and abandoned, Commonwealth legislation for the deregulation of university fees.

In 2015 VWL spent time talking with key stakeholders about gender issues in the law. We brought together a small group of private practice, judiciary, government and business representatives for a conversation with Chief Justice Warren about unconscious bias in legal workplaces. We reconnected with past convenors of the association and engaged with our principal sponsor, the Law Institute of Victoria and all of our major sponsors.

It is clear from these discussions that moves are underway to normalise flexibility in the legal profession and the gender equality conversation has, to some extent, been mainstreamed. The focus on diversity by corporate

organisations is good for gender equity – and good for business – but it is important not to ignore individual experience at the margins of society. Clementine Ford's confronting words about corporate feminism inspire us to do more, for more women, and particularly for those who remain out of sight when we look only straight ahead and not to the side.

MOVES ARE UNDERWAY TO NORMALISE FLEXIBILITY IN THE LEGAL PROFESSION AND THE GENDER EQUITY CONVERSATION HAS BEEN MAINSTREAMED

beneficiaries of the societal privileges that many of us take for granted. This edition of *Portia* covers all of these successful initiatives and more. We have collaborated with the Stella Prize to bring you selections from the 2015 shortlisted novels and an interview with the prize winner, Emily Bitto. Wide ranging articles stimulate and inspire,



Photography by Tess Kelly

MESSAGE FROM OUR PATRON

THE HONOURABLE CHIEF JUSTICE MARILYN WARREN AC

2015 MARKS FIFTY YEARS SINCE THE APPOINTMENT OF AUSTRALIA'S FIRST FEMALE SUPREME COURT JUDGE, DAME ROMA MITCHELL. A TRUE TRAILBLAZER, DAME ROMA ACHIEVED MANY FIRSTS FOR WOMEN: SHE WAS AUSTRALIA'S FIRST FEMALE QUEEN'S COUNSEL, FIRST FEMALE GOVERNOR OF AN AUSTRALIAN STATE, AND ALSO THE FIRST FEMALE CHANCELLOR OF AN AUSTRALIAN UNIVERSITY.

Fifty years on we continue her campaign, of which Victorian Women Lawyers remains at the forefront. How apt that the occasion should be marked with the appointment of Victoria's own first female Governor, her Excellency the Honourable Linda Dessau AM, and the appointment of a Victorian woman, the Honourable Michelle Gordon, to the nation's highest court. I would also select as a highlight the announcement of the Royal Commission into Family Violence, and the appointment of my former colleague the Honourable Marcia Neave AO as Commissioner. It is encouraging to see progress being made on this important issue.

Victoria will also welcome over 700 new women lawyers who have been admitted to practice this year. Together they will enter a profession markedly more welcoming than the one Dame Roma entered. The barriers they face will be fewer, but there will still be many. The challenge for the profession will be to engage and support these women, and to create opportunities for them to progress, whether it be to partnership, to the Bar, to the

Bench or in-house. Yet, as Justice Gordon rightly noted at this year's Victorian Bar Dinner, the act of distributing opportunities may not always be enough – equally important is fostering an environment which enables people to actually seize the opportunities extended to them. They are words that resonate powerfully in this context.

Another challenge going forward will be tackling what is called *unconscious* bias – those hidden beliefs and prejudices which, despite all our progress, still persist in many

workplaces. Unconscious bias manifests in a number of ways – in the allocation of work, in the negotiation of salaries, and indeed in the provision of opportunities. It is difficult to address, precisely because it is beyond most people's conscious awareness, yet addressing it is crucial to fostering the kind of work environments that Justice Gordon described.

Earlier this year VWL gathered together a select group of leaders from the judiciary, private practice and business to have a conversation about unconscious bias. It was led by two experts in the field, Dr Karen Morley and Professor Robert Wood, who encouraged each leader to share with the group the ideas and strategies employed in their respective organisations. I was thrilled with the results. The innovation and energy with which the issue is being approached is truly encouraging and has instilled me with a sense of real progress. Firms are building unconscious bias education into their training programs, and clearly communicating to clients their diversity expectations. There is an increasing focus on teamwork, flexibility and job sharing and bolstered support for women before, during and after maternity leave. Equitable briefing policies are being established, and firm-wide pay reviews undertaken to address gender pay-gaps. It was a very refreshing conversation, and one which I hope will continue.

So, a year of progress. Let's maintain the momentum.



UNCONSCIOUS BIAS MANIFESTS
IN A NUMBER OF WAYS – IN THE
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OPPORTUNITIES.

MESSAGE FROM THE PRESIDENT, LAW INSTITUTE OF VICTORIA

KATIE MILLER

A RECENT CONVERSATION WITH COUNTY COURT JUDGE MARILYN HARBISON REMINDED ME HOW FAR WE HAVE COME IN TERMS OF GENDER EQUALITY IN THE LEGAL PROFESSION, BUT ALSO HOW FAR WE STILL HAVE TO GO.

In the early 80s, long before Judge Harbison was appointed to the bench, her Honour was appearing in the Family Court when the judge said he couldn't hear her. 'I had to get someone else do the case – I had slacks on,' Judge Harbison recalled. Her Honour said the idea of a woman being booted out of court for wearing pants is difficult to comprehend these days, but it would be another few years before the norms around what women could wear in court would change.

Similarly, other issues of systemic gender discrimination in the legal profession have taken a long time to overcome and, sadly, many still exist. Judge Harbison was just the fourth female judicial appointment to the County Court in 1996. Ironically, it was around the same time the then Premier of Victoria, Jeff Kennett re-introduced the ban on women wearing slacks in Parliament. I know that because, as a student, I took part in the YMCA Youth Parliament. The same standing orders as 'grown up' Parliament applied – and that meant, as a woman, I had to wear a skirt.

Jump forward to 2015 and issues of gender inequality and discrimination still exist in the legal profession.

- There's a gender pay gap of more than 35%.
- A man is twice as likely than a woman to be a partner in a law firm.
- 50% of women have experienced gender discrimination in the workplace.

- 25% of women have experienced sexual harassment in the workplace.
- 37% of all judges and magistrates in Victoria are women.

It is important to remember these statistics, and the experiences behind them, as indicators that our work is not yet done. However, there is still much to celebrate and reason to look to the future with hope and optimism.

The Victorian Government has committed

statutory boards and encourages everyone to check our own unconscious biases. Here at the Law Institute of Victoria, I'm the sixth woman to hold the position of president. For the first time, the majority of our Executive Committee members are women and for most of the year, 50% of the LIV Council were women. On her appointment in 2014, Nerida Wallace became the LIV's first female CEO.

Gender equality in the legal profession is not only vital to eliminate discrimination, but also for the future of the profession and the strength of the justice system.

The business case for gender equality and increased diversity is indisputable. Businesses, including law firms, which increase their diversity increase their financial performance. It is time that we keep the 60% of graduates who are women and see them take their place at the highest levels of our profession.

With the legal profession facing ever-increasing challenges, we need our brightest and best young lawyers to help drive innovation.

And if the justice system is to truly represent the community, then it must reflect the broad range of members of our community – and this means not just equal representation in terms of gender, but also increasing diversity in terms of cultural and language heritage, abilities and disabilities, sexual identity and caring responsibilities.

The need for different perspectives on legal issues, including a gendered perspective, has never been more important, given the crisis of family violence affecting all parts of our community.

More than three decades on and women are allowed to wear fabric fashioned into pants when advocating in the Family Court. But concerns about women being heard across the entire justice system still remain.



THE NEED FOR DIFFERENT
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OF OUR COMMUNITY

that at least 50% of its appointments to the judiciary and statutory boards will be women. This is a significant show of leadership and I hope the Government's position encourages more women to put themselves forward for

Image courtesy of the Law Institute of Victoria



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DAME ROMA MITCHELL MEMORIAL LUNCH

Oration by Associate Professor Clare Wright

11 MARCH 2015



EACH YEAR, VWL AND THE LAW INSTITUTE OF VICTORIA HOST THE DAME ROMA MITCHELL MEMORIAL LUNCH IN COMMEMORATION OF THE LIFE AND REMARKABLE ACHIEVEMENTS OF DAME ROMA.

Dame Roma was a woman of many Australian firsts: the first woman appointed as Queen's Counsel, the first woman judge (of the Supreme Court of South Australia), the first woman chancellor of an Australian university and the first woman Governor of an Australian state (South Australia).

Guests from across the legal profession joined us in the Myer Mural Hall, including the Honourable Chief Justice Marilyn Warren AC, the Attorney-General of Victoria, the Honourable Martin Pakula MP and the (then) Governor-Designate the Honourable Linda Dessau OAM.

In a fitting tribute to Dame Roma, Associate Professor Clare Wright spoke on the topic of 'Knocking at the Door or Banging Loudly to Be Heard? A Short History of Women and Democracy in Australia'.

Clare Wright is well known as a historian and broadcaster, and is the author of *The Forgotten Rebels of Eureka*, the winner of the 2014 Stella Prize. Her work reminds Australians of the importance of remembering our heritage of women's political activism and their contribution to our country. As Clare asked: 'How can we know what we are capable of doing, achieving, experiencing, if we don't understand how women before us have lived their lives?'.

She reminded us that 'one of the most potent means of denying women's ability to challenge notions of what they are entitled to do, and where they are entitled to be, is to pretend that they are not even in the contest'.

Clare inspired us with stories of a number of influential women who can serve as role models for modern Australians. She shared stories of Adelaide Ironside, Australia's first female artist to study overseas and a passionate advocate for an Australian republic in the 1850s; Ellen Young, who 'provided intellectual leadership to the cause of political and social reform on the Victorian goldfields'; Clara Du Val Seekamp, a prominent figure on the Victorian goldfields, and the editor of *The Ballarat Times* while her husband Henry was on trial for sedition; and Henrietta Dugdale, an early and prominent fighter for female suffrage.

Through these striking examples, Clare stressed the importance of our collective memory in shaping our future efforts in this sphere. No doubt she inspired the audience to follow the example set by these women, and to learn even more about the forgotten rebels of Australian history.



Image – facing page: Associate Professor Clare Wright

Images – this page (from left to right):

(top) Associate Professor Clare Wright, the Hon Chief Justice Marilyn Warren AC, the Hon Martin Pakula MP, the Hon Linda Dessau AM, LIV President Kate Miller, Verity Shepherdson (VWL immediate past convenor)

(middle left) the Hon Chief Justice Marilyn Warren AC, Katie Miller, the Hon Justice Debbie Mortimer

(middle right) Nerida Wallace, Tom May, Caroline Counsel

(bottom left) LIV and VWL guests

(bottom right) Associate Professor Clare Wright

Photography by Susan Gordon Brown
(courtesy of the Law Institute of Victoria)

MAKING IT HAPPEN ON INTERNATIONAL WOMEN'S DAY

18 MARCH 2015

IN PARTNERSHIP WITH RUSSELL KENNEDY, THE WOMEN IN GOVERNMENT COMMITTEE CELEBRATED INTERNATIONAL WOMEN'S DAY WITH AN ADDRESS BY MAGISTRATE ROSE FALLA, VICTORIA'S FIRST INDIGENOUS MAGISTRATE.

Magistrate Falla shared her journey into the law and how she has 'made it happen' in various ways throughout her career, including her work in highlighting the importance of indigenous voices in the Victorian legal justice system.

Prior to her appointment as a magistrate, her Honour was a legal officer in the Department of Justice. For almost 10 years she worked at the Office of Public Prosecutions in complex crime and general prosecutions. Other past roles include an associateship with the then Director of Public Prosecutions, Paul Coghlan QC.



As a Department of Justice legal officer, Magistrate Falla played a leading role in the establishment of the Victorian Koori Court system. Her Honour now sits on the Koori Court bench. With her wealth of experience and many achievements, Magistrate Falla is a role model and inspiration for women entering the legal profession and aspiring to make positive change.



Images (from left to right): (left) Elanor Fenge, Sanishya Fernando, Sarah Lenthall, Carly Price, Kirsten Adams, Tessa Plueckhahn, Erin Richardson, Rebecca Del Brocco

(right) Nicki Mollard, Sarah Lenthall, Carly Price

Photography by Clare Plueckhahn

SCREENING OF *LOVES ME LOVES ME NOT*

26 MARCH 2015

AS PART OF ITS FOCUS ON FAMILY VIOLENCE IN 2015, THE JUSTICE COMMITTEE HOSTED A SCREENING OF *LOVES ME LOVES ME NOT* AND A PANEL DISCUSSION ON FAMILY VIOLENCE, SUPPORTED BY MAURICE BLACKBURN.

The documentary details Angela Barker's experience of relationship violence as a young woman in country Victoria. The film explores the lasting effect of the assault on Angela, her family and friends, and the entire Benalla community.

At the conclusion of the film, Angela discussed her experiences since the making of the documentary, including speaking at the United Nations in New York and working with schools to raise awareness of family violence warning signs. Her words were a visceral reminder of the urgent need for family violence law reform.

A panel discussion followed, led by Magistrate Anne Goldsborough, Joanne Fletcher (CEO of Women's Legal Services) and Leanne Sinclair (Family Violence Program Manager at Victorian Legal Aid). The panelists shared valuable insights into their diverse experiences and what they hoped to see achieved by the Royal Commission into Family Violence.

Magistrate Goldsborough talked about Magistrates' Court programs that aim to protect individuals experiencing family violence, as well as intervention orders and other formal options. Angela's account of her experience of the justice system and the changes she hoped for prompted further discussion about access to justice for people from rural and linguistically diverse communities.



Image: Angela Barker

Photography by Shevan J Photography

LAUNCH OF VWL'S NEW FLEXIBLE WORK PROTOCOLS

13 APRIL 2015

VICTORIAN EQUAL OPPORTUNITY AND HUMAN RIGHTS COMMISSIONER, KATE JENKINS LAUNCHED VWL'S *FLEXIBLE WORK PROTOCOLS: A BEST PRACTICE GUIDE FOR PRODUCTIVE AND ENGAGED LEGAL WORKPLACES* BEFORE AN AUDIENCE OF OVER 100 AT ALLENS AND AMIDST MUCH MEDIA INTEREST.

The *Flexible Work Protocols* directly address key barriers exposed in the 2014 report of the Law Council of Australia's National Attrition and Re-engagement Study (NARS). The findings set out in the NARS report reflect those detailed in VEOHRC's 2013 'Changing the Rules' Report

In launching the new resources, Kate Jenkins said the legal profession, like almost all other workplaces, must tackle ingrained stereotypes about how work 'should' be done and implement strategies to retain women. She urged the audience to recognise and question the stereotypes that limit opportunities for men and women, both in our attitudes to our own lives and careers and in our approach to others. Kate suggested that we resist the temptation to expect women to be primary carers and men to be primary breadwinners, as well as the assumption that work is best performed on a full time basis in the office.

Dr Jacqui Abbott, gender diversity expert and contributor to the new protocols provided an overview of the practical guides included in the tool-kit. They include tips for employees and employers about best practice flexible working arrangements – for example, parental leave, part time work, job sharing, flexible working hours and working remotely – and information about establishing effective sponsorship and mentoring relationships.

VWL's *Flexible Work Protocols* are available at www.vwl.asn.au.



Images (from left to right): (top) Victorian Equal Opportunity and Human Rights Commissioner, Kate Jenkins

(middle left) Jacqui Abbott and Kate Jenkins

(middle right) Kate Jenkins and Kathryn Page

(bottom) Guests enjoying the launch

Photography by Lee Sanders of Soar & Barrow

MEMBERS AND GUESTS' EVENING

5 MAY 2015

IT WAS FABULOUS TO SEE SUCH A VARIED CROSS-SECTION OF WOMEN AND MEN FROM THE LEGAL PROFESSION AT OUR ANNUAL MEMBERS AND GUESTS' EVENING. LA DI DA PROVIDED A VIBRANT ATMOSPHERE FOR GUESTS TO MINGLE AND NETWORK WITH BOTH PEERS AND MENTORS ALIKE.

Highlights of the night included comedic entertainment from Laura Davis and superb prizes donated by very generous VWL supporters. The addition of the membership table gave guests an opportunity to join VWL on the spot, which was well received.

Overall, the event was a success with a large turn out that exceeded expectations. Thank you to everyone involved, in particular the Networking Committee and the prize donors for their ongoing support.



Images (from left to right): (above) Prize winners on stage with VWL Convenor, Kirsten Adams

(right) Laura Davis

Photography by Tess Kelly



LAUNCH OF THE 2015 VWL AND WBA LAW STUDENT MENTORING PROGRAM

13 MAY 2015

THE EIGHTH ANNUAL PROGRAM WAS LAUNCHED BY THE HONOURABLE COMMISSIONER NEAVE, CHAIR OF THE ROYAL COMMISSION INTO FAMILY VIOLENCE AT VWL SPONSOR FIRM, K&L GATES. JENNIFER BATROUNEY QC OFFERED WORDS OF WISDOM ON THE BENEFITS AND CONDUCT OF MENTORING RELATIONSHIPS.

Each year, VWL takes expressions of interest from students at Victoria's universities, including the University of Melbourne, Monash University, LaTrobe University, Deakin University, Victoria University and RMIT. Students are matched with legal professionals to participate in a formal 12 month mentoring relationship.

This year over 450 students registered to participate in the mentoring program. Based on the availability of mentors, 131 pairs were matched. The number of students expressing interest has grown substantially since the program's inception in 2008, demonstrating the desire of female law students to connect with a mentor as they prepare to enter the legal profession.

VWL has now successfully matched over 1,000 mentoring pairs since 2008.



Images (from left to right): (left) Naomi Kelly (Clayton Utz), Lily Fordyce (TressCox Lawyers) and Vivienne Lai (Monash University student)

(right) Megan Fitzgerald (WBA Convenor), Commissioner Marcia Neave AO (program patron), Kirsten Adams (VWL Convenor), Jennifer Batrouney QC (guest speaker)

Photography by Alexandra Anderson

PROGRESSION AND PROMOTION FOR WOMEN LAWYERS IN THE PUBLIC SERVICE

14 MAY 2015

AN AUDIENCE OF OVER 100 (AND TWO INFANTS!) ATTENDED THE WOMEN IN GOVERNMENT COMMITTEE'S SEMINAR ON ACHIEVING SUCCESS IN THE ANNUAL PERFORMANCE REVIEW PROCESS.

Topics spanned how to manage 'career ruts', when and how to seek promotion, the benefits of secondments and dealing with difficult managers.

A diverse panel offered insights and tips for progressing as a public service lawyer.

President of the Law Institute of Victoria, Katie Miller shared gems of wisdom gained from roles at the Victorian Government Solicitor's Office (VGSO) and the Australian Government Solicitor, including advice on how to ace the performance review and plan for promotion.

Marian Chapman, General Counsel at the Department of Treasury and Finance, delighted with stories from her experience in legal practice in Australia and overseas. She also gave a personal account of overcoming sexism in the workplace.

Marisa Kouts, Human Resources Manager at VGSO, provided a human resources perspective on how best to seek promotions and manage performance review discussions.

Thanks to all panelists and to VWL's Sarah Bendall, Victoria Legal Aid who moderated the panel. A special thanks to VGSO for hosting the event.



Images (from left to right): (top) Sarah Bendall (Victoria Legal Aid), Marisa Kouts (Human Resources Manager, VGSO), Marian Chapman (General Counsel, Department of Treasury and Finance), Katie Miller (President, Law Institute of Victoria)

(middle left) A young audience member

(middle right and bottom right) Guests enjoying the event

Photography by Women in Government Committee

26 MAY 2015

A photograph of three women in a social setting, likely a bar or restaurant. They are all smiling and looking towards each other. The woman on the left is wearing a black top and holding a glass of white wine. The woman in the middle is wearing a dark top and holding a glass of white wine. The woman on the right is wearing a white long-sleeved top and a dark skirt, and is holding a glass of red wine. They appear to be engaged in a pleasant conversation.

Photography by Lee Sanders of Soar & Barrow

15 JULY 2015

[illegible]

Image: *Miss Representation* – A documentary film by Jennifer Siebel Newsom (courtesy of the Representation Project)

USE AND ABUSE: THE EFFECTIVENESS OF INTERVENTION ORDERS IN THE CRUSADE AGAINST FAMILY VIOLENCE

30 JULY 2015

VWL'S JUSTICE COMMITTEE, IN CONJUNCTION WITH MAURICE BLACKBURN, HOSTED A STIMULATING PANEL DISCUSSION ON INTERVENTION ORDERS AND AREAS OF REFORM.

Deputy Chief Magistrate Felicity Broughton described how courts are struggling with the demand in this sphere. It seems the practical reality of women's experience is not adequately understood. Technology could be better used to improve processes; for example, court appearance via video link and online IVO applications. Fast-tracking, which aims to deal with matters in a shorter period, is also an important tool.

Antoinette Braybrook, CEO of the Aboriginal Family Violence Prevention and Legal Service spoke of systematic failures in the system and the intense demands on the service she leads. Many of the women using the service do not understand their rights and are scared to disclose violence. There is a need for greater cultural awareness in the response to family violence.

Senior clinical psychologist, Dr Rachel Mackenzie provided insights into 'stalking', including her own personal experiences. She highlighted procedural issues relating to the service of IVOs which have significant consequences for enforceability.

Ross Porter of Victoria Police's Family Violence Command talked about the police's work in responding to family violence and efforts to increase safety for victims and hold perpetrators to account. Options for improving the police response include loosening the requirement for personal service of IVOs on perpetrators and enabling police to issue them directly in the field.



Images (from left to right): (top) Ross Porter, Deputy Chief Magistrate Felicity Broughton, Antoinette Braybrook

(bottom) Dr Rachel Mackenzie, Ross Porter, Deputy Chief Magistrate Felicity Broughton, Antoinette Braybrook

Photography by Shev, Cloakroom Media



LIFE BALANCE FOR WOMEN IN THE LEGAL INDUSTRY

18 AUGUST 2015

CLAYTON UTZ HOSTED AN INVIGORATING PANEL DISCUSSION PROMOTING HEALTH AND WELLBEING FOR PROFESSIONAL WOMEN.

Guests in attendance heard from Monash City councillor, Micaela Driberg, positive psychologist, Michelle McQuaid and legal recruitment consultant (and author), Anne Winckel.

The panellists shared their experiences and some practical strategies for achieving health and balance while striving for career success. Each of the women on the panel provided unique insights into their personal

career experiences and explained how they maintain life balance.

The event provided an opportunity for VWL members, many of whom are concerned about maintaining their health and wellbeing while continuing to progress their careers, to discuss real and pressing issues that face women lawyers today.

Image: (from left to right) Micaela Driberg, Anne Winckel, Michelle McQuaid, Stephanie Milione (VWL Assistant Convenor)

Photography by Lee Sanders of Soar & Barrow



THE 2015 LESBIA HARFORD ORATION

Delivered by Clementine Ford

9 SEPTEMBER 2015

ONE HUNDRED PEOPLE GATHERED AT THE MELBOURNE TOWN HALL FOR THE BIENNIAL LESBIA HARFORD ORATION. THIS SIGNIFICANT EVENT IN VWL'S CALENDAR CELEBRATES THE LIFE AND WORK OF POET, NOVELIST, LAW STUDENT AND ARTICLED CLERK, LESBIA HARFORD, A PIONEER OF WOMEN IN THE LEGAL PROFESSION. THE EVENT HONOURS ITS NAMESAKE WITH A PRESENTATION BY AN EMINENT SPEAKER ON ISSUES OF IMPORTANCE TO WOMEN.

This year Melbourne based writer, speaker and feminist thinker, Clementine Ford orated on 'what the broader diversity agenda means for gender equality'. The audience was inspired and confronted by Clementine's speech, which touched on issues of feminism and intersectionality, and encouraged audience members to 'make space' for those less privileged.

Clementine acknowledged that she and women in the legal profession are privileged by virtue of education, economics and in many cases, having white skin. These privileges are typically ignored or worse, taken for granted, in the conversation about gender equity, yet they subtly inform and limit the scope of the debate. Clementine spoke about the importance of furthering the cause of, and ceding power to, women who may be indigenous, disabled, other than heterosexual or from a less fortunate socio-economic background.



Images (from left to right): (top) VWL Convenor, Kirsten Adams and Clementine Ford



Image: Justice Hollingworth (Supreme Court of Victoria), Chief Magistrate Peter Lauritsen (Magistrates Court of Victoria)



Image: Jennifer Batrouney QC

Photography by Alexandra Anderson

MANAGING CONFLICTS

10 SEPTEMBER 2015

THE WOMEN IN GOVERNMENT COMMITTEE HOSTED A PANEL DISCUSSION FOCUSED ON NAVIGATING COMMITTEE, BOARD, VOLUNTEERING AND PRO BONO WORK WHILE MAINTAINING PUBLIC SECTOR NEUTRALITY – A TOPIC WHICH THE COMMITTEE'S 2015 SURVEY REVEALED AS BEING OF KEEN INTEREST TO GOVERNMENT LAWYERS.

Speakers included Belinda Clark QSO, Victorian Public Sector Commissioner and Susanna Ritchie, a Senior Lawyer at the Department of Treasury and Finance and an executive member of Amnesty International Australia.

The Commissioner reminded attendees that conflicts could be actual, potential or perceived. She discussed the challenges of putting into practice the values of the Code of Conduct for Victorian Public Sector Employees. Susanna Ritchie shared practical tools for avoiding conflicts of interest and maintaining appropriate boundaries between work and volunteer commitments.



Other topics covered included managing social media risks, volunteering with political parties and the limits of the implied right of freedom of political communication.

Thank you to the guest speakers and to moderator, Carolyn Doyle, Managing Principal Solicitor at the Victorian Government Solicitor's Office.



Images (from left to right): (left) Erin Richardson, Belinda Clark QSO, Carolyn Doyle, Susanna Ritchie

(right): Susanna Ritchie

Photography by Lucia Halliburton

COMING TO THE BAR

23 SEPTEMBER 2015

THE NINTH ANNUAL INFORMATION SESSION ABOUT LIFE AT THE VICTORIAN BAR, A JOINT INITIATIVE OF VWL'S NETWORKING COMMITTEE AND THE WOMEN BARRISTERS' ASSOCIATION, WAS HELD AT OWEN DIXON CHAMBERS.

Over breakfast provided by the Essoign Club, a lively panel discussion traversed the unique experiences of practising law at the Victorian Bar, and specifically as a woman.

Guests were treated to practical, honest and diverse insights from barristers, Patricia Dobson (practising in child protection law since 1977), Sarah Keating (crime and personal injury) and Catherine Kusiak (commercial law), and Foley's List clerk,

Kate Conners. The discussion also covered the practical side of becoming a barrister: sitting the bar exam, undertaking the Reader's Course, financial considerations and choosing a mentor and a list.

Thank you to everyone involved for contributing to the success of this year's 'Coming to the Bar' event.



Image courtesy of the Supreme Court of Victoria

THE INAUGURAL WARREN MOOT

SEPTEMBER – OCTOBER 2015

THIS YEAR VWL LAUNCHED ITS INAUGURAL WARREN MOOT, A NEW INITIATIVE ENDORSED BY THE HONOURABLE CHIEF JUSTICE MARILYN WARREN AC AND SPONSORED BY MADDOCKS.

The Warren Moot is designed to address the small number of women lawyers in advocacy roles, encourage women lawyers to participate in public speaking and provide them with insight into a career at the Bar.

Eight teams competed over four rounds of mooting, with problems based in tort, contract law and criminal law. The teams impressed with the professionalism of their preparation and delivery. Adjudicators from the judiciary and the Bar provided quality feedback and advice.

The final moot, between two Supreme Court teams, was expertly argued before a full bench of the Supreme Court of Victoria, comprising Chief Justice Warren, Justice McMillan and Justice Almond. Amy Yeap, Reagan Morison, Alice Smith and Katherine Farrell received the trophy, with Anita Das, Clara Jordan Baird, Sarah Werner and Sarah Man coming a very close second. Best advocate went to Amy Yeap.

To read more about the Warren Moot, go to page 45.



Images (from left to right): (top) Reagan Morison, Alice Smith, Katherine Farrell, Amy Yeap, Chief Justice Marilyn Warren, Anita Das, Clara Jordan-Baird, Sarah Werner, Sarah Man

(bottom left) Chief Justice Marilyn Warren and guests at the award presentation

(bottom right) Guests enjoying the award presentation

Photography by Lee Sanders of Soar & Barrow

BODY IMAGE AND THE LAW

16 OCTOBER 2015

HOSTED IN PARTNERSHIP WITH CORRS CHAMBERS WESTGARTH, THE LAW REFORM COMMITTEE'S BREAKFAST EVENT INVITED OVER 80 MEMBERS AND GUESTS TO PARTICIPATE IN AN ENGAGING CONVERSATION ABOUT BODY IMAGE.

Media personality, Tracey Spicer and leading law reform advocate, lecturer and lawyer, Dr Marilyn Krawitz, explored how female bodies are portrayed in the media.

Dr Krawitz discussed her research, published in the Journal of Law and Medicine, into 2013 Israeli laws which establish a minimum body mass index for models in advertising and require advertisers to disclose digital alterations to a model's body circumference. Dr Krawitz emphasised there is growing research linking eating disorders to the consistent viewing of very thin bodies in the media.

Tracey Spicer, known for her stance against unrealistic portrayals of women in television, discussed the impact of her infamous Ted talk. She shared her experiences as a journalist, such as being pressured to fit into sample-sized designer clothes upon returning from parental leave. According to Tracey, influencing women to be thin is 'about making us smaller and less powerful'.

Tracey said sometimes she had to insist media organisations did not 'photoshop' her images, stating that alteration of body image is 'institutionalised in organisations such as television networks and it is very hard to take control of your own image in the media'. To bring about change Dr Krawitz exhorted, 'let us get rid of the images that are causing damage'.



Image (from left to right) Tahir Tidhar and Cindy Halliwell (Law Reform Committee), Marilyn Krawitz, Tracey Spicer and Charley Brumby-Rendell, Amy Johnstone and Vanessa Shambrook (Law Reform Committee)

Photography by Tess Kelly

CAREER INTERRUPTED: HOW 14 SUCCESSFUL WOMEN NAVIGATE CAREER BREAKS

21 OCTOBER 2015

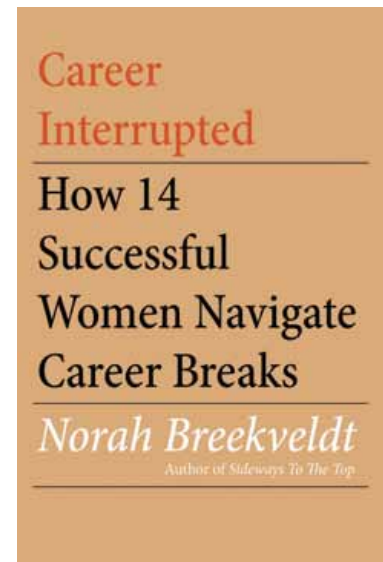
A GROUP OF WOMEN STARTED THEIR DAY BY LISTENING TO AUTHOR NORAH BREEKVELDT AND PANELLISTS, LISA CROXFORD AND SAMONE MCCURDY DISCUSS THE CHALLENGES THAT WOMEN FACE WHEN NAVIGATING CAREER BREAKS.

The speakers shared their experiences, as well as research into how women can get their careers back on track after a break.

Norah Breekveldt, author of *Career Interrupted*, spoke about the societal benefits of mothers returning to the workforce.

Lisa Croxford, Capability Development Manager at Herbert Smith Freehills discussed returning to work after parental leave and her job sharing experience. She also shared how she managed her reputation and personal brand with clients and the firm during those periods of her career.

Samone McCurdy is currently completing gender, leadership and social sustainability research for a doctorate at Monash University. She explained how workplaces are predicated on the assumption that the ideal worker is full time and that men who try to work flexibly experience the same discrimination as women.



NOT JUST JOBS FOR THE BOYS

27 OCTOBER 2015

FOR THIS EVENT, THE HONOURABLE JUSTICE CHRIS MAXWELL AC, PRESIDENT OF THE COURT OF APPEAL AND VWL WERE KEEN TO HIGHLIGHT THE CONTRIBUTION AND EXPERIENCES OF WOMEN WORKING IN AREAS OF THE LAW TRADITIONALLY DOMINATED BY MEN.

VWL often discusses the fact that women are under-represented in senior positions in the legal profession. Another significant issue – for the profession and the community as a whole – is that there are some areas of the law in which women are under-represented at all levels.

In opening the discussion at King & Wood Mallesons, Justice Maxwell shared his views on the importance of female involvement in

all areas of the law, and the need to address inequities in the way work is distributed. The Honourable Associate Justice Mary-Jane Ierodiamonou of the Supreme Court facilitated a panel discussion between Mary Polis, Chief Executive Officer of the Royal Commission into Family Violence, criminal barrister Ruth Shann and commercial/public law barrister Zoe Maud.

The panellists considered what practitioners and employers could do to improve women's participation and advancement throughout our profession. They discussed assumptions about the role of women lawyers and the lingering stereotypes that shape views of the qualities needed for different types of legal work. The panel also shared stories of their own career paths and offered advice and encouragement to the audience of both junior and senior practitioners.



Image: Mary Polis, Ruth Shann, Zoe Maud

Photography by Alexandra Anderson

ROYAL COMMISSION INTO FAMILY VIOLENCE

29 OCTOBER 2015

THE JUSTICE COMMITTEE HOSTED A Q&A SESSION ON THE ROYAL COMMISSION INTO FAMILY VIOLENCE, MARKING THE FINAL IN A SERIES OF EVENTS FOCUSED ON THIS TOPIC.

The discussion was led by a panel comprising Rosie Batty (family violence campaigner and 2015 Australian of the Year), Rob Hulls (RMIT Centre for Innovative Justice), Kaye Swanton (Violence Free Families) and Luke Ablett (former Sydney Swans footballer and respectful relationships campaigner).

Moderator, Jocelyn Bignold (McAuley Community Services for Women) posed challenging questions for the panel that touched upon the advantages and disadvantages of an offenders register, the creation of a separate family violence offence and the importance of redefining manhood.

The event provided an opportunity for a powerful and heartfelt discussion amongst panellists and audience members about possible reform initiatives that may



emerge from the Royal Commission's recommendations and the changes in societal attitudes needed to end men's violence against women. Many thanks to our esteemed panellists for their tireless efforts in the crusade against family violence, and to our host Logie-Smith Lanyon.



Images (from left to right): (left) Rosie Batty (right) Rob Hulls, Luke Ablett, Rosie Batty

Photography by Shevan J Photography



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THE STRUGGLE FOR GENDER EQUALITY IN CHINA

TIM ROBERTSON

IN MARCH THIS YEAR, ON THE EVE OF INTERNATIONAL WOMEN'S DAY, FIVE CHINESE FEMINIST-ACTIVISTS WERE DETAINED ON SUSPICION OF 'PICKING QUARRELS AND CREATING A DISTURBANCE' AFTER IT WAS DISCOVERED THAT THEY WERE PLANNING TO DISTRIBUTE STICKERS AND SLOGANS HIGHLIGHTING SEXUAL VIOLENCE. THEIR PLIGHT CAUSED OUTRAGE AROUND THE WORLD AND THEY WERE RELEASED FROM DETENTION AFTER 37 DAYS, BUT REMAIN UNDER INVESTIGATION AND MAY STILL FACES CHARGES.

Some of the group's previous activism has been widely shared on Chinese social media and they have subsequently become quite well-known. In 2012, three of the women marched through the streets of Beijing wearing wedding gowns splattered with fake blood, holding placards and chanting, 'Love is not an excuse for violence.'

The unofficial leader of the group, 25 year old Li Tingting, also organised the Occupy Men's Room campaign, which sought to highlight the lack of adequate public facilities for women. In Beijing and Guangzhou around 20 women politely asked men to wait outside while they occupied public bathrooms for a few minutes. They chanted slogans and carried signs that read: 'love women, starting with convenience' and 'the more convenience, the more sexual equality' (in Chinese, 'convenience' also means 'to use a toilet').

The group's recent imprisonment on trumped-up charges is a reminder that China, despite modernising and playing an increasingly significant role in international affairs, still regards the rule of law as a reform too far – a Western construct that (at the moment, at least) would simply hamper growth and development. However, there are signs that things are changing. The American historian, Howard Zinn said the great moments that enter the historical record

are only brought about by 'the countless small actions of unknown people.'

No where is this more true than in China, and one can't help but be encouraged by the brave activism of Li Tingting and her fellow feminists.

In an interview with the *Washington Post* after her release, Li said that she wants to be the country's first openly lesbian lawyer. At first this may seem an odd career path for someone who has been so monumentally let down by the justice system. On the other

her away, saying that it was a personal matter, not a criminal one. They eventually took a report from Lee, only for it to 'go missing.'

With nowhere else to turn, she posted photos of her injuries to Weibo, the Chinese equivalent of Twitter. The images went viral and forced the hand of authorities. Eighteen months later she had been granted a divorce and the court ordered Li to pay US\$1.9million in alimony and compensation. The case was well publicised and the landmark victory forced the public to confront an issue that is rarely spoken about.

The other case had a far more tragic outcome. In Sichuan province, for years Li Yan's husband subjected her to extreme violence that often bordered on torture. On top of the regular assaults, he burnt her face with cigarettes and chopped off part of a finger. In November 2010, after being attacked by her husband again, Li fought back. She picked up a nearby air rifle that her husband had threatened to kill her with, and beat him to death. She was originally sentenced to death, but in a rare reversal the Supreme Court commuted her sentence to life in prison. It is, perhaps, a reflection of how patently unjust the legal system is that Amnesty International considered this a victory of sorts.

These two cases have forced the Communist Party to act and be seen to be making an effort to tackle a problem that many believe is endemic, especially in rural areas (reliable statistics remain elusive, however). The focus of the new legislation is to give victims of violence redress and protection: restraining orders will be introduced and local governments will establish shelters, which are currently almost non-existent throughout China. Some legal experts have still criticised the legislation for not going far enough. They have suggested that there should be more emphasis on health and social services, and point out that there is no law against marital rape.

WOMEN - IN THE EYES
OF PRESIDENT XI JINPING -
SHOULD STICK TO TRADITIONAL
GENDER ROLES AS LAID OUT
BY THE FIRST CENTURY BC
TEACHINGS OF CONFUCIUS

hand, two high-profile family violence matters in China have recently shown that certain legal cases have the potential to promote large scale change. These cases have brought family violence to the fore of public debate and prompted the Communist Party to announce that it will pass the country's first laws on the issue.

The first case involved an American woman, Kim Lee, who won a legal battle to obtain a divorce from her celebrity husband, the founder of the Crazy English learning program, Li Yang. After a particularly brutal assault in August 2011, Lee went to the police still bloodied and bruised to report her husband's crimes. The police tried to turn

The more significant challenge facing China though, is changing entrenched cultural and social attitudes, a subject in which President Xi Jinping has shown little interest, until now.

The arbitrary detention of Li Tingting and her fellow activists is another example of Xi's continued crackdown on civil society: since coming to power in March 2013 he has repressed dissent and opposition more aggressively than any of his recent predecessors. This has led many commentators to label him Maoist, which is somewhat misleading. He does sometimes draw on Mao style nationalism to unite the country, even quoting him directly, but there are some significant differences between the revolutionary leader and Xi.

On the issue of women's rights, for example, the current situation is worse than during Mao's rule. That's a sobering thought: for all the talk of 'China's economic miracle', women were less oppressed 60 years ago than they are today. In some respects this is not surprising. Mao Zedong, for all his flaws, was essentially a utopian who believed unequivocally that socialism offered the Chinese people great hope and promise. He studied the foundational texts and adapted Marxist-Leninism to a form that he thought best suited his country's unique society – Socialism with Chinese Characteristics.

An important tenet of this Socialism was equality between the sexes, which at the time was a revolutionary concept in a country whose population was made up of mostly peasants. Despite this aspiration, men still held all the senior positions within the Communist Party. When women did obtain leadership positions, they were often marginalised because of their gender.

A famous example is the treatment suffered by Mao's last wife, Jiang Qing. Following Mao's death in 1976 the Gang of Four, led by Jiang, was made the scapegoat for the Cultural Revolution. Jiang became a lightning rod for a lot of the country's anger following the upheaval of that period, almost all of which was demanded and directed by Mao himself.

Although Mao's socialist ideology played a role in liberating women, it was driven by the economic imperatives of the time. During Mao's leadership China's political and economic isolation meant that the country needed to be self-sufficient.

Mao's most significant reinterpretation of Marxism was that 'the workers' needed to be substituted for 'the peasantry.' Thus, in his mass popular movement the class that had always been subjugated by feudal lords became, nominally at least, the most important class in Chinese society. Women worked alongside men in the fields, the division of labour was not decided on gender lines and the peasantry – men and women alike – were held up as examples for others in society to model themselves upon.

With the economic reforms first implemented under Deng Xiaoping, China moved towards a market based economy. With this came enormous growth and a move away from the agrarian economy, which was the country's bedrock for so many years under Mao. As China embraced the free market, new roles within the expanding state-owned (or partly owned) business empire went to men.

The world of Chinese business and politics remains a man's game. Business meetings are often preceded by hyper-masculine dinners, in which men spur each other on to drink copious amounts of *bijou* (a Chinese spirit translated literally as white wine), pass around endless cigarettes and eat like emperors while their wives, presumably, stay at home and look after the children. In the National People's Congress (the closest thing China has resembling a parliament) women only make up 23.4 percent of representatives.

So, if we accept that China is a patriarchal society examining its history can help us to better understand how gender inequality manifests itself today.

China is a Confucian society. The teachings of Confucius have been hugely influentially in shaping Chinese (as well as Korean, Japanese and Vietnamese) culture. Even today, young and old people alike regularly invoke his pithy sayings. In *The Analects*, Confucius makes it clear that a woman's place is at the bottom of the social hierarchy – women are expected to be subservient to men.

There is a crucial continuity between the ancient Chinese empires and the modern nation state of the 21st century. China is unique in that its current borders still roughly represent the area people inhabited 6,000 years ago. Martin Jacques, author of *When China Rules the World* has argued that it is, therefore, more accurate to think of China as a civilisation-state. An important element of this is that its ancient history, more than



Image (courtesy of the author) – Painted in the socialist realist style, Mao Zedong proclaims the establishment of the People's Republic of China on 1 October 1949.

anywhere else in the world, is very much a part of the fabric of its present day culture. Confucianism is, in other words, engrained in Chinese society.

Mao understood this and detested it. He saw Confucius' teachings as backward and, in the socialist utopia he was trying to build, there was no room for competing ideologies. During the Cultural Revolution he launched the Anti-Confucius Campaign, which was essentially an attempt to reinterpret history using Mao's theories.

This period – and the Cultural Revolution more generally – illustrates one of the most significant challenges faced by the post-Mao leaders: how to reform the party and the state, explain all the death and destruction of that period, but still maintain Mao's personality cult?

The economic reforms of the post-Mao era would have been much easier to implement if the spectre of Mao Zedong was not hanging over China, so why do Communist Party leaders continue to venerate him? Simply, Mao, as the party's revolutionary founder and the one who expelled the Japanese during the Second World War, is what gives the Communist Party its legitimacy. Without preserving the personality cult many officials believed the party would collapse in much the same way the Soviet Union did in 1989.

So the Gang of Four, with Jiang Qing as the leader, was blamed for the worst of the atrocities committed during the Cultural Revolution. And Confucianism, which was so entrenched in the Chinese psyche that it would have been almost impossible to kill off completely, crept back into the culture, albeit more benignly in the beginning.

Since coming to power, President Xi has invoked Confucius more often and more readily than any other leader in the post-Mao

ABOUT THE STELLA PRIZE

era. Speaking at the All-China Women's Federation in February, he outlined the role of women in Chinese society. He talked about them shaping 'family values', 'taking care of elders' and 'educating children.' In other words, women – in the eyes of Xi – should stick to traditional gender roles as laid out by the first century BC teachings of Confucius. This is, unfortunately, the kind of high-level ignorance feminists in China must grapple with. The sentiments expressed by Xi are, in a way, Chinese values that have been refined over millennia and thus are not easily overcome.

The situation is not entirely hopeless. Modern China has shown a remarkable ability to reform, change and adapt at an almost unprecedented speed and scale. The brave actions of the feminist protestors on International Women's Day and the legal struggles of Kim Lee and Li Yan, and others like them, are ensuring that issues of gender equality and sexual violence remain at the fore of public debate. Any significant shift in social attitudes has to be driven from below and there are an increasing number of people standing up and saying the status quo is not fair, that things have to change. ■



About the author

Tim Robertson is an independent journalist and writer. He was formally based in Beijing. He tweets @timrobertson12.

THE STELLA PRIZE IS A MAJOR AWARD CELEBRATING GREAT BOOKS BY AUSTRALIAN WOMEN, AND AN ORGANISATION THAT PROMOTES DIVERSITY IN LITERATURE. NAMED AFTER ONE OF AUSTRALIA'S ICONIC FEMALE AUTHORS, STELLA MARIA SARAH 'MILES' FRANKLIN, THE PRIZE WAS AWARDED FOR THE FIRST TIME IN 2013.

The Stella Prize seeks to:

- recognise and celebrate Australian women writers' contribution to literature
- increase the visibility of female authors (and thereby increase their sales)
- provide role models for emerging women writers
- reward one writer with a \$50,000 prize – money that affords some measure of financial independence and time – that most undervalued, yet necessary, commodity for women, to focus on their writing.

The Stella Prize runs events and lectures at bookshops, libraries, festivals and universities around Australia. It also compiles the annual Stella Count, which tracks the number of books written by men and women that have been reviewed in major Australian newspapers and literary magazines. In 2014, it launched the Stella Prize Schools Program.

Dreams of the Stella Prize emerged in early 2011 following a panel held on International Women's Day. The panel was partly a discussion about the underrepresentation of women on the literary pages of the major Australian newspapers, both as reviewers and as authors of the books reviewed. For example, in 2011, 70% of the books reviewed in *The Weekend Australian* were books written by men.

The panel also discussed the underrepresentation of women as winners of literary prizes. In early 2011, only 10 women had ever won the Miles Franklin Literary Award over its 54 year history. Since the inception of the Stella Prize though, women have won the Miles Franklin Prize every year from 2012 to 2015, with 2013 featuring the first-ever, all-female shortlist.

And so, plans for the Stella Prize were born: a major prize for Australian women writers, along the lines of the United Kingdom's Orange Prize (now the Baileys Women's Prize for Fiction). The prize would celebrate the best book by an Australian woman, whether fiction or nonfiction, in the previous calendar year.

The Stella Prize Board then began its journey up a steep learning curve. It met with a range of people for advice and funding. Ellen Koshland, a well-known educational and arts philanthropist, shared the Board's vision and passion immediately. She became Founding Patron, as well as sourcing other key donors.

In April 2013, just over two years after the International Women's Day panel, the inaugural Stella Prize was awarded to Carrie Tiffany for her second novel, *Mateship with Birds*.

Clare Wright won the Stella Prize in 2014 for *The Forgotten Rebels of Eureka*.

This year, Emily Bitto was the winner of the Stella Prize, with her debut novel *The Strays*.

THE 2015 SHORTLIST

The Strays by Emily Bitto

Foreign Soil by Maxine Beneba Clarke

The Invisible History of the Human Race by Christine Kenneally

The Eye of the Sheep by Sofie Laguna

The Golden Age by Joan London

Heat and Light by Ellen van Neerven

Selected extracts of each of the shortlisted novels appear in this edition of *Portia* (courtesy of the Stella Prize). ■

WHAT I EXPECT

PAOLA BILBROUGH

ON A SATURDAY IN APRIL, WHEN THE NEWS WAS FULL OF STORIES OF MURDERED TEACHER AND BRIDE TO BE STEPHANIE SCOTT, I WENT FOR AN EVENING WALK IN THE GOLDFIELDS TOWN WHERE I LIVE AND HAD A HEATED EXCHANGE WITH A CROWD OF MEN OUTSIDE THE PUB.

The pub has a generous verandah where people sit and drink in a space that is both pub and pavement. I have often exchanged a few friendly words in passing or stopped for a moment. On this particular evening a crowd of youngish men were gathered. As I walked through, one lurched forward and made a show of trying to grab me. Another cat-called and mumbled something obscene.

That evening I had on my gardening gear: shapeless paint splattered tracksuit pants, steel capped Blundstones and an old baggy jacket. What seemed to be an issue was the sexless nature of my clothing. In their eyes I was an object for sexual derision. I sidestepped the man who tried to grab me and said, "F-off and let me past".

The response was instant verbal abuse, "dumb slut, ugly bitch". Another shouted "why don't you fuck off, you ugly moll. Look at your ugly face." Someone else yelled out "you would have been happy if I had slapped your arse." Others yelled "Go back to Melbourne, whore!"

I stood my ground in the fading light, replying that I was a local, and this was public space. A man threatened rape. I was struck not only by the violence of the men's words, but the look of rage and hatred on their faces. I had challenged their sense of entitlement; I was a woman with a voice who refused to submit to being a sexual object.

Propelled by intense anger, I strode back through the crowd and into the pub where I informed the female proprietor of what had just happened. Her response was to tell the men to "apologise to the lady" and to suggest they drink inside.

One man remarked in disgust, "What did you expect? It's a buck's night, that's what happens when you walk past a group of guys drinking." Another declared me a "waste of space" whilst someone else observed

that I had "no sense of humour". However, the groom-to-be and his best man took the proprietor's advice and apologised.

I thought about the murder of Stephanie Scott and the stabbing of 17-year-old Masa Vutovik on an early evening walk in a park and could not accept the groom-to-be's apology without saying, "It's men like you who are raping and killing women globally and locally."

The groom-to-be moved a little closer and asked, in the tone one might use with a distressed child, if he could make it up to me by buying me a non-alcoholic drink. I declined and wondered out loud what he would talk to his mates about for the rest of the evening.

"WHAT DID YOU EXPECT?
IT'S A BUCK'S NIGHT,
THAT'S WHAT HAPPENS
WHEN YOU WALK PAST
A GROUP OF GUYS
DRINKING."

Later friends queried my actions, women in particular wondered why I had chosen to walk past. Wasn't I intimidated? One friend conceded that perhaps I needed to speak up for my own satisfaction, but surely I could not really believe that it would change anything. What is shocking about these responses, and that of the proprietor, is the tacit acceptance of this type of violence, the *expectation* of it.

The Castlemaine police were proactive and spent a couple of months interviewing potential witnesses and suspects. I hoped that the man who had threatened rape would be charged. However, the witnesses reneged on their original statements. Victims in these situations have no recourse to justice. As the key witness, I have no legal recourse if the police decide there is no case.

However, there has been vocal public shaming of the men. The incident inspired a Reclaim the Night movement in Castlemaine and in July around 300 women marched through the township and gathered in Victory

Park, taking up a great deal of public space.

A group of local men set up a soup stall in support of the protestors. A few others stood on the outskirts. Two men in their fifties approached me and commented that they had heard the whole thing was a media beat-up and that nothing much had really happened. One attributed the incident to alcohol. A teenage girl joined in the conversation and stalwartly refuted this. Alcohol, she insisted, just brought out what people were really like and the men outside the pub had no respect for women. Her comments suggest generational change. One can only hope that increasingly others will be fearless in challenging what has previously been accepted and expected.

That evening in Victory Park, I made it clear that my own expectations of men are high. I spoke about being brought up by a single father who brushed and plaited my hair and put dinner on the table every night. And for the last 15 years I have worked in Footscray where I routinely pass large groups of young African-Australian men socialising on the pavement into the evening. They quietly move a little to allow people to pass. Occasionally they say hello. My expectation is for all groups of men to behave this way. ■



About the author

Paola is a writer, filmmaker and academic who divides her time between Castlemaine and Footscray.

THE TRAILBLAZING WOMEN AND THE LAW PROJECT

KIM RUBENSTEIN*

IT HAS BEEN SAID THAT 'THE HISTORY OF THE WORLD IS BUT THE BIOGRAPHY OF GREAT MEN' [THOMAS CARLYLE]. CONVERSELY, HISTORY HAS TENDED TO OBSCURE WOMEN'S CONTRIBUTIONS TO HISTORY, INCLUDING THE HISTORY OF THE LEGAL PROFESSION.

The Trailblazing Women and the Law Project is set to reveal previously unheard and uncaptured stories to ensure that the contributions of trailblazing Australian women lawyers are recognised in research and public consciousness.

The Trailblazing Project is an Australian Research Council linkage grant project that will showcase and analyse the experience of seven decades of Australia's 'trailblazing' women lawyers.¹ It is set to produce over 50 interviews with pioneer women lawyers and establish an online exhibition, featuring the biographical details of over 300 women nominated as trailblazers and significant contributors to law and society in Australia. This large-scale application of oral history to the history and analysis of law as a social and political institution is unprecedented in Australia.

Trailblazing women lawyers have had significant influence and importance however many of the women interviewed, despite being well known in the field, are not mentioned in many public records. While we are aware of some stories, we do not have a full historical picture of pioneering women's experiences in the legal profession. The Trailblazing Project has sought to expand on the picture of Australian legal women. It seeks to address the lack of any detailed national academic study of the connections between trailblazers and other organisations. It recognises and seeks to redress that there 'have been few scholarly efforts until quite recently... to see women lawyers as significant to the history of women's rights and also to the history of legal professionalism.' Already the completed interviews from the



Image: Eve Mahlab being interviewed by Kim Rubenstein (courtesy of Samuel Cooper and National Library of Australia (2010))

Trailblazing Project shed much needed light on how integral women lawyers have been to the development of women's rights in Australia. Finally, it seeks to acknowledge the diversity of women lawyers' trailblazing experiences across the nation.

IT WILL ACT AS A PERMANENT LEGACY MARKING THE CONTRIBUTION OF WOMEN LAWYERS TO SOCIETY AND INSTITUTIONS ACROSS AUSTRALIA

Since 2013, the Trailblazing Project has been recording whole of life interviews with trailblazing Australian women lawyers for the National Library of Australia's oral history collection. Interviews have been taking place around the country in order to capture the diversity and range of these experiences across regional, remote and metropolitan

Australia. Interviewees span the breadth of the profession, including judges, barristers, solicitors, in-house counsel, government lawyers, parliamentary drafters, tribunal members and international legal advocates and advisors, and come from diverse cultural, ethnic, social and religious backgrounds.

Victorian women that have been interviewed include Norma Ford (nee O'Connor) (first woman Supreme Court prize winner at the University of Melbourne), Chief Justice Diana Bryant (first woman head of the Federal Magistrates Court -later the Federal Circuit Court of Australia- and later head of the Family Court), former Justice Peg Lusink (first Victorian woman to be appointed a Family Court Judge), Professor Sally Walker (first woman to be appointed a Vice Chancellor of Deakin University), Professor Mary Hiscock (first full-time woman appointed to the University of Melbourne Law School),

* Thanks to Larissa Halonkin for her assistance in preparing this article.

Eve Mahlab (first woman lawyer identified as Business woman of the year), Erika Feller (first Australian woman lawyer appointed to a senior role in the UN, as Assistant High Commissioner for Protection), Justice Susan Kenny (first woman to be appointed to the Victorian Supreme Court of Appeal) and Dr Katy Le Roy (first Australian woman to be appointed Chief Parliamentary Counsel in an overseas jurisdiction: Nauru).

As trailblazers, these Victorian women represent an extent of the breadth and depth of the legal experience. Their stories have revealed the impact of social networks on the action and capacities of individuals in historic work communities over multiple generations. Aspects of identity such as race, religion, regional life experience and class have shaped the way they viewed their role as active women lawyers in the public sphere. The interviews also provide a site in which to unpack the lived position of women lawyers as citizens within legal and national culture and will provide unmatched research capital for the future study of women in the law.

The Trailblazing Project will also showcase these women's stories online in the National Foundation for Australian Women's

Australian Women's Archive Project 'Showcase' exhibition series. The aim for this online exhibition to show not only the 50 plus women interviewed for the Trailblazing Project, but also further biographical entries of the now over 300 women nominated by individuals around the country. It will act as a permanent legacy marking the contribution of women lawyers to society and institutions across Australia.

The Trailblazing Project's interviews have already hinted at oral history's ability to foster the equal representation of women in public memory and to reflect on how women tell their own stories. The continued study of these life recordings can weave women's remarkable actions into national identity and provide women with an enlarged national space to inhabit, reflect and imagine their diverse experiences. In this sense it has the capacity to broaden our sense of the meaning of citizenship and governance, diversity, networks and a history of women's rights and participation in Australian society. The Trailblazing Project will be an enduring, loud and clear voice that speaks to us about trailblazing women lawyers' contributions to Australian culture, society and institutions over the last seven decades. ■



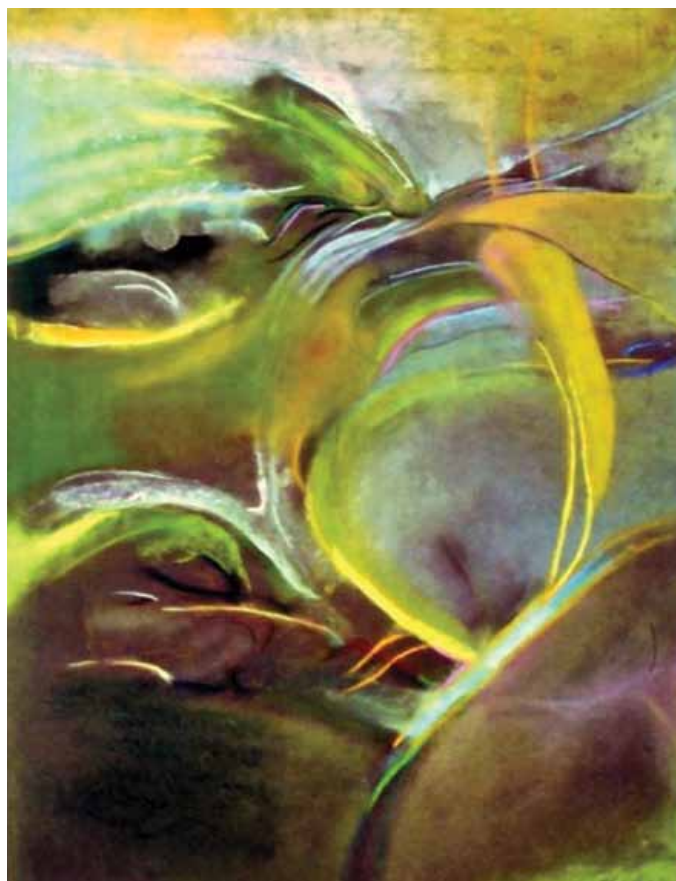
About the author

Kim is a Professor and Director of the Centre for International and Public Law at the Australian National University College of Law. She was the inaugural Convenor (2011-2012) of the ANU Gender Institute. She is Australia's citizenship law expert and an early instigator of feminist scholarly approaches to Australian constitutional law.

HOW TO BECOME INVOLVED IN AND SUPPORT THE TRAILBLAZING PROJECT

- **VISIT** <http://www.tbwl.esrc.unimelb.edu.au/outcomes/interviews>
- **DONATE** to enable the establishment of the online exhibition – go to <http://www.nfaw.org/donate/> and select 'Trailblazing Women and the Law' from the dropdown menu
- **NOMINATE** women lawyers – email Larissa Halonkin, Research Assistant to the Trailblazing Project at larissa.halonkin@anu.edu.au
- **VIEW** the online exhibition when it is launched at the Australian Women's Register

Image: Janet Boddy, *The Sea the Sea*, dry pastel. Of this work, Janet says that, quite often, a painting or drawing will have its own way so she allows the canvas to guide her. We are told that we came from the sea and this drawing, Janet says, seems to have emerged from her earlier 'Womb' series. In this (vaguely) erotic drawing are elements of the sea, conception and birth.



STELLA EXTRACT

HEAT AND LIGHT

ELLEN VAN NEERVEN

Heat and Light takes readers on a journey that is mythical and mystical, yet still achingly real. Over three parts, the book takes traditional storytelling and gives it a unique, contemporary twist. In 'Heat', we meet several generations of the Kresinger family and the legacy left by the mysterious Pearl. In 'Water', a futuristic world is imagined and the fate of a people is threatened. In 'Light', familial ties are challenged and characters are caught between a desire for freedom and a sense of belonging.

The first time Pearl Kresinger was taken by the wind we were both twelve. It had been raining so long the water reached the library of our school on the hill. But it was the wind, cyclonic, that kept anyone with common sense inside. Not Pearl. She went out on the beach. She was standing on the jetty starposed and everyone saw her. She seemed to fight with the wind for a moment, her torso wrenched back and her chin to the sky, but then we saw her fall into the grey water.

Trying to save her, one man yelled out he had felt her skin. But in the next wave he was gone.

A day later she came out with her hair streaked white, and the wind had settled. She didn't stay at school, none of them did, though I tracked her over the years.

Her skin was burnt butter, her forehead small and high, her fingers straight, her nails blue-grey from a permanent chill. She wore a red floral dress that dropped off her narrow shoulders. Her now black and white hair was waxy and feather-like, stretching down her back and creeping from behind her ears into her mouth when she turned to you. I could tell what others couldn't, her ears weren't really there, her eyes hissed and some of her teeth were missing. But the men followed the dance of her hair from back to mouth.

When the wind was kicking in and I'd be walking home from school near the beach through empty car parks, before the streetlights turned on, I'd see her between buildings, her hair entwined, her face in



Image: Michelle Fitt

someone's neck, a man mostly, though there were women. It seemed all were hopeless against her.

After school I moved across the border and off the coast to a stopover town and got a quiet job behind the counter serving truckies.

I heard about the freak storm in the early fifties, Pearl Kresinger cheating death for the second time. The wind ripped the Kresinger tent up, into a tree. The others ran for shelter and Pearl stood there and let it lift her, she went into the electricity wires and they curled into each other like lovers as she was jolted. Her brother moved to her lifeless body and she touched him, and he took her place.

The people of the town drove her out of there. Nobody would touch her again. She lived in the hills for a while, and then she came to my town, and into my store.

I was jealous at the sight of her. The truckies passing through the store did not know of her curse.

It wasn't just that she was Bundjalung that made them think she was beautiful. It was the way she duck-called. ■

About the author

Born in Brisbane in 1990 to Aboriginal and Dutch parents, Ellen van Neerven is a Yugambah woman with traditional ties to the country between the Logan and Tweed rivers. She won the David Unaipon Award in the 2013 Queensland Literary Awards for *Heat and Light*. She lives in Brisbane.

BALANCING SAFE ACCESS

HILARY TAYLOR AND CLAUDIA BRKIC

SINCE OPENING ITS DOORS IN 1972 THE EAST MELBOURNE FERTILITY CONTROL CLINIC (FCC) HAS BEEN THE FOCUS OF PROTEST ACTIVITIES, CONTINUING EVEN AFTER THE DECRIMINALISATION OF ABORTION IN VICTORIA IN 2008.

Although women have gained the right to access abortion treatment in Victoria and other jurisdictions, their access to those services continues to be impeded by protestors who claim that they are merely exercising their rights to freedom of expression and political communication.

For years FCC has advocated for the rights of its patients and staff to be recognised by law enforcement agencies and the legislature. The recent Supreme Court decision in *Fertility Control Clinic v Melbourne City Council* [2015] VSC 424, and a proposed bill relating to safe access to abortion, has encouraged closer consideration of how these rights sit in relation to each other and how a balance may be struck between them.

BACKGROUND

FCC is a private health facility providing a range of family planning and reproductive health services, including contraception, PAP tests, STI screening, ultrasound, miscarriage treatment, vasectomy, counselling and abortion. Currently protestors, who identify themselves as Helpers of God's Precious Infants, stand outside the clinic's entrance every day from Monday to Saturday, in numbers ranging from three to 12. Once a month, 50 to 100 people attend to protest collectively. Once a year, a 40 day vigil takes place outside the clinic. The protestors verbally abuse and harass patients and staff, and brandish plastic dolls and props of fetuses. In 2001 anti-abortion activist, Peter Knight shot and killed security guard, Steven Rogers at the clinic. Knight had also planned a massacre on staff and patients.

LEGAL ACTION AGAINST MCC

After years of unsuccessful campaigning for regulation of the protest activities, in 2014 FCC instigated legal action against Melbourne City Council (MCC) in an attempt to force action.



Image: Protestors with Madonna statue (courtesy Rebecca Hallas/Fairfax Syndication)

The proceeding originated from a complaint made to MCC alleging that the protestors' conduct constituted a nuisance under the *Public Health and Wellbeing Act 2008* (Vic). The Act defines nuisance as conduct which is, or is liable to be, dangerous to health or offensive (meaning noxious or injurious to personal comfort). Once notified of an alleged nuisance, the council must investigate and take remedial action if a nuisance is identified or alternatively, recommend methods for settling the matter privately, if that is the better course in council's opinion.

In response to FCC's complaint, MCC concluded that only the protestors' blocking of the clinic's entrance constituted a nuisance and recommended that the matter be settled privately by referral to Victoria Police. FCC sought judicial review of MCC's decision in the Supreme Court of Victoria, arguing that MCC failed to exercise jurisdiction by misconstruing the Act's meaning of nuisance as a 'private nuisance' and by erroneously recommending private settlement of the matter by Victoria Police.

In speaking about the motivation for FCC bringing the case, FCC's lawyer Elizabeth O'Shea, Senior Associate at Maurice Blackburn, said "[FCC] think it is important that their patients get access to treatment that is appropriate and their staff work in an

environment that is free of fear. Women are going through the treatment but they are not inclined to speak publicly about it, I can understand that. But it means reform in the field is stunted."

SUPREME COURT RULING

On 26 August 2015 the Supreme Court delivered its judgment, holding that the Act did not confine the meaning of nuisance to private nuisance. Rather, the Court found, the term applied to conduct which is, or is liable to be, dangerous or offensive to public health, regardless of whether it constitutes public or private nuisance.

However, the fact that MCC had concluded, save for obstructing entry to the clinic's premises, that the protestors' conduct was not offensive or dangerous to health, did not mean that MCC had made a jurisdictional error. That MCC only identified a private nuisance did not mean it had not considered whether any public nuisance had occurred. Rather, MCC did not identify any other conduct that was offensive or dangerous to health. Therefore, the Supreme Court held, if there was any error, it was an error within jurisdiction.

In a statement released following the judgement, MCC said it "takes no relief or pleasure in this result" and acknowledged

that it leaves the broader issue of the protestors unresolved. MCC stated that it wanted to do more but it did not have the power to do so. It is also recognised that:

Although we respect people's right to a peaceful protest, we consider that the groups who assemble at the clinic show little respect for the rights of women who attend it. Despite what the group might say, we have no doubt the gatherings at the clinic intimidate women at what is a vulnerable time in their lives. Our ultimate aim is ensuring that the health and wellbeing of the women who attend the East Melbourne Fertility Control Clinic is not jeopardised.

SAFE ACCESS BILL

On 18 August 2015, a few days before the Supreme Court's ruling, Fiona Patten MP, member of the Sex Party, introduced the *Public Health and Wellbeing Amendment (Safe Access) Bill 2015*. The bill's purpose is to provide for safe access zones around premises offering reproductive health services, including abortion. Safe access zones limit protest activities to a set distance from a location that offers reproductive health services. The Labor Government and the Greens have indicated in principle support for the bill, subject to some amendments. The Coalition has indicated it will allow a conscience vote on the bill in its redrafted form.

Opponents to the bill assert that, if it is passed, it will only serve to criminalise peaceful protest. In the second reading debate, Democratic Labour MP, Rachel Carling-Jenkins argued that the bill was offensive and discriminatory against people with pro-life values. She told the ABC in a subsequent interview that 'people have the right to protest, and they have the right to that freedom of speech everywhere, it doesn't matter what the subject is'.

In response, Fiona Patten MP has stressed that the bill does not seek to impede freedom of communication, but rather it seeks to prevent harassment and intimidation. She says this would protect patients' right to medical privacy and their right to access health services.

BALANCING ACT

In Australia, human rights, including freedom of communication, are not enshrined in a Bill of Rights that is found in most liberal democracies. Nevertheless, in *Australian Capital Television Pty Ltd v Commonwealth* (1992) 177 CLR 106 the High Court found that a right to freedom of political communication is necessarily implied by the language and structure of the Constitution. In *Lange v Australian Broadcasting Corporation* (1997) 189 CLR 520 the High Court established a check on that freedom; that is, a law may impinge upon the right to freedom of political communication if it is 'reasonably appropriate and adapted to serve a legitimate end in a manner which is compatible with the maintenance of the constitutionally prescribed system of representative and responsible government'.

“DESPITE WHAT THE
[PROTESTORS] MIGHT SAY,
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There are several examples of appropriate and adapted measures that have limited the freedom of political communication. For instance, in *Levy v Victoria* (1997) 189 CLR 579 the High Court held, in the context of duck hunting, that a law restricting political communication and protesting was valid. The restriction on freedom of speech was permissible because it was designed to ensure public safety. That the law applied only to a certain restricted area was an important consideration.

The *Parliamentary Precincts Act 2001* (Vic) also provides for a protestor exclusion zone. It was enacted to maintain control and security around the Victorian Parliament by the

creation of a 'Parliamentary Reserve' which controls entry through authorised officers, in the interests of protecting 'good order'.

In addition to the implied constitutional freedom, the Victorian Charter of Human Rights and Responsibilities provides for freedom of religion, freedom of expression and a right to peaceful assembly. During the hearing of *Fertility Control Clinic v Melbourne City Council*, the Victorian Human Rights and Equal Opportunity Commission persuasively submitted that those rights may be legitimately limited in circumstances where there is interference with the rights of other persons and to protect good order and public health.

RESPONSES ELSEWHERE

In other jurisdictions, measures to protect those seeking and providing abortion services place some restrictions on protest activities. The *Reproductive Health (Access to Terminations) Act 2013* (Tas) created Australia's first safe access zones around abortion clinics. The Tasmanian parliamentary debate recognised that the 150 metre protest-free access zones did not limit protestors' rights to express their views, but simply ensured that they did so outside those zones. While the Act has not been challenged in the High Court, precedent shows that restricting protestors from entering defined areas can be an appropriate balance between freedom of communication and other rights, including public safety. Victoria's new bill has largely been modelled on this successful Tasmanian example.

Looking further afield, the United States arguably has the most absolute and steadfast right to freedom of speech, enshrined in the First Amendment to its Constitution. Still, there are instances of the United States Supreme Court upholding 'buffer zones', with the effect of banning protestors from demonstrating outside reproductive health clinics. The United States Supreme Court has stated that the First Amendment does not protect or embrace offensive speech made to an unwilling audience.

Similarly to the proposed Safe Access Bill, Canada's *Access to Abortion Services Act 1995* (BC) provides for 50 metre access zones around facilities providing abortion services. Within those access zones, a person

may not interfere with, protest against, harass or physically intimidate patients and service providers. That Act stands despite the Canadian Charter of Rights and Freedoms, which guarantees freedom of communication.

CONCLUSION

The case of *Fertility Control Clinic v Melbourne City Council* and the Safe Access Bill together exemplify the balance required to be struck

between the competing rights of freedom of communication, the right to public safety and the right to access health services.

Australian examples in other legislative spheres, as well as responses in the United States and Canada, show that functional law can be devised to ensure safe access to women's health services without encroaching on or excessively limiting the right to freedom of communication.

After over 40 years of protest activities at FCC, the political spotlight is finally on the issue, providing a chance to establish the boundaries of legitimate rights in this sensitive area. ■

Hilary Taylor and Claudia Brkic are members of VWL's Communications Committee.

Q&A

SHEREE RUBENSTEIN



What is your current role?

I am the co-founder of One Roof, a business I started in February this year. Our mission is to drive the global female entrepreneurship movement. We curate unique co-working spaces for women and provide the support and resources women need to grow thriving businesses.

Have you had any remarkable female role models?

I consider myself very fortunate to have found excellent role models. My mentors continue to offer me invaluable career advice and guidance. They also allow me to leverage, and tap into, their networks. I believe everyone needs multiple role models and mentors. It requires active effort and initiative to seek out the right people.

Do you consider women to be disadvantaged in terms of career progression?

Sadly, yes. The legal sector still systematically disadvantages women. Women have graduated from law school in equal or greater numbers to men for over 20 years. This representation does not translate into equity within leadership and senior management roles. There is also a general lack of conversation about career progression.

Do you think that any disparity between female and male lawyers would be significantly decreased if women tried to be more like men?

It is devastating to think women would consider this to be an option. I don't believe the disparity would decrease if women tried to be more like men. In fact it would only perpetuate the issue.

Women bring a crucial set of skills, qualities and characteristics to the workplace.

The discussion should never be about women acting more like men. The conversation is about affording women the same opportunities as their male counterparts.

Do you consider that women bring something different than their male counterparts to the workplace?

Every individual brings something different to the table regardless of whether they are male or female. That said, we can make generalisations about gender characteristics in the workplace and, of course, there is research to back it up. Key differences include:

- women tend to be excellent team players, supportive, honest and diligent, and they have great attention to detail
- men tend to be able to ask for what they want directly, and are excellent at negotiating and networking. They back themselves and have more confidence to just 'wing it'.

Do you think that more men should be involved in leading the gender-equality conversation? If so, why?

Absolutely! Gender equality is a cause that affects everyone. It would be impossible to drive substantial change if half the population was left out of the conversation. The reality is that women are underrepresented in positions of leadership. With such a large proportion of men at the top, it is imperative that men not only join the conversation but, in fact, lead the way alongside their female counterparts.

How can we as women support women in leadership roles?

I am going to borrow one of my favourite quotes from Madeleine Albright: "There is a special place in hell for women who don't help other women". It is absolutely crucial for women to support other women. It all begins with dialogue. We need to have more open and honest conversations about how to support women in leadership roles. We need to ask women what kind of support they need and then tailor programs and initiatives to these specific needs. We need to ask men to join the conversation and actively participate. We need to empower and celebrate women in leadership roles. ■

STELLA EXTRACT

THE INVISIBLE HISTORY OF THE HUMAN RACE

CHRISTINE KENNEALLY

The sciences and the humanities are traditionally considered separate, or even opposite, fields of study. Christine Kenneally challenges this thinking in her fascinating exploration of DNA and what it tells us about our individual, social, and anthropological pasts – bringing genetics and history together via the concepts of ancestry and inheritance. *The Invisible History of the Human Race* reveals that, remarkably, it is not only our biological history that is coded in our DNA, but also our social history.

There's a moment somewhere between the North Pole and the South when I look out my window and see the top of the Himalayas.

At first the shapes are clouds, but then they resolve into immense snow-covered crags, perfectly still in the cumulus sea. It doesn't matter how many times I've seen them before, I am always surprised. They are proof that I am somewhere very high and very strange. At 30,000 feet light floods the plane. Ahead the night drapes across the earth. We barrel towards the darkness, and then we tunnel quickly through it. In a few hours, when we land, it will be morning.

Humanity has been making some consequential moves for a long time now. Over the course of hundreds of thousands of years, we populated Africa, then we left the continent in waves and spread across the world. The global travel that began 60,000 years ago continued for the next 45,000 years before we settled every habitable continent on earth.

From the ninth century, when Vikings set out to sea in longboats, through the ages of expansion, slavery, the spice trade and the colonialism that ended in the twentieth century, thousands of ships crossed the oceans. The vessels carried explorers, prisoners, slaves, and immigrants far away from the place where they were born, in most cases never to return. In the second half of the nineteenth century, now known as the age of mass migration, the movement peaked, with more than 55 million emigrants

embarking from the old world and heading to the Americas and Australia. On the human scale, the ships marked crucial chapters in the lives of many individuals, and in the lives of everyone who descended from them. Culturally, they changed the stories of families forever.

Biologically, the ships delivered mixed samples of human genomes. Everywhere they went, they transformed the human landscape, releasing new variants into the local gene pool, creating never before seen mixes of human material, and founding novel lineages that branched and then branched again.

I wonder if my convict ancestor thought about whether he would have descendants who might one day look back on his life, or who would know him only as a wisp in a cloud of long-dead family? He lived for many, many years after his terrible journey, and though he died long before I was born, I've spoken to people, who have spoken to people, who once spoke to him. Oh look, here comes the human condition again. He and I have physically touched people who have physically touched one another. But although we will never speak, and I will never see him or hear his voice, he is here with me, and not just in my thoughts. This isn't a metaphor, but a fact, as real as the Himalayas. There is information within me that came from him, and if my boyfriend and I have children, some of that information will be inside them, too.

We are ourselves vessels. Inside each cell that is inside each person is a massive library of DNA, 3 billion base pairs that have been passed down to us. I think about this while I sit on the aircraft; the principle is true for all 466 of my fellow passengers, no matter what class they're in or their reasons for travel. They all carry their great-great-ancestors inside, and they carry traces of their ancestor's ancestors, too. Here in this plane are multitudes, 1.4 trillion base pairs that have been passed down through history by millions of people. It's a miracle we ever got off the ground. ■



Image: Margaret Gurney, *Inland serpent*

About the author

Christine Kenneally is an award-winning journalist and author who has written for *The New Yorker*, *The New York Times*, *Slate*, *Time* magazine, *New Scientist*, *The Monthly* and other publications. She is the author of *The First Word: The Search for the Origins of Language*, which was a finalist for the Los Angeles Times Book Award. She currently lives in Melbourne.

Q&A

JANINE MAHONEY



What is your current role?

I am currently the CEO of the Safe Futures Foundation. The organisation has won national and state awards for innovation and excellence in providing specialist responses to family violence while also advocating for safety, wellbeing and justice for all who experience control,

abuse and violence. Safe Futures focuses on ensuring that, when it comes to family violence, those first to know are also those first to act. This is central to a solution that provides safety and support at the earliest possible time. Increased safety, security and support are provided to those able to remain in their own homes and communities. For those for whom no amount of intervention will provide the safety they require, support is provided to relocate and create a safe and stable life in a new community.

Describe one memorable moment in your career

Currently over one million children in Australia live in homes where control, abuse and violence exist. A memorable moment in my career was when Safe Futures opened the world's first satellite school for children rendered homeless by family violence. For many children the 'secret' at home denies them the opportunity to reach their potential. School attendance may be sporadic and the thoughts of what is happening at home can lead to difficulty with memory and learning. Poor results and disengagement from school are all too common. Supporting children to remain engaged in education assists their pathway to recovery and resilience.

Do you think that more men should be involved in leading the family violence and gender-equality conversation and pushing for change? If so, why?

For decades we have considered family violence to be an issue related to gender inequality and male privilege. What we have not yet acknowledged is that many men who use control, abuse and violence have witnessed or experienced violence as children. Recent studies have found that over 80% of those incarcerated in prisons experienced violence or abuse during childhood.

I am firmly committed to policing and justice responses to ensure those perpetrating family violence are made accountable for their crime. However, I believe that, if we are to alter the cycle of violence, the community must also provide support for men to address their anger. Men must be part of the conversation and genuine agents for change if we are to successfully address gender inequality and violence against women.

How can we as women support women in leadership roles?

Paramount to any woman succeeding in a leadership role is her ability to identify strengths in others and then mentor them to become the best they can be. Strong leaders inspire others with their vision of what is possible and as women it is our role to support other women to believe in their strengths and strive to make a difference.

What sorts of initiatives or policies do you think would best assist women in their careers, or assist women suffering hardship in their private lives? Have you seen them implemented?

We have heard so often "Why didn't she just leave?" This question reflects the community's thinking that family violence is a danger to women and children that can be easily seen and avoided. In reality, family violence often has a slow, chronic onset where it is difficult to establish when the violence begins. The community often makes stereotypical assumptions about which families live with family violence. Strong women, working women, educated women, women from diverse socioeconomic and cultural backgrounds fall victim to family violence. Ensuring that workplaces support women who are survivors of family violence to remain employed and economically independent is crucial to their ability to be self-determining. Telstra's introduction of a family violence support policy that provides paid leave for those experiencing family violence is an excellent example. ■



Image: Clara Adolphs, *Winter garden*, oil on canvas, 73 x 63cm (SH Ervin Gallery)

BODY IMAGE AND THE LAW

CINDY HALLIWELL AND TAIR TIDHAR

EACH OF ISRAEL AND FRANCE HAVE MADE GLOBAL HEADLINES IN RECENT TIMES FOR PASSING LAWS TO REGULATE THE WEIGHT OF MODELS IN THE FASHION INDUSTRY AND TO DISCOURAGE THE ALTERATION OF IMAGES USED IN ADVERTISING. COMMONLY KNOWN AS THE “PHOTOSHOP LAWS”, THE LEGISLATION IN BOTH COUNTRIES CONTAINS MEASURES AIMED AT ENSURING MODELS ARE HEALTHY AND ARE ACCURATELY PORTRAYED IN THE MEDIA.

In a world first, Israel passed the *Act Limiting Weight in the Modelling Industry 2012*. It was prompted by growing evidence of a positive correlation between an individual's exposure to unrealistically thin images in the media and poor body image. Israel has one of the world's highest statistics of eating disorders, and anorexia is the country's leading cause of death in women aged 15 to 24. In the Israeli fashion industry, the size of models has become increasingly smaller. Research conducted by Microsoft in Israel and America influenced the Israeli government's acceptance of the Photoshop Laws. The research findings were published in the *International Journal of Eating Disorders* and demonstrated a 'clear connection between the exposure of young people to overly thin models' and the development of anorexia.

Other countries are following suit and giving serious consideration to the regulation of the fashion industry by way of reform. The nature of these reforms, and the ability to enforce and regulate them, has been the subject of research by Dr Marilyn Krawitz, a lawyer and lecturer at the University of Notre Dame Australia (Fremantle). Many of the facts referenced in this article are sourced from Dr Krawitz's article 'Beauty is only Photoshop Deep: Legislating models' BMIs and Photoshopping Images' as published in the *Journal of Law and Medicine*.

ISRAEL'S PHOTOSHOP LAW

A notable feature of the Israeli Act is the requirement that all models featured for the purpose of 'advertising, promotion or representation of a product, service or brand' have a minimum Body Mass Index (BMI) of 18.5. The World Health Organisation considers a BMI of 18.5 to 24.9 to be within a healthy range. Anything below is considered underweight and anything above is considered overweight.

The law only applies to images aimed at the public and models must provide a medical

ALMOST ONE MILLION
AUSTRALIANS SUFFER FROM
AN EATING DISORDER,
AND NEARLY TWO THIRDS
OF THEM ARE WOMEN

certificate (no more than three months old) with their BMI to employers prior to the photo shoot. Interestingly, the law does not extend to editorials or articles.

If a model's image is altered, or photoshopped with the 'purpose of reducing the body circumference of the model', a significant disclosure must accompany the advertisement.

The legislation provides for civil rather than criminal sanctions, which to some extent limits the law's effectiveness. This has been seen as a necessary compromise between lobbyists (who would have preferred criminal penalties) and government, in order to secure the passage of the legislation.

GLOBAL IMPACT OF PHOTOSHOP LAWS

The Israeli Photoshop Law has arguably succeeded in sending a message to the fashion industry worldwide. In October 2015 France passed its own law, with criminal sanctions including fines and imprisonment for anyone who employs models under the stated BMI or photoshops images without disclosure.

In 2014 the United States Congress deliberated over a bill similar to the Israeli law. Congress acknowledged that altered images created 'distorted and unrealistic expectations' of appropriate conditions of weight and wellbeing, leading to destructive eating habits and mental illnesses. Critics suggest that the country's freedom of speech laws will ultimately act as an impediment to the bill being passed.

Denmark is currently leading the way with the creation of a self-regulated industry, by asking designers to become signatories to a fashion industry code of conduct. Participation in 2014 Copenhagen Fashion Week was limited to those designers who had signed and complied with the code. The United Kingdom is also looking at introducing an industry code relating to work conditions for models; for example, by requiring employers to provide meals at fashion shoots. Calls have been made for

disclosure where images have been altered. However, UK legislative reforms have not yet materialised.

AUSTRALIAN INITIATIVES

Almost 1 million Australians suffer from an eating disorder, and nearly two thirds of them are women. It is estimated that, between the ages of 14 and 24, 10 per cent of young Australian women and one per cent of young Australian men suffer from eating disorders. People with eating disorders may also suffer from depression and anxiety. In 2012, the socio-economic cost of eating disorders was estimated to be \$69.7 billion in Australia, due to career and productivity loss, as well as health care costs.

In March 2009 the Hon Kate Ellis MP established the National Advisory Group on Body Image, chaired by media publisher, Mia Freedman. The group delivered a report entitled 'A Proposed National Strategy on Body Image' which included a voluntary industry code of conduct. The code, aimed at designers, fashion agencies and magazine publishers, was intended to bring to the fore the issue of body image in the Australian fashion industry.

The National Advisory Group made 16 recommendations to the Australian Government, including that industry wide adoption of the code be measured, monitored and rewarded for compliance. It recommended that if, after a sustained period, there proved to be a 'broad failure' across the industry to adopt the code, then its voluntary nature should be reviewed. To date only a small number of players within the fashion industry appear to have adopted the code, such as the publisher of *Dolly Magazine*. The chair of the National Advisory Group now says the voluntary code has been a failure, photoshopping is widespread and tighter regulation is needed.

Women's Health Victoria in 2009 compiled its 'Gender Impact Assessment: Body Image', a paper submitted to the Victorian Government in an attempt to promote the development of policies that address the issue. It explored social and scientific research linking body image to health and to the effects of being exposed to 'perfect body' images. The report found that body image is 'developed from the way people internalise their experiences' with the world around them and that internalisation of body image commences from a very young age. Subsequent emotional impacts can lead to anorexia, bulimia, depression, anxiety, self-harm and suicide. Research has found that, conversely, exposure to media images of average-sized bodies promotes a healthier internalised body image.

WOULD A PHOTOSHOP LAW WORK IN AUSTRALIA?

According to Dr Krawitz, the Australian Government should closely watch the effects of the Israeli and French Photoshop Laws. Depending on their success, she says, the Australian Government could consider passing a similar law and combining it with other initiatives, such as body image education for young people. If such a law were to be introduced in Australia, regulation and enforcement would be key. As noted, Israel's reliance on civil suits by persons



Image: Prudence Flint, *Limbo (Athena Bellas)*, oil on linen, 122 x 92cm (SH Ervin Gallery)

harmed by a breach undermines its law's effectiveness. However, the prospect of criminal sanctions, as under the French model, may be considered disproportionate.

Parliament would also need to consider whether the measures adopted in Israel and other countries are appropriate for Australia. For instance, some criticise the requirement of a minimum BMI as being inflexible and potentially prejudicing models who are naturally very thin. An alternative would be increased self-regulation by the fashion industry. While the voluntary code of conduct already exists in Australia, mandatory compliance, or industry sanctions for non-compliance, would influence its success. For example, Australia could follow Denmark's lead and require compliance with the code for participation in particular events.

The scientific evidence connecting exposure to unrealistically thin body images with poor esteem and eating disorders, particularly in young people, is extensive and irrefutable. The consequences of not regulating the fashion industry, and the associated social, economic and public health costs, are unacceptable.

The photoshop laws of Israel and France, and the responses elsewhere in Europe and the United States, signify a global movement towards rejection of the portrayal of unrealistic body images in the media. That trend is showing no signs of slowing and government in Australia would do well to heed the call to action. ■

Cindy Halliwell and Tair Tidhar are members of VWL's Law Reform Committee.

STELLA EXTRACT

FOREIGN SOIL

MAXINE BENEBA CLARKE

Maxine Beneba Clarke is a performance poet, acutely aware of the accents, idioms and cadences of the spoken word. Her fascination with voices – their origins, their meanings, their struggles and triumphs with alien English – is at the heart of this collection of 10 stories. All deal with displacement in some form: there are stories of racial conflict in Brixton, of asylum seekers in flight from the Tamil Tigers, of psychological and physical violence between a naïve white-Australian wife in a strange land and her twice-displaced African husband. An extract from 'David' is featured here.

She had a shiny cherry-red frame, scooped alloy Harley handlebars and sleek metal pedals. Her wire basket-carrier was fitted with a double-handled cane lift-out. If I'd learned anything from Ahmed before we split (and Lord knew there wasn't much I'd got from him over the few years we were together), it was how to spot a good set of wheels. And this pushbike, she was fuck-off beautiful. The jumble of wheels, frames, spokes and assorted handlebars crowded around her in the window display at Ted's Cycles made me think of the bike dump round back of the Fitzy commission tower.

Before we had Nile, Ahmed and I used to hang at the bike dump with the boys. I'd watch them all piecing together patchwork bikes from throw-outs we'd scabbed off kerbs or pulled out of skips. They were crazy, some of those contraptions Ahmed and them built: tiny little frames attached to oversized backward-mounted handlebars and gigantic heavy-tread wheels. Insanity in motion. Ahmed's mum was always going mental about him getting chain grease over his school clothes.

Hadn't seen Ahmed's mum since forever. Not since I fucked off with Nile and got my own council place. I knew what she would have been saying about me, though. I could hear her voice like she was standing right next to me outside the bike-shop window. *These children, born in this country, they think they can behave like the Australian children. They have no idea about the tradition and*

respect. In Sudan, a good wife knew how to keep her husband, and a good mother would not leave. My son and my grandson's mother – did you know they did not even get marry? Not even marry!

I shifted my backpack on my shoulders, leaned in for a closer look. *Barkly Star*, read the shiny bronze sticker across her body. Strapped to the bike's back rack was an orange and blue baby seat: reality, bargaining right on fucking in.

Black clouds were on the move as I wheeled her out of the shop and onto Barkly Street – the fuck-awful Melbourne rain about to come through. I pulled up the hood of my jumper, the one I nicked from Footscray Coles after they fired me, the winter before Nile was due. Snot-coloured, Ahmed had reckoned when I got back to the flats with it. Jealous shit. I was always better at swiping stuff than him.

I'd had no car ever since Ahmed and me split, and Nile rode too fast on his trike for me to keep up walking beside him. I'd end up running along behind, yelling at him to wait

up. Community Services were on my back then too, about weekly check-ins. Those wheels were gonna change my life, I knew it. Sure fucken thing. I spent most of my dole money buying that beauty, but the rent was already way behind. It was gonna be a fortnight of porridge and potatoes, but half the time I cooked other stuff Nile wouldn't look at it anyway. ■

About the author

Maxine Beneba Clarke is a widely published Australian writer of Afro-Caribbean descent and the author of the poetry collections *Gil Scott Heron is on Parole* (Picaro Press, 2009) and *Nothing Here Needs Fixing* (Picaro Press, 2013).

Her debut short story collection, *Foreign Soil* won the 2013 Victorian Premier's Unpublished Manuscript Award. Maxine lives in Melbourne.



Image: Michelle Fitt

NARS - ONE YEAR ON

AMANDA MAY

THE 2013 LANDMARK NATIONAL ATTRITION AND RE-ENGAGEMENT STUDY (NARS) COMMISSIONED BY THE LAW COUNCIL OF AUSTRALIA (LCA) REVEALED GENDER INEQUALITY AT SYSTEMIC LEVELS WITHIN THE LEGAL PROFESSION.

The study surveyed around 4,000 lawyers (both male and female), representing almost one in 10 members of the Australian legal profession. The findings, released in a report in March 2014, were damning, to say the least. In summary:

- half of all women reported experiencing discrimination due to their gender
- one in two women reported having been bullied or intimidated in their current workplace
- approximately one in four women reported having been discriminated against due to family or carer responsibilities
- one in four women reported having experienced sexual harassment in their workplace
- in private practice, men were twice as likely as women to be a partner
- close to one in three women reported dissatisfaction with mentor accessibility and their career progression, and the billable hour was reported to be a key driver of that dissatisfaction.

Since the release of the NARS report, the profession has taken stock and many lawyers have advocated for change. In March this year, following a symposium held by the LCA on the back of the report, Stuart Clarke, president-elect of the LCA stated that 'the leadership of the legal profession – the law societies, the bar associations, the large law firm group and the large law firms – are in agreement about the seriousness of these findings and the need for systemic change'.

In May, leaders of the legal profession gathered in Sydney and unanimously adopted a Diversity and Equality Charter that promotes the respect and inclusion of all legal professionals, regardless of sex, sexuality, disability, age, race, ethnicity, religion or culture. The workshop built on LCA symposium initiatives and focussed on key areas such as:

- leadership
- parental leave, return to work and flexible work practices
- equitable briefing policies
- unconscious bias training
- workplace culture.

The profession's leaders have also come together through the Managing Partners Diversity Initiative, which includes a number of VWL's major sponsors. The Initiative seeks to improve gender equality within the profession. In April this year, it held its first panel discussion, 'On boarding after parental leave' which invited lawyers to share their experiences as parents working in the law. Further sessions were held during the year, with participation open to any lawyer in Australia.



Image: Sinead Davies, *Self Portrait with Carel Fabritius (1622-1654) The Goldfinch*, oil on canvas, 120 x 91cm (SH Ervin Gallery)

Dr Jacqui Abbott, flexibility and diversity expert, and former head of Allens' diversity program, said the sessions involved 'talking honestly about the challenges involved in juggling children and a career, and sharing tips from across the profession about how to manage them.' According to Dr Abbott, those challenges are not limited to when parents first return to work after having a baby but continue for many years after that.

These initiatives are a key first step towards stamping out practices within the profession that, consciously or unconsciously, lead to gender inequity. As the Managing Partners Diversity Initiative shows, the real challenge is to move beyond discussion and tackle the issues head-on. **We asked VWL's sponsors about other initiatives they have been working on in response to the NARS findings, and were surprised by the breadth and depth of activity in the area.**

(continued overleaf)

Amanda May is a member of VWL's Communications Committee.

PRINCIPAL SPONSOR: LAW INSTITUTE OF VICTORIA



The Law Institute of Victoria, an early and enthusiastic signatory to the Diversity and Equality Charter, continues to work on a range of initiatives that address the systemic levels of gender inequality within the legal profession.

The LIV acknowledges the pressure point and driver of attrition for most women in the profession is during parental leave and return to work. To help during this transition the LIV offers **free membership to women (and men) on parental leave** as a means to remain engaged with the legal profession. Recognising the barriers the traditional billable hour fee structure presents to those returning to work, the LIV is preparing to implement an **Alternative Pricing Project** to encourage law firms to adopt flexible work options.

The LIV has previously held a two-day conference followed by four workshops that focused on **tools to return to work such as flexible work practices**. A similar conference will be held next year and will include a practical workshop for new parents and parents-to-be, to help navigate return to work as well as focusing on a healthy and sustainable career in law.

The LIV utilises its publications, including the *Law Institute Journal* and the *LIV's President's Blog*, to keep the profession updated on opportunities for change. For example, the Work in Progress column promotes the use of flexible work practices by providing success stories of lawyers who work flexibly.

Established in 2009, the **LIV mentoring program** has been expanded based on the NARS findings. The program bolsters young lawyers' access to career guidance and support at the early stages of their careers as well as offering support for those returning to the profession.

Under the guidance of CEO Nerida Wallace, the LIV has commenced a **review of its governance and committee structure** to determine whether gender balance has been achieved. The LIV has also committed to ensuring that women are equally represented as **guest speakers and panellists** at LIV events and workshops.

MAJOR SPONSORS



ALLENS
MARYJANE CRABTREE,
EXECUTIVE PARTNER –
PRACTICE

Allens seized on NARS as a great opportunity to review what we're doing to build a culture of genuine diversity to

support the success of women. We've had broader conversations across the profession and explored more innovative, responsive strategies for the future. Allens has focussed on embedding significant changes to our career model for lawyers, addressing many structural issues and themes from the NARS report.

Under its new model, Allens commits to greater **transparency** around performance and progression to partnership, including a new Managing Associate role to 'call out' and develop partner potential.

We know that transparency and structure around progression helps retain women. Of the most recent MA promotions 64% were women.

Allens introduced a '**performance coach**' role, so every lawyer can discuss their career aspirations and development opportunities with someone more senior. This addresses retention of women by ensuring they are connected to a senior person in the firm at all stages of their career.

Traditionally, law firms have promoted and rewarded based on seniority. This approach impacts on women who take family leave or work flexibly. Under the new model, promotions are based on **individual performance and contribution**. Women don't have to contemplate making an 'either/or' decision about career and family, or feel that their prospects of partnership will be delayed because of a time-based approach to progression.

Allens established a new **Inclusion and Diversity Council** to oversee strategy and reporting on gender equality. It focuses on ways of working, retention and work allocation for women. Looking to the future, Allens will continue to build on its commitment to a practical, results-driven approach to gender equality.



ASHURST
LAUREN LEVIN,
DIVERSITY MANAGER

Since the release of the NARS report, Ashurst has adopted a new approach to diversity and inclusion.

We have adopted challenging **gender targets**, for attainment by 2018, which will help ensure a consistent focus on making the most of the many talented women we recruit – and work is already underway to achieve those aims. The annual targets for female representation are, as a minimum, 40% of new partners, 25% of senior management roles and 25% of equity partners. As at 1 May 2015, 44% of partner promotions were women, 20% of senior management roles were held by women and 15% of equity partners were female, globally.

Our new **Diversity and Inclusion Strategy** has seen:

- active involvement of the firm's division and office heads, as well as the establishment of a Diversity and Inclusion Advisory Group
- setting of appropriate priorities for different regions and teams
- a more open and transparent approach to reporting (with a strong focus on gender metrics and outcomes across the firm)
- implementation of a gender diversity action plan which seeks to achieve the 2018 targets and cultural change such that female partners and staff feel confident about equality of opportunity for all.

Ashurst has successful **women's networks and mentoring programs** across all Australian offices, with a new network recently established in Asia, and a Champions of Change committee in Melbourne. In October 2014, a full day Female Partners Meeting was

held at the firm's global partners' conference to facilitate networking for female partners, provide an update on current activity and develop action plans to take the firm's gender equality agenda forward.

Our Brisbane office is also conducting a trial in which it has reserved a number of places at quality inner city childcare centre to assist staff to obtain **childcare support** within five minutes' walk of the office.



CORRS CHAMBERS WESTGARTH

ANNETTE HUGHES, PARTNER

Corrs has been working hard for some years to address many of the challenges to achieving gender equity

which have been writ large by the NARS report. We have an ASX compliant **Diversity Policy**, with **targets**, including that women comprise 33% of the Board, 40% of senior management and 35% of the partnership. Just some of Corrs' initiatives to help meet these targets:

- **Unconscious bias** (and good decision-making) training for all leaders and senior people firm-wide
- External **executive coaching** for senior female lawyers
- Mentoring and networking programs
- **Gender pay gap analysis** and action
- National Working Mothers' Programme— external experts provide support, strategies and techniques to achieve success at work and at home
- **Online work and life hub** – comprehensive information, tools and services for all life stages and needs, with targeted support for carers
- Financial planning and support programs
- Mainstreaming Flexibility@Corrs, promoting flexible work options for all Corrs people, and making **flexibility standard business practice** and an option for all at various stages of their lives and careers, regardless of gender or age. Also, participation in the Workplace Gender Equality Agency's Equilibrium Man Challenge, promoting flexible working for men and debunking the myth that flexibility is a 'women's issue'
- Industry partnership with the **University of Melbourne's Centre for Ethical Leadership (CEL)**, and its Gender Equity project. CEL and its experts work with Corrs (firm leaders as well as all Corrs people) on various aspects of delivering gender equity, including unconscious bias, mainstreaming flexibility for all and more
- **Wellbeing programs and counselling**, providing support and professional assistance on a confidential basis as desired
- Domestic violence policy (underway)
- A strong **equitable briefing policy** with targets and measurement, and a seminar program to support barristers in under-represented groups (in terms of briefs), including women.



CLAYTON UTZ ROB CUTLER, CHIEF EXECUTIVE PARTNER

At Clayton Utz, we openly acknowledge there is a gender equality and diversity problem in the legal profession, and attrition is one of the most telling symptoms of the problem. Central to

our approach to tackling such critical issues is our Senior Leadership Team which is **driving the necessary cultural change** throughout the firm by advancing diversity and inclusion as one of the firm's strategic priorities.

We have publicly committed to a **target** of 35% women in partnership by 2025, and we are taking direct action to effect that change. One of the most prominent actions implemented to date is the improvement of gender diversity in the firm's senior ranks, with five out of 14 National Practice Group Leaders appointed to the role being female.

Clayton Utz management is now also accountable for gender diversity. **Diversity KPIs** form part of their performance criteria and there are, for example, set targets for female partner promotions for National Practice Group Leaders. In recognition of flexibility being an enabler for diversity and inclusion, Clayton Utz has introduced a friendlier, more **accessible flexible work policy**. This is supported by a dedicated Flexibility Manager to ensure a more straightforward, transparent and consistent approach to flexibility across the firm.

Clayton Utz is proud to have maintained **gender pay equity** across most career levels for several years now. This year, the firm further analysed the impact on the historical rates of pay progression for women taking parental leave and utilising flexible work. To address the anomalies uncovered, a number of pay adjustments were made, bringing those women back on par with their colleagues.

While Clayton Utz is still some way from true gender diversity, equality and inclusion, through continuing with such direct actions, we know we will get there.



DLA PIPER JANE HIDER, OFFICE MANAGING PARTNER

At DLA Piper our culture is defined by our commitment to diversity, inclusion and equality. In Australia, our current **gender diversity targets** are to increase the percentage of women at partner level

to 25% and of women in team leader/location head roles to 30% by the end of 2017.

As a firm, we have developed a number of initiatives to support our people throughout their careers and help all our people to achieve their full potential:

- **Leadership Alliance for Women** – a global initiative focusing on networking events, skill development and mentoring to assist current and future female leaders build business connections, develop client relationships and strengthen leadership skills, guaranteeing ongoing success

- **Flexible working arrangements** are individually tailored and can include reduced hours, ramp-up arrangements when returning from leave, working from home, job share and/or full-time flexible work arrangements
- **Keeping in Touch Program** – designed to ensure our people are actively involved with the firm throughout their period of leave and when they return
- **External coaching** is offered to assist in managing a seamless transition back into the workplace
- **Training programs** covering unconscious bias, bullying, harassment, discrimination and resilience will be delivered to all lawyers over the next 12 months in Australia.

Last year DLA Piper was recognised as an Employer of Choice for Gender Equality by the Workplace Gender Equality Agency, and named Best Gender Diversity Initiative and Best Mentoring Program in the international firm categories at the Australasian Women in Business Law Awards 2014. The firm was recently shortlisted for the same categories in 2015, in addition to Best Work-Life Balance and Best International Firm for Women in Business Law.



K&L GATES
NICK NICHOLA,
MANAGING PARTNER
AUSTRALIA

K&L Gates has had a focussed **women in leadership strategy** in place since 2008 and **targets** for representation of

women in leadership roles since 2012.

The women in leadership strategy is designed to create a culture that supports the advancement and development of women. A snapshot of programs includes:

- **specialist professional development programs** to build confidence and inspire women at all levels to progress their career
- **Women's Achievement Awards** which puts a spotlight on talented women during the firm's annual International Women's Day celebrations
- a formal **mentoring program** that enables mentees to select mentors who have travelled the path on which they are about to embark, by being matched with mentors who are working flexibly or who have transitioned back to work following parental leave
- a **working parents program** that facilitates the sharing of information between parents who balance work with parenting.

Our **Women in the Profession Committee** hosts events where clients can network and listen to career stories of prominent business women and key Australian figures.

K&L Gates ensures that women who take parental leave **remain on their desired career path**. Over the past few years, three women have been promoted to partnership whilst on parental leave.

Having **the right culture** to attract and retain women lawyers is a key factor in meeting our women in leadership targets. Of our senior associates, 70% are women – a significant increase since the women in leadership strategy has been in place. Our partners

are collectively responsible for supporting our women to progress no matter what stage they are at in their career. Keeping women on their desired career path is everyone's responsibility and taking breaks to have a family or changing work patterns to support a family should not be an inhibitor.



KING & WOOD
MALLESONS
KELLIE WADE,
NATIONAL DIVERSITY
MANAGER

The NARS report provided further evidence to support our framework that is founded on promoting an inclusive and open workplace where everyone can perform at a high level and be recognised.

We have recently commenced an expansive rollout of **Working Mothers' Programs**. The programs are geared towards creating sustainable and successful careers for working mothers, recognising the challenges that come with balancing family and work. Sessions occur over several months and are designed to both build on existing skills and develop additional practical strategies. The program's sustained duration provides participants with an opportunity to build a network and put the learnings into action. **A Working Fathers' Program** has also commenced.

Prior to the release of the NARS report we had set a **gender target** to achieve 30% female representation at partner level. Work towards the target continues with females currently representing nearly 27% of our partnership, an industry leading figure when benchmarked locally against global top tier firms. Of new Australian partners internally promoted during the 2014 calendar year, 55% were female and 80% of those work flexibly. In addition 50% of our Executive Committee is female, as is 57% of our Partnership Committee.

Behaviours such as bullying, harassment and discrimination are not tolerated at KWM and **leading by example** is key to embedding that stance. We recently conducted EEO Partner Briefings in all centres which have been jointly facilitated by our National EEO Partner and the Victorian Equal Opportunity and Human Rights Commissioner.

Our **'Total Rewards Policy'** is guided by principles of fairness and equity. As part of that policy we have conducted detailed **gender pay gap analysis** at a like-for-like level and across the organisation in order to identify any gaps and their causes.



MADDOCKS
MICHELLE DIXON, CHIEF
EXECUTIVE OFFICER

The legal profession has recently focussed on promoting women to partnership. At Maddocks, we think that's setting the bar too low – the real challenge is to get women into senior leadership roles to ensure diverse discussions about important decisions and bring a range of attitudes, outlooks and experiences to the table.

How are we keeping and promoting women at Maddocks?

Family commitments and work can be difficult for everyone to organise, especially women on **parental leave** and those transitioning back to work. To ensure no risk of a woman's practice being lost, we've established custodian partners to maintain her practice while she is on leave. This has a huge business benefit because, on return to work, our women can hit the ground running. We also maintain connections with our women while they are on parental leave. Obviously we don't want to overburden anyone, but we don't want anyone to feel disconnected.

A critical factor in addressing pay equity has been to **focus on output**, ie. work achieved, not hours spent in the office. We recruit people with our service mentality so together we can make almost any flexible arrangement work. It's about trust.

It's also about communication. The conversations that go along with working flexibly have proven to be vital. Our **managers have been trained** to discuss the practicalities such as hours and days of work, and now over a quarter of our staff, including some of our most senior partners, work flexibly.

Getting the right women to leadership is complex and means looking at unconscious bias, effective mentoring and sponsorship within the firm. To tackle these issues, we have looked at the promotion process and put in place a nomination system for management roles, coupled with a positive obligation on the board to encourage suitable women to nominate. This stops the tap on the shoulder succession process, which simply ensures more of the same, and has increased transparency around the process for equity partnership and other leadership roles.

Our efforts, while far from perfect, are achieving **results**. This year we had 50% men and 50% women attending leadership courses at Harvard. Of our youngest 50% of partners (those under 45), half are women. Of our Board members, 50% are women.



**MAURICE BLACKBURN
LAWYERS**
KIM SHAW, PRINCIPAL

The NARS report reinforced the importance of Maurice Blackburn's ongoing efforts to promote gender equality and prevent bullying, discrimination and harassment in the

workplace. Our firm has a **flexible work policy** that is accessible to all employees, including staff with parenting or caring responsibilities, as well as those pursuing other interests outside of work such as further study. Examples of flexible work options include working from home and part-time or altered hours, including for adjusting start and finish times to suit other responsibilities.

Maurice Blackburn has a formal **mentoring program** for all its lawyers, as well as a dedicated **Women's Network Committee** that provides mentoring and networking opportunities for female staff.

The firm is a strong advocate of **work-life balance**, and in the past year, we have appointed a dedicated wellbeing consultant within the human resources team to focus on physical and mental wellbeing initiatives for staff.

Our **Employee Assistance Program** has a special hotline for employees who want to report any equal opportunity issues, and we have appointed a principal to oversee and champion all equal opportunity initiatives at the firm. In addition to our formal policies aimed at preventing bullying, discrimination and harassment, there is also a network of employees, known as **contact officers**, who have additional training to support staff if any of those issues arise.

We take our gender equality and staff retention initiatives very seriously. We report regularly on **retention rates**, and our **exit surveys** with departing staff include questions around work-life balance, flexible work options and equal opportunity issues.

The **gender split** among principals is 53% male, 47% female. We hope that our initiatives to attract and retain the highest quality staff, both women and men, and across all levels of the firm, will help to close this gap.



MINTERELLISON
ANGELA
SKANDARAJAH,
MANAGING PARTNER –
MELBOURNE

MinterEllison is building a **high performance culture** that values individual contribution, teamwork, innovation and productivity regardless of gender, background, ethnicity, disability, faith, sexual orientation or family structures. We have programs to support parents and particularly those returning from parental leave. We have embraced flexible work arrangements, including for partners. We champion networking for all our employees, encourage ongoing learning and actively mentor our employees to develop as leaders.

Our commitment to gender equality focuses on **removing structural and cultural barriers** that prevent the full participation of our women in our firm. It is a 'top down' approach – our Chief Executive leads our firm's Diversity Committee and is driving initiatives under the umbrella of our Empower Program that supports diversity objectives across the firm.

MinterEllison recognises the need for strong role models to develop our future leaders. We are promoting more women to the partnership and appointing women to senior management roles. For the first time, more than half of all our most recent senior appointments (at 1 July 2015) were women. We run formal **mentoring programs for our young women lawyers**, provide access to **leadership programs** and ensure there are opportunities for all our people to actively extend their network with both clients and peers.

We also recognise that flexible work practices help to drive behaviours that support employee engagement and our aspiration to be our clients' best partner. So, through the Empower Program's end-to-end approach **every person in a team defines what flexibility means to them** and how this can be implemented in a way that is successful for them and for their team.

In essence, MinterEllison's focus is to translate strategic intent and policy statements into real, practical activity that will foster high performing teams and give MinterEllison a unique position in the market to attract and retain talent. ■

STAGE SET FOR CRIMINALISATION OF REVENGE PORN

SOPHIE BROWN

THIS YEAR THE AUSTRALIAN LABOR PARTY RELEASED A DRAFT BILL TO CREATE NEW OFFENCES INTENDED TO PROHIBIT PEOPLE FROM SHARING PRIVATE SEXUAL IMAGES AND FILMS OF OTHERS WITHOUT THEIR CONSENT – A PRACTICE COLLOQUIALLY KNOWN AS 'REVENGE PORN'.

In October 2015 VWL's Law and Reform Committee made a submission on the exposure draft of the Criminal Code Amendment (Private Sexual Material) Bill 2015. VWL gave in principle support to the creation of specific criminal offences at the Commonwealth level to deal with 'revenge porn'. VWL believes there is a gap in the law in relation to this issue and that it ought be addressed in order to protect women from an emerging form of intimate partner violence.

VWL submitted that any law reform in the area should be inclusive and sensitive to the needs of victims, and part of a broader policy approach, including funding of appropriate programs, encouraging corporate responsibility and community education to address gender violence and victim blaming.

VWL's submissions were aimed at ensuring that the concept of private sexual material appropriately reflects cultural and diverse gender and sexuality differences, that unlawful threats should not be limited by the method of their delivery and that the effect on victims should not be a factor in establishing the offence.

In October 2015 the Bill 2015 was introduced to the House of Representatives. It directly addresses some of VWL's key concerns,

in particular:

- the definition of private sexual material has been expanded to be more trans- and culturally inclusive
- altered or 'photoshopped' images now potentially fall within the definition of private sexual material
- the concept of making a threat to disseminate private sexual material, previously limited to threats issued via a telecommunications provider, has been expanded to include a threat communicated in any manner and where there is a risk that the making of the threat will cause distress or harm. ■

Sophie Brown is a member of VWL's Law Reform Committee.

Q&A

EMILY ARCHER, ASSOCIATE,
INSURANCE AND CORPORATE RISK –
MINTER ELLISON



Describe one memorable moment in your career

Being named a winner in the insurance category in the *Lawyers Weekly* Top 30 Under 30 Awards in 2015.

Have you had any remarkable female role models?

I have had many remarkable female role models. Perhaps the most significant in my life has been Jennifer Batrouney QC who is inspirational in many ways. Jennifer inspires me with her enthusiasm, knowledge and dedication. Her generosity in introducing me to her vast network of contacts (many of whom I would not have otherwise met) has enabled me to gain experience in a variety of different areas of law. In addition, Jennifer supported me throughout my degree, offering guidance that has led me to my current role.

What was the best advice you received in the early stages of your career?

Find yourself a mentor and make the most of your networks. There are many people in the legal field who are willing to give you their time – you should tap into the resources around you.

What are the most significant hurdles facing women in the law today?

I believe that women in the law (as well as their male counterparts) experience hurdles in achieving a work/life balance. To overcome those issues, employers should actively seek feedback from their staff regarding their needs and concerns, and be open-minded when it comes to developing flexible working practices. Further, employers should encourage work/life balance through developing health and wellbeing initiatives, and getting senior staff involved to encourage participation by all employees.

How can we as women support women in leadership roles?

I believe that we as women can support other women in leadership roles by promoting and advocating for flexible work practices and initiatives that facilitate work/life balance.

What sorts of initiatives or policies (that employers could adopt) do you think would best assist women in the legal profession? Have you seen them implemented?

I see flexible work practices implemented at Minter Ellison everyday, including working-from-home arrangements, part-time positions, health and wellbeing initiatives, and opportunities to participate in subsidised sporting activities such as fun runs, personal training and corporate sports. ■

STELLA EXTRACT

THE EYE OF THE SHEEP

SOFIE LAGUNA

Jimmy Flick is not like other kids – he's both too fast and too slow. He sees too much and too little. Jimmy's mother, Paula is the only one who can manage him. She teaches him how to count sheep so that he can fall asleep. She holds him tight enough to stop his cells spinning. It is only Paula who can keep Jimmy out of his father's way. But when Jimmy's world falls apart, he has to navigate the unfathomable world on his own, and make things right.

'Our son!' Dad shouted. 'He's not my bloody son! You must'a done some other poor bastard to get a son like that!'

Mum made the sound of an animal trying to escape. Then she came at him with the full strength of her body – with her arms that hung the washing and swept and vacuumed, with her legs that pushed the trolley of cans and packets all the way up the hill every Saturday, with her stomach where she put her dinners, and with the weight of her bottom that made a chair for her to sit on after another day done. Her hair now bright with currents that flicked into the air above, she pushed herself into him and he fell back against the coffee table.

'Stupid bloody woman.' Dad dragged a low growl up from under the carpet beneath his feet, pulling it past the fibres and giving it hard to my mother. He shoved her in the chest. I wished she was wearing a jacket made of knives and guns, all the knives tied together and the guns aimed and ready. I wished she was wearing it under her dress, but she wasn't. All she had was the bra and the cream petticoat I'd seen her put on that morning before she pulled her stripe and dot dress over her head.

Mum screamed and Dad hit her in the eyes. He was blinding her! He was blinding my mum! Who would see me if not her?

The sparks that shot from Mum's mouth ignited a trail that snaked across the carpet and set my feet alight. I ran with an unstoppable force into the room and hit Dad in the legs. He felt hard under my fists, as



Image: Michelle Fitt

if there were metal fillings beneath his skin. I hit him in the stomach then he hit me back. Dad had never hit me before; it was only ever Mum. I felt the bones of my chest splinter from the weight of his hand. He grabbed my arm and pulled it and snapped it like a matchstick.

I swung at him with my other arm. 'No, Dad! No! No!' I shouted.

And then he shoved me hard against the wall. Merle Haggard sang 'That's the Way Love Goes' as I fell. I looked up and saw brown beer bottles filled with light as if a candle was burning inside each one. The carpet was wet with the ocean that flooded out of me.

Through the glass I saw Mum catch fire. Flames leapt from her body. She whipped at Dad with her burning branches, until he was crushed against the wall, hands over his face to protect himself from the heat. He dropped into his chair and let her burn him.

When she'd run out of fuel, Mum fell to her knees beside me, looking up at my dad. 'Our

boy, Gavin, *our boy*,' she cried. 'Our son!' In her voice was the memory of a time when I belonged to both of them; neither his nor hers, their shared boy. Dad heard it too, but he couldn't look. ■

About the author

Sofie Laguna originally studied to be a lawyer, but after deciding law was not for her she trained as an actor. Sofie is now an author, an actor and a playwright. Her books for young people have been named Honour Books and Notable Books in the Children's Book Council of Australia Book of the Year Awards, and they have been shortlisted in the Queensland Premier's Awards. Sofie's first novel for adults, *One Foot Wrong* was shortlisted for the Miles Franklin Literary Award. *The Eye of the Sheep* won the 2015 Miles Franklin Literary Award.

GENDER DIVERSITY IN THE LEGAL PROFESSION – THE ROLE OF IN-HOUSE COUNSEL

GILLIAN WONG



OVER THE LAST 20 YEARS, THERE HAS BEEN MUCH DISCUSSION ABOUT THE FACT THAT THE NUMBER OF FEMALE LAW GRADUATES HAS EXCEEDED MALE LAW GRADUATES FOR AT LEAST THAT LENGTH OF TIME.

Yet women lawyers continue to be under-represented at the most senior levels of our profession, including in leadership and management roles, as well as in partnership and senior counsel roles.

During my last few years as an in-house lawyer, I have come to appreciate the significance of the in-house profession as a major purchaser of legal services. This gives in-house lawyers an important role to play in championing diversity (in terms of gender and minorities) and driving change.

On a personal level, in developing this appreciation I first had to confront my own acceptance of the status quo. When making briefing decisions, with so few female partners and barristers, it is easy to just brief the person you briefed before – who is more than likely male. But recently I have actively sought to counter this tendency by asking for female partners to work on my matters, particularly if I notice that the ratio of male to female partners/barristers on major matters is not 50:50. Where female lead counsel or partners are not available, I request female junior counsel and other solicitors as a way to build the pipeline of women familiar with my matters. This also provides opportunities for junior women to learn from highly skilled senior male lawyers.

Eventually, I would like to extend this practice to minority groups, such as indigenous lawyers. While I do not have formal policies, quotas or targets in place, I would like to think that this is a small, but meaningful contribution towards achieving greater diversity at the senior end of the profession. However, certainly a lot more can be done.

In North America there have been some great developments in improving diversity in briefing practices and ensuring diversity within legal teams. In 2013 the Association of Corporate Counsel (ACC) in America published an update to its 2005 report, *Leading Practices in Law Department Diversity and Inclusion Initiatives: Company Best Practices*. The report profiles the diversity and inclusion initiatives of eight companies, including Shell, Coca-Cola and Morgan Stanley. (The report is available to ACC Australia (ACLA) members on the ACC Australia website.)

The ACC report identifies the following recurring themes in leading diversity and inclusion practices:

1. Having **recruitment strategies** to ensure that diversity is an important consideration in filling open positions
2. Having appropriate **retention strategies** to retain women and minorities, including mentoring, networking opportunities and flexible work practices, and supporting the progression of women lawyers into senior executive and management positions
3. Developing and implementing **strategies to increase diversity and inclusion**, such as unconscious bias training and a 'no joking' policy on discriminatory humour
4. Ensuring **supplier diversity** through the use of minority or female owned law firms and suppliers
5. **Tracking diversity** among strategic law firm partners by using reporting metrics.

In May 2011 a group of Canadian general counsel launched the 'Legal Leaders for Diversity and Inclusion Initiative'. The initiative's website has some fantastic resources and suggestions for in-house lawyers and general counsel interested in promoting diversity in their legal departments. Some of those suggestions include:

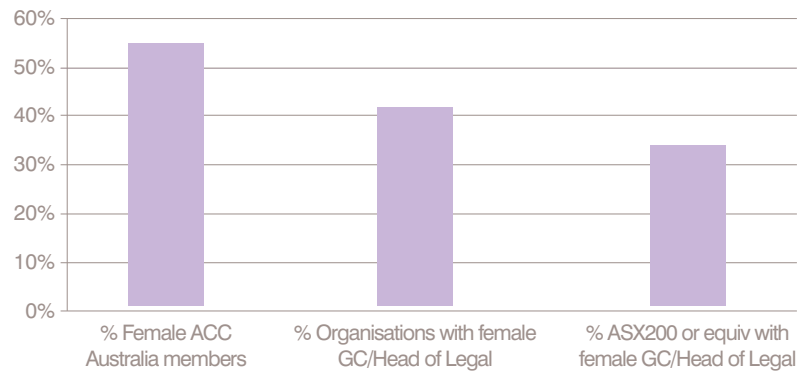
- creating a 'diversity-friendly' legal department through action and words
- ensuring recruitment is from a diverse pool of candidates
- making sure external law firms know that diversity is a core value of the business and that you expect to see diversity and inclusion in your legal teams
- advocating and speaking to other in-house counsel about diversity and inclusiveness, and sharing best practices.

The leadership and commitment shown by these general counsel are truly inspiring, and also consistent with the broader corporate trend which recognises that greater diversity in boards and senior management teams makes for better governance and decision making. However, you do not need to be a general counsel or have a large legal team or legal budget to make a difference. In my experience, as a purchaser of legal services, greater diversity, at least in terms of gender, can be achieved simply by asking: where are the women?

As Manager and Deputy Company Secretary Legal at St Barbara Limited, Gillian Wong is responsible for managing the provision of legal services to the St Barbara Group of companies, including its board of directors and senior leaders. She is also a director and National President of the Association of Corporate Counsel Australia (formerly ACLA). Gillian advises Arts Law Australia on a pro bono basis, and mentors other in-house lawyers as part of ACC Australia's mentoring program.

Snapshot of women lawyers in-house

According to ACC Australia's 2015 *Benchmarks and Leading Practices Report*, 42% of organisations have a woman as their most senior legal officer. Yet women account for only 33% of heads of a legal function in ASX200 and equivalent organisations. While this compares more favourably than the number of female partners in most law firms, there is still some way to go – especially as 57% of ACC Australia members are women.



CARMEL MULHERN GROUP GENERAL COUNSEL

ON TELSTRA'S INITIATIVES FOR
EQUITABLE BRIEFING AND
INCLUSION AT THE BAR

As Telstra's Group General Counsel, Carmel provides legal advice to its board, CEO and senior management. She manages one of Australia's leading in-house corporate legal teams which extends internationally to include team members in Asia, Europe and the United States. Carmel has lectured at Monash University on director's duties and advanced corporations law, and authored two legal texts. She is a member of the St James Ethics Advisory Council, a Director of Justice Connect (Vic), the founding Chair of the ACLA GC100 and a member of Chief Executive Women.

As part of Telstra's commitment to diversity and inclusion, we have a particular focus on gender equality. Gender equality, in terms of access to opportunities within the Australian legal profession, underpins the advancement of other forms of diversity.

At Telstra we strongly believe that, as a company with external briefing spend, we have a joint responsibility with our external providers to foster diversity and gender equality in the Australian legal profession. In this context, in 2015 we wrote to each of our key legal partners to share some perspectives on that joint responsibility.

Prior to taking that step, we had been considering our approach to selecting counsel. Over the past year, where we directly briefed barristers we kept statistics showing the number of briefs and the amounts paid to male and female junior and senior counsel, respectively. While the split of work is roughly in line with the proportion of women currently at the Victorian Bar, the fees paid to male counsel are disproportionately higher than the fees paid to their female counterparts. In our direct briefing, we are striving to ensure that approximately 30% of briefs go to female barristers and female barristers receive approximately 30% of the fees we pay in direct briefs.

We commend the leadership shown by the Victorian Commercial Bar Association in its workshops on gender diversity at the Bar and we wanted to engage our key legal partners in supporting this important initiative.

To that end, we asked our key legal partners from 1 July 2015 as part of their work with us to do two things:

1. When recommending counsel, to include at least one female barrister in their recommendations. We would like to ensure that we have access to the best and brightest at the Bar, and this means including a diverse range of counsel and trying new counsel who we may have not retained before.
2. To report, for each six month period, the number of files on which counsel have been retained, the number of male and female barristers engaged and the amounts paid to male and female barristers (differentiating between senior and junior counsel). We have asked to receive the first reports in January 2016, to help us to measure what we do organisationally.

In the interests of sharing our experiences, we also asked our key legal partners to provide a short summary of the policies and practices they have adopted internally to encourage equitable briefing, and what steps the firm takes to ensure it identifies and actively considers and recommends female counsel when retaining barristers to represent clients.



ASHE-LEE JEGATHESAN GENERAL COUNSEL & COMPANY SECRETARY

ON M2 GROUP'S APPROACH TO
GENDER DIVERSITY

Ashe-lee is responsible for leading the legal, regulatory, compliance and risk management functions for M2 Group, an ASX listed telecommunications and energy utilities company.

At M2 Group, we have both formal and informal initiatives in place to support our efforts towards ensuring gender diversity in the workplace, both at a company-wide level and within our legal and regulatory function.

At a group level, M2 recently signed up to the 30% Club, an initiative supported by the Australian Institute of Company Directors. The 30% Club is described as a group of Chairs and CEOs committed to better gender balance at all levels of their organisations through voluntary actions. We also have a formal diversity policy, as outlined in M2's recent Annual Report and Sustainability Report which also describes formal initiatives established to support gender diversity.

At a group level informal initiatives include a mentoring program for female team members, regular networking events for women involved in management at M2, flexible working practices (for both men and women) and other ad-hoc initiatives, such as International Women's Day celebrations. Gender diversity and the need for increased levels of diversity are also addressed within our senior leadership team as part of our leadership development programs.

At a team level, we have introduced part-time roles and flexible work practices to support our team members. Our Group Risk Manager, a senior role within the organisation, works three days a week in

order to enable her to balance work and family responsibilities. We have a very good parental leave policy, and we work with our team members who are on parental leave to ensure they enjoy the level of engagement that they wish to continue, during their leave, to enable them to continue to feel a part of the team. We have adopted a 'work is a thing you do, not a place you go' approach and team members are encouraged to balance their work practices around family and, for those members of the team who do not have children, any other commitments. When recruiting new team members, we request that at least 50% of the shortlisted candidates are women.

While we have no formal gender diversity policies in place with our suppliers, we have built very good working relationships with senior women within all of our supplier partnerships and we leverage those relationships wherever possible. All of our suppliers have strong gender diversity policies in place and we test them informally to ensure that they continue to be implemented in practice. ■

Q&A

THE HON. ASSOCIATE JUSTICE IERODIACONOU, SUPREME COURT OF VICTORIA



Describe one memorable moment in your career

My recent welcome to the Supreme Court! It was a very memorable moment for me, both in terms of the ceremony itself and taking my oath of office, and also having so many people in my life present in the one place to provide me with their well-wishes.

Have you had any remarkable female role models?

I have been inspired by many women from a diverse range of backgrounds. I am currently reading a book 'Blue Ribbons, Bitter Bread' by Susanna de Vries. It is about a remarkable and courageous Australian humanitarian, Joice Nankivell Loch. Drawing on her experiences from her childhood on family farms, her work at Trinity College and her creativity as a writer and artist, she provided the resources and skills to enable thousands of wartime refugees in Poland, Greece, Romania and Palestine to survive.

What was the best advice you received in the early stages of your career?

From my parents, which was to follow my heart. It initially led me to study Arts, and later Law. It also gave me the confidence to find a way of working that kept me true to my values. This was to balance life in corporate law firms with pro bono work.

Have you seen a shift in attitudes towards women in the workplace in recent times (or during your career)?

The discussion about barriers to women's full participation in the workplace is more open and informed than it was 20 years ago. Unfortunately though, significant barriers remain (see below).

Do you consider women to be disadvantaged in terms of career progression?

Our predominant cultural norm, as Annabel Crabb so eloquently outlines in her recent book 'The Wife Drought', means that in Australia women still disproportionately bear the responsibility for childcare and housework. The manner in which work is traditionally structured and rewarded is fairly inflexible and this disadvantages women who wish to work flexibly. An unconscious bias exists towards women – and men – who wish to work flexibly; namely, that they are not serious about their career.

Do you consider that women bring something different than their male counterparts to the workplace?

Each person brings something different to the workplace, and that is why it is important to have diverse workplaces. By that, I mean diverse in terms of gender, race, religion, sexual orientation, age, (dis)ability and social background. Research demonstrates that diverse workplaces perform better. ■

THE INAUGURAL WARREN MOOT

SUNITA WARRIOR AND JASMINA DAVIS

WHAT BEGAN IN EARLY 2015 AS A SIMPLE OBSERVATION OF THE LOW NUMBER OF WOMEN LAWYERS IN ADVOCACY ROLES BLOSSOMED SEVERAL MONTHS LATER INTO VWL'S INAUGURAL WARREN MOOT, A MOOTING COMPETITION FOR VICTORIAN WOMEN LAWYERS.

The significant under-representation of women at the Victorian Bar is no secret. The Honorable Chief Justice Marilyn Warren AC has herself commented upon the rarity of women lawyers appearing before her in speaking roles. Her Honour has also observed that, if the under-representation were to continue, the community would miss out on a valuable resource.

With the objective of creating a supportive environment in which women lawyers could test and hone their public speaking skills, the initiative behind the Warren Moot was born. Chief Justice Warren immediately lent her support to the program, in its naming and also by way of her Honour's endorsement. VWL major sponsor, Maddocks came on board as official sponsor, providing the venue for the preliminary rounds and the award ceremony as well as much support and encouragement along the way.

In its first year the Warren Moot attracted eight teams and over 30 participants, comprising lawyers from firms such as Maddocks, Corrs Chambers Westgarth and Clayton Utz, from the Victorian Government Solicitor's Office and from the Australian Crime Commission, Supreme Court associates and Monash University and Victoria University law students. In all, 13 members of the legal profession – Supreme Court judges, magistrates, barristers and partners of law firms – generously donated their time and expertise in adjudicating the mooting rounds based on commercial and criminal problems.

An important feature of the competition is the mock trial round, which gives participants an opportunity to practise mooting in a non-adversarial environment. This proved an effective way to ease nerves and allow competitors to adjust to the relaxed nature of the event. Each round involved the preparation of written submissions as well in-depth on the spot questioning, challenging participants to think on their feet and develop their advocacy skills. The adjudicators provided personalised and constructive feedback after each round.

Together the participants displayed an extraordinary level of diligence in the preparation of their written submissions and professionalism in their delivery and conduct before the court. During the final round it was remarked from the bench that the finalists were more organised and superior in their advocacy skills than some members of the Bar who appear before them.

Congratulations to the winners of the 2015 Warren Moot – Amy Yeap, Reegan Morison, Alice Smith and Katherine Farrell – and to all who participated in the first of this important initiative. The bar (no pun intended) has indeed been set high for the Warren Moot in 2016! ■

Sunita Warrior and Jasmina Davis are members of VWL's Networking Committee.



**SPONSORING
THE INAUGURAL
WARREN MOOT**
MARIA MARSHALL,
PARTNER, MADDOCKS

IN THE WARREN MOOT WE SAW A WAY TO COMBINE OUR PASSION FOR ADVOCACY WITH OUR DESIRE TO SEE EQUITY FOR WOMEN IN THE LAW.

Maddocks has a fine tradition of solicitor advocacy in courts and tribunals, primarily within the firm's Employment Safety and People team and in my own, public law team where it seems some of the lawyers spend more time out of the office – in VCAT, panels, Magistrates Court and occasionally in the Supreme Court – than they do in the office. We train our lawyers in advocacy and place a great deal of emphasis on its importance, particularly for our government lawyers.

Maddocks has long been interested and active in gender issues in the law. In the late 1990s we first started our Maddocks Women's Network and it continues to be active. We are very proud of the fact we currently have the firm's first female CEO, my partner Michelle Dixon and a board of management which has equal numbers of women and men. With 33% of our partnership women, we recognise that we still have a way to go but that we are making significant progress.

Why I think the Warren Moot is a terrific initiative:

- I hope it sends a signal to young women that the days of all male senior and junior counsel appearing in mooting competitions with all female instructing solicitors are over.
- Challenging yourself in a mooting competition, succeeding in a mooting competition and having fun in the trying are surely part of the process of discovering the joy of advocacy and the foundation of a successful career in the law, either as a solicitor advocate or at the Bar.
- It gives women lawyers an opportunity to work together in teams with other women and hopefully to realise that we are better when we work as groups of women together than when we compete for the 'one seat' on the board, bench or team that used to be reserved for women in the workplace.
- It gives young women an opportunity to interact with members of the judiciary and to see strong women role models in action, both in a professional setting and in a more relaxed networking environment.

As a young woman solicitor here at Maddocks, I used to regularly brief the Chief Justice and have often channelled her sound advice in dealing with situations that have arisen later in my career, in a way I'm sure she would never have expected. I particularly remember her telling me about a dispute she was having relating to one of

her then teenage children's part time work arrangements – and she said, “Well Maria, they’ve crossed the wrong woman”. Many an opponent will have, as a consequence of those words coming back to me nearly 20 years later, hopefully realised that, here too, they may have crossed the wrong woman! Words of wisdom, inspiration and encouragement uttered by our judges and the senior women involved in adjudicating the Warren Moot will remain with the competitors for a long time.

I commend Victorian Women Lawyers for establishing the program, and to the members of the judiciary who have judged the competition, I say thank you. To the winners, I say well done on an amazing job. To each of you that participated, congratulations on being brave enough to put yourselves out there. Now go on and do more! ■



Image: The winning team (from left to right) Reegan Morison, Katherine Farrell, Amy Yeap, Alice Smith

Q&A

JENNY TAING



Describe one memorable moment in your career

Being appointed to the board of The Royal Victorian Eye and Ear Hospital. As a young lawyer, it gave me an opportunity to use my legal skills in the boardroom, as well as to develop further skills

around corporate governance, financials and strategy. Being able to contribute as a board member to an institution that makes such a difference to so many lives and the community was extremely rewarding.

Have you had any remarkable female role models?

The most influential female role model in my career was Jan Boxall. At the time, Jan was chair of The Royal Victorian Eye and Ear Hospital. She was the first female to become a partner at Corrs and she was an inspirational woman. I really admired her and have learnt so much from her leadership style and approach to corporate governance. Jan was instrumental in my joining the board of The Royal Victorian Eye and Ear Hospital, as one of the youngest directors to be appointed to any health service board in Victoria. She provided me with invaluable mentoring, advice and support as a young female lawyer developing a board career. I wouldn't be where I am today without her.

What was the best advice you received in the early stages of your career?

Have a mentor – it's critical not only in the early stages, but throughout your career. Mentors can provide advice and help you navigate issues and challenges that come up from time to time in work and life. I recommend having several mentors, as each will have different experiences and wisdom to share.

Do you consider women to be disadvantaged in terms of career progression?

There is much discussion about 'unconscious bias', in terms of women's career progression in the law. 'Unconscious bias' refers to the unconscious attitudinal biases all individuals have and which influence their decision-making. In many cases, individuals are unaware of them and their impact on behaviour. With our leaders in the judiciary, law firms and companies predominantly being men, further work needs to be done to address any cultural and structural barriers for women to reach those leadership positions.

What are the most significant hurdles facing women in the law today?

The retention of women in the law is a significant hurdle. Recent research which indicates that more women than men leave the profession within five years of starting out, and between the ages of 35 and 55 the number of practising women lawyers falls by around 75 per cent, is deeply concerning. An inability to retain women and therefore develop a pool of leadership-ready women in the law has direct and significant flow-on effects to the goal of increasing the number of women in senior legal ranks.

How can we as women support women in leadership roles?

In answering this question, I actually think the key message is that women in leadership roles should encourage and support other women to progress in their careers and to leadership positions. To increase the number of women in senior legal ranks, we need to be better as a group at mentoring and sponsoring each other. ■

MIND THE GAP

ALEXANDRA LANE AND CAROLINE JONES

IN AUSTRALIA, ASTOUNDING PROGRESS HAS BEEN MADE OVER THE PAST 50 YEARS TO ADDRESS PAY DISCRIMINATION BASED ON GENDER. HOWEVER, WOMEN ARE NOW PAID ON AVERAGE 18.8% LESS THAN MEN.

The enigmatic differential known as the gender pay gap and its possible causes have been the subject of protracted and well-publicised debate. In fact, the underlying statistics have been poked and prodded to such a degree that in recent years some commentators have come full circle, asserting that the gender pay gap is a myth. We could continue 'analysing the problem' or we could instead direct our attention to practical solutions aimed at bridging the gap, to ensure women are fairly remunerated and society achieves its full economic potential. There is hope that legislative initiatives will eventually force change in employer behaviour. In the meantime, it is becoming clear that some simple tools can be effective disruptors at the ground level of legal practice.

WHERE ARE WE NOW?

The Second Equal Pay Case, decided in 1972, established the principle of equal pay for work of equal value, and state and federal sex discrimination laws followed soon after. In seeking to eradicate discriminatory hiring and pay practices, these were largely reactive measures. Recent laws have obliged employers to take a more proactive approach in creating equality for women in the workplace. *The Fair Work Act 2009* (Cth) and the *Workplace Gender Equality Act 2012* (Cth) require employers to take steps such as implementing equal employment processes and lodging workplace gender profile reports. The latter Act established the Workplace Gender Equality Agency (WGEA), which amongst other things develops benchmarks of gender equality indicators and advises businesses and the Minister for Employment.

While these reforms have helped to address unfair pay practices, the current 18.8% gap indicates that more must be done. The graphs on this page, compiled from 2014 data, demonstrate that pay inequity impacts women aged from 20 upwards

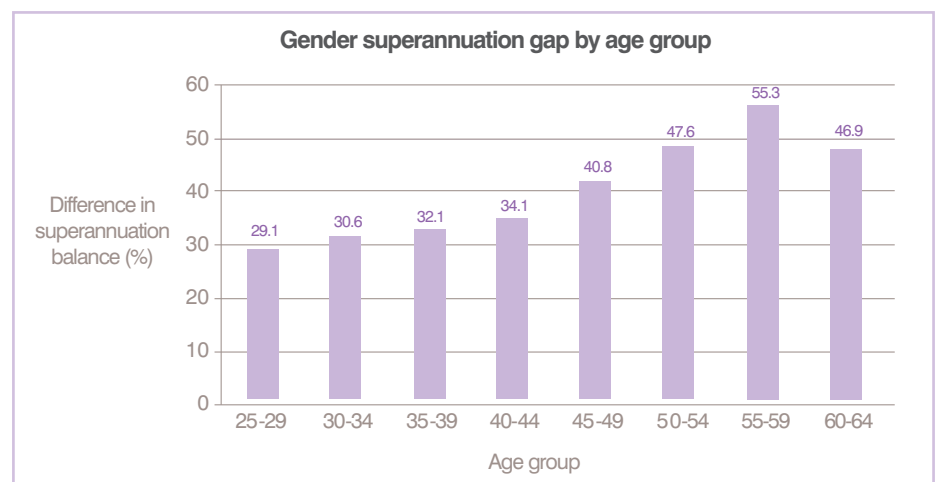
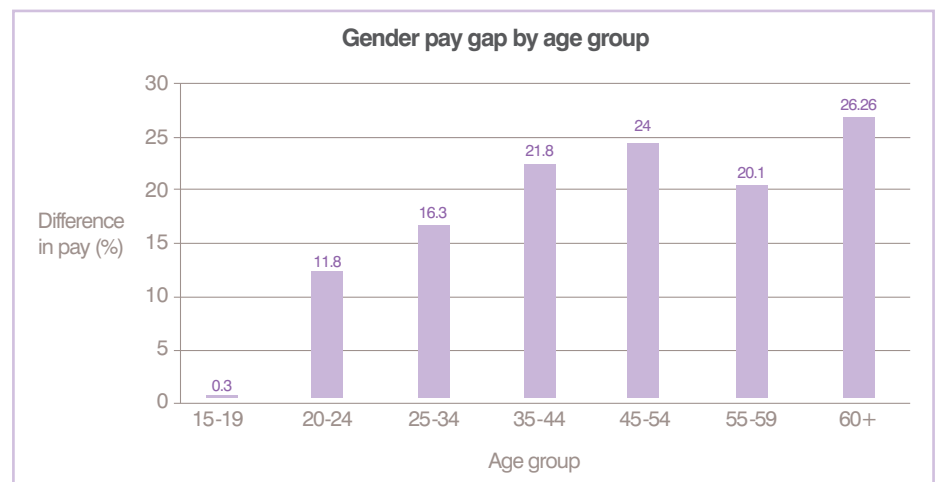
and has a significant flow-on effect for their superannuation levels. This means that women are financially disadvantaged in comparison to men from the beginning of their working life and continuing into their retirement.

PAY INEQUITY – HYPOTHESES AND JUSTIFICATIONS

To work out what can be done to bridge the gender pay gap we need to understand, to some extent, its root causes. In 2007 two labour economists, Francine Blau and Lawrence Kahn, found that 59% of the difference in male and female salaries correlated to differences in education, experience, occupation, industry and

race. The remaining 41% was unable to be explained. One hypothesis is that it arises from discrimination – either good old-fashioned direct discrimination (a woman is treated differently solely because she is a woman) or indirect discrimination as a result of the hidden assumptions employers make about female employees. Such assumptions include:

- every woman (at least up to a certain age) is a 'potential mother' and therefore a liability for her employer as she is more likely than a male counterpart to require extended periods of leave or flexible policies to accommodate her family responsibilities;



Source: Workplace Gender Equality Agency and Australian Bureau of Statistics

- women, particularly those who are mothers, are less dedicated and less competent than men;
- the traditional model of work, with an emphasis on the number of hours spent in the office, is superior in delivering outcomes for business and as a measure of performance.

All forms of discrimination are illegal, yet indirect discrimination continues to subtly operate in the workplace because it is difficult to identify, evidence and prosecute. There is a growing awareness that inflexible working conditions indirectly discriminate against those with primary responsibility for caring for children, typically women in heterosexual relationships. However, false justifications used to deny the existence of a gender-determined pay differential have made it difficult to tackle head on other forms of indirect discrimination.

THE 'PERSONAL CHOICE' JUSTIFICATION

The difference in male and female salaries continues to be explained away by reference to women 'choosing' to have children and take on caring responsibilities. This ignores the fact that, although parenthood is a matter of choice for both genders, the outcome of that choice is different. Parenthood for women often means the imposition of a 'motherhood penalty' on career prospects and on earning potential for women from an early stage in their careers, whereas men continue to benefit from increases in pay after the outset of parenthood. Clearly, some women voluntarily choose to leave their careers, however, many are forced out by a fatal combination of rigid work practices, excessive childcare costs and ongoing wage penalties. Without support, women may feel pressured to choose between having a career or a family. If they attempt to balance both, they may be pushed out of secure employment and instead elect flexible yet lower-paid work. Transitioning to part-time work is commonly accompanied by insecure tenure, and reduced lifetime earning prospects and superannuation levels. Women may also feel pressured to choose another career that is perceived as more 'safe' or 'pleasant' because they believe it will be easier to balance with onerous caring responsibilities.

THE 'CAREER CHOICE' JUSTIFICATION

Some argue that high level disparities in male and female salaries exist solely because women choose to work in traditionally low paying industries such as nursing, teaching and clerical work. That is, the pay gap is not really the result of discrimination. Putting aside the debate as to whether incomes are fairly matched to industries, the argument fails to acknowledge that, in women's decisions about which career or studies to pursue, indirect discrimination is often at play. Societal attitudes and gender norms demand that men and women account for different considerations, evidenced by women being more inclined to select careers which allow them more flexibility to care for children but commonly offer less earning potential. If more industries were accepting of flexible

FALSE JUSTIFICATIONS USED TO DENY THE EXISTENCE OF A GENDER-DETERMINED PAY DIFFERENTIAL HAVE MADE IT DIFFICULT TO TACKLE INDIRECT DISCRIMINATION

work arrangements for both sexes, women would feel as if they had more career options to legitimately choose from.

It is also noteworthy that the pay gap exists within high paying industries (the 'glass ceiling' effect). This means that, even when women 'choose' careers with more earning potential, there are unexplained obstacles to pay equity.

THE 'POOR NEGOTIATOR' JUSTIFICATION

Another false justification for pay inequity is that it is caused by a personal 'failing', in that women naturally expect less in remuneration from their careers and negotiate poorly.

In fact, societal stereotypes and views as to 'appropriate' female behaviours may explain some women's reluctance to act assertively. Whereas men who demand a higher salary may be seen as assertive and confident, women in the same situation may be deemed unappreciative, pushy or nagging. In a recent address, Peta Credlin, former chief of staff to the prime minister, called out the gender binary that continues to exist. She noted that sexism ensures that different standards apply to women in leadership positions. Whereas men are seen as strong, assertive and confident, women in the same position are scrutinized as bossy and micromanagers.

The drastically low level of women in leadership positions across Australian industry contributes to this problem. Despite women having increasingly higher levels of education, they continue to be underrepresented in society's influential roles. WGEA data highlights that in Australia women are represented in only 17.3% of CEO roles, 30.5% of federal parliamentary roles and 34.6% of judicial appointments. If more women occupied, and were seen to occupy, senior positions, assertiveness would not be viewed as an unnatural or negative female quality.

WIN-WIN: SOCIETY BENEFITS

A blind insistence on justifying pay inequity ignores the fact that there are strong economic imperatives to overcome it. It is estimated that in 2009 the gender pay gap cost the Australian economy \$93 billion. Closing the gap, it is estimated, would add \$56 billion to Australia's GDP and deliver improvements to industry, competitiveness and economic output, and a reduction of costs. Employers would also benefit by being able to attract and retain higher quality talent, thereby reaping further rewards from their initial investment in employees.

With higher levels of readily accessible income, long-term savings available for investment and increased superannuation, women would be less dependent upon government services and benefits. This would significantly relieve government spending on 50% of an expanding and ageing population. It also would mean reduced reliance on government support programs, as women would be better placed following the death of, or separation from, their partners.

LAW REFORM

Established in 2012, the WGEA has done commendable work in articulating the business case for gender equity and monitoring the gender pay gap. However, it is hamstrung in being able to effectively promote change. Melbourne Law Professor, Beth Gaze says that because the WGEA's pay equity audits are voluntary and companies are not compelled to publish results, companies will only carry out the audit if they know the results will be flattering. There is also an argument that, by adding further red tape, pay equity audits amount to a punishment even for those businesses that are supportive of women.

In Ontario, Canada, where public companies and some private companies are required to publish pay equity reports, pay audits have succeeded to an extent. Introduced in 1988, the Ontario Pay Equity Act also enables overseeing bodies to act on employee complaints and to carry out random audits. Following the introduction of the Act, the pay gap swiftly decreased from 38% to 29%, but Canadian academic Mary Cornish has observed stagnation in later years. After 20 years, the pay gap in Canada had decreased by only a further 6.6 %. However, Cornish attributes this to a failure of companies to comply with the law and inadequate government funding of the enforcement organisation rather than an inherent failing of mandatory pay equity reporting.

Recently the law reform conversation has turned to transparency around remuneration. In 2010, the United Kingdom enacted a law that prevents employers from enforcing wage secrecy provisions in employment contracts if disclosure will allow an employee to assess whether their pay has been influenced by external and improper reasons, such as their gender. Greens Senator, Larissa Waters has proposed similar reform for Australia. The Greens are planning to introduce a bill that prevents employers from requiring employees to stay silent about their remuneration.

The measure is supported by Professor Gaze, who says "Anecdotal evidence suggests pay secrecy may be a contributing or facilitating factor to pay inequity. When pay rates are individually negotiated, women tend to do less well, and when pay rates are also kept secret, women may have no idea that a pay difference exists or how much less they are paid than men who are doing the

same job alongside them." Professor Gaze points out that the proposed Greens bill, as a private member's bill, will not be debated in Parliament unless the Government agrees to it, but at the very least it will place pressure on the Government to address the issue.

A WAY FORWARD

Legislative reform can be a notoriously slow and fraught process. Although the possibilities of a fully actualised WGEA and wage transparency legislation are tantalizing, women can't afford to wait for such measures to come to fruition.

While women continue to wait for systemic change, legal practices are taking matters into their own hands by implementing practical solutions aimed at removing the differential between female and male salaries and partner draws. Just some of these initiatives are outlined below:

Remuneration review and correction.

Last year Maddocks conducted a pay review of all its 550 staff and decided to remunerate people based on the outcomes they achieved – not on how many hours they worked. CEO, Michelle Dixon says "We had female general partners who would be in the office three days a week and their remuneration was not what was expected for a partner. These were women going home at 11pm, doing a whole heap of work on their days off." Full timers were working much shorter days with much more flexibility. Maddocks weighs up the person's contribution: financial, management roles, mentoring and contribution to the greater firm. Some women received significant pay rises and, according to Michelle, there has been a pay off in loyalty

Combating impact of unconscious bias on remuneration.

Corrs also conducts annual organisation wide and like-for-like gender pay gap analyses and annual unconscious bias training. HR is involved in performance and promotion discussions to provide additional guidance. A 'gender lens' is applied across all recommendations and final decisions relating to performance and promotion assessment, as well as to opportunities such as scholarships and secondments. The annual assessment and data analysis is reported at executive leadership team and board level, and regularly tracked, with follow up.

Work allocation. This year Ashurst London commenced a pilot inspired by work of the '30% Club' in the United Kingdom which

identified work allocation as a potential barrier to women's progress and pay equity. As part of the program, a management consultant has been engaged to impartially and objectively allocate work based on capabilities, capacity, client relationships, the specific skills and experience required for each matter, and key areas of development as highlighted by each associate. Clients retain their network of contacts within the firm and associates access broader opportunities, on an equal and fair basis, rather than the previous model which saw work allocated by individuals. The new model aims to ensure equal allocation of work amongst all associates. So far the program has been successful, with positive feedback from both associates and work providers.

Employees, too can take practical steps by advocating for pay transparency within their firm or their team. From junior levels upwards, an easy to implement solution is to create a list of salaries for all employees in the team, with each employee identified by gender. This would give staff transparency as to their relative remuneration without jeopardising the confidentiality of others' remuneration, and allow for a more constructive pay review discussion between the individual and their employer.

An inordinate amount of time and energy has been spent trying to explain why women are paid less than men for the same work. For years we have been analysing the problem, which has its roots in a wide range of historical, social and economic factors. We have enough information and while we continue to examine statistics we are wasting the opportunity to effect change at every level. Even if the social justice case is not sufficiently persuasive for some, the business case of boosting Australia's GDP by \$56 billion is reason alone for the issue to be addressed.

The complexity inherent in pay inequity means there is no magic bullet to bridging the pay gap but the exciting converse is that the problem can be attacked on several fronts. At a high level, society needs to continue the conversation about the sharing of parental responsibilities, at a legislative level skeptical businesses can be compelled to get on board, and for a progressive workplace the options for change are endless.

Alexandra Lane and Caroline Jones are members of VWL's Communications Committee. ■

SCHOOL GIRLS LOOKING FOR ANSWERS

ALEXANDRA LANE

AS THE FIRST FEMALE GOVERNOR-GENERAL OF AUSTRALIA, AS WELL AS A DISTINGUISHED LAWYER AND POLITICIAN, TEACHER AND MOTHER, DAME QUENTIN BRYCE IS A PIONEER FOR MODERN AUSTRALIAN WOMEN. HER STATUS AS SUCH MADE HER THE IDEAL CANDIDATE TO PARTICIPATE IN A 'YOUNG WOMEN AND LEADERSHIP' Q&A AT THE SIR ZELMAN COWEN CENTRE AT VICTORIA UNIVERSITY IN SEPTEMBER THIS YEAR.

Prior to the gathering, over 180 senior high school girls, from a diverse range of backgrounds, had prepared challenging and at times, controversial questions to put to Ms Bryce. In order to qualify for the event, students were required to summarise in 150 words or less the issues on which they would advocate if they were in the role of Governor-General. Their questions for the former Governor-General ranged from pay inequity to gender equality, family violence to same sex marriage, and goods and services tax on women's sanitary products.

"Students are also hot under the collar about community-wide issues, including the treatment of Muslims, the rights of refugees, climate change and welfare," said Q&A moderator, Nicola Roxon, former Attorney-General and an adjunct professor and chair of the Sir Zelman Cowen Centre.

Ms Bryce highlighted how the role of Governor-General presented her with a

platform from which she could pursue issues of importance, such as indigenous rights and the rights of women and children. Although society has shifted its views on women markedly since Ms Bryce commenced her studies and career in the 1960s, she stressed that as a society we still have a long way to go to achieve equality in opportunity and status for women.

In response to questions from Sitra Abdosh (Al-Taqwa College) and Marina Amanatiadis

SHE HAS HAD TO GROW A THICK SKIN TO DEAL WITH THE CRITICISM SHE HAS ATTRACTED AS A LIFELONG FEMINIST

(the Grange P-12 College), Ms Bryce said that she has had to grow a thick skin to deal with all the criticism she has attracted as a lifelong feminist and admitted there was particular pressure on women 'firsts'.

"I wish that more women leaders at the international level in various endeavours, but particularly in political life, would be more open about that. The Secretary of State in the United States, Madeleine Albright in her wonderful autobiography wrote that she thought there was a special place in hell for women who didn't support other women," said Ms Bryce.

Ms Roxon told the crowd how, as the first female federal Attorney-General, she had the privilege of being sworn in by Ms Bryce in the presence of Prime Minister Julia Gillard and Mary Gaudron, the first female Justice of the High Court of Australia. Ms Roxon explained that, had it not been for the 30% female quota in the Australian Labour Party pre-selection process, neither she nor Julia Gillard would have been selected for safe seats in Melbourne's West.

The quality of the questions was particularly impressive and exemplified the leadership potential in the young women. The energy with which they threw themselves into the project is a reminder that it would do all of us good to synthesise, in 150 words or less, what we would do if we found ourselves Governor-General, and to contemplate how we would answer such challenging questions as:

- How do the qualities a woman needs, in order to hold a leadership position, differ to those a man is required to possess to hold the same position?
- How much attention was focused on you physically rather than what you were campaigning for and why?
- Do you have any advice for young women on balancing their families and careers, and continuing to 'lean in'?
- As the only female in my cricket team, how do you think I am able to be viewed as the cricketer and not the girl?
- How important do you believe it is for more women to be active in Australian politics?
- What more could be done to firstly, support the one in three women who suffer from family violence and secondly, educate women about the perils of violence in the home?
- Can gender equality measures be implemented and why haven't they already been introduced? ■

Alexandra Lane is a member of VWL's Communications Committee.

Image: Dame Quentin Bryce and students (courtesy of Victoria University)



Q&A

LOUISE JARRETT, MANAGING PRINCIPAL SOLICITOR - VICTORIAN GOVERNMENT SOLICITOR'S OFFICE



What is your current role?

I am a Managing Principal Solicitor in the Police Branch of the Victorian Government Solicitor's Office. The Police Branch provides in-house legal services to Victoria Police and its members across the full range of police operations. In particular, I specialise in

advising on police powers and duties, police misconduct, public interest immunity, covert operations and the protection of vulnerable witnesses.

Have you had any remarkable female role models?

I feel lucky to be surrounded by remarkable female role models in my workplace. The VGSO employs a high proportion of women who are all very capable, hardworking and passionate about serving the public interest, and leading, or aspiring to lead, in their area of expertise.

Describe one memorable moment in your career

Picking out one memorable moment is difficult. Working for Victoria Police has produced many memorable moments over the years, both legal and non-legal. We have very close working relationships with police and are encouraged to 'walk in their shoes' as often as we can.

This has given me the opportunity to ride the streets in cop cars, undertake police investigation courses and weapons training, conduct brothel safety checks, cruise in high speed police boats and participate in counter-terrorism and state emergency exercises, just to name a few. Not only have these moments been lots of fun, they have enabled me to be a more effective lawyer for my client. I am still waiting for an invitation from the Air Wing!

What was the best advice you received in the early stages of your career?

I was told that there are three key features to a job that are important. Firstly, that you are doing interesting and fulfilling work, secondly, that you are supported by a good team and manager, and lastly, that you are paid fairly.

If your job has all three features, you have nailed it. A job with two of the features is worth sticking at until something better comes along. If your job has one, or none, of those features then for your own wellbeing you need to get out quick.

How can we as women support women in leadership roles?

By championing the expertise and success of our women leaders. It is also important that we do not undermine their success and power by buying into the stereotyping of women in leadership roles.

More importantly, men can better support women in leadership roles by being allies to their female colleagues' success and consciously tackling subtle and unconscious bias by clients and colleagues when it occurs.

What sorts of initiatives or policies (that employers could adopt) do you think would best assist women in the legal profession? Have you seen them implemented?

Providing women with the opportunity and means to establish mentoring relationships with strong inspirational female leaders to help them to realise their potential. Ideally, outside of one's own organisation.

Successful mentoring relationships allow female leaders to pave the way for other women to grow. They also give emerging leaders a forum in which to seek advice on how to elevate their careers, tackle gender bias and navigate the twists, turns and pitfalls of being a lawyer. ■



Image: Jo Bertini, *Annie and Min thinking about work*, oil on canvas, 112 x 122cm (SH Ervin Gallery)

STELLA EXTRACT

THE GOLDEN AGE

JOAN LONDON

It is 1954 and 13 year old Frank Gold, a refugee from wartime Hungary, is learning to walk again after contracting polio in Australia. At The Golden Age Children's Polio Convalescent Home in Perth he sees Elsa, a fellow patient and they form a forbidden, passionate bond. The Golden Age becomes the little world that reflects the larger one, where everything occurs: love, desire, music, death and poetry. It is a place where children must learn they are alone, even within their families.

One afternoon during rest-time, the new boy, Frank Gold, left his bed, lowered himself into his wheelchair and glided down the corridor. There was nobody around. It was early December, already hot, and Frank, veteran by now of hospital life, knew the nurses would be upstairs in front of their fan. The door to Sister Penny's office was closed: she'd be catching forty winks on her couch.

His first goal, as usual, was to set eyes on Elsa. He peered into Girls through the crack between the hinges of the half-open door. Elsa's bed was behind the door. He liked to see her face asleep. Even if her head was turned away into the pillow, the sight of her thick gold-brown plait somehow gave him hope. But this afternoon her bed was empty.

He rolled on, past the silent kitchen with its bare, scrubbed benches. Even the flies were sleeping. It was as if the whole place were under a spell. Only he had escaped . . .

He'd been waiting for this moment. In his pocket was a cigarette and a little sheaf of matches, stolen from his mother during her last visit. She'd slipped off to have a word with Sister Penny, leaving her handbag on his bed. Later, he thought of her standing on the station platform in the twilight, delving for her matches, dying for a smoke. Visits upset Ida. She didn't come every week.

But the act of taking them was like reclaiming some- thing. He was turning back into his old, sneaky self. He felt suddenly at ease, in charge again. Sneakiness was a form of privacy, and privacy here was the first loss. A resistance to the babyishness of this

place, its pygmy toilets, its naps and rules, half-hospital, half-nursery school, and his feeling of demotion when he was sent here.

'We are so very glad to have you,' Sister Penny had said firmly when the ambulance delivered him. 'The younger children do look up to the older ones as examples.'

Frank searched her radiant face and knew there was nothing there for him to test. Everything had been resolved a long time ago.

He felt like a pirate landing on an island of little maimed animals. A great wave had swept them up and dumped them here. All of them, like him, stranded, wanting to go home.

Now he was gliding down the ramp of the Covered Way, past the New Treatment Block, out to the clothes lines, hidden behind a wire trellis, the only place where he wouldn't be seen. The washing had been taken in, dried stiff by lunchtime. The ceaseless rumbling and throbbing of the Netting Factory across the road was louder out here. It was like entering the territory of a huge caged animal. Even the white glare cheered him. Ever since the fever of polio had subsided, light had seemed less bright to him, older, sadder.

Moments of solitude were rare and must be grasped with both hands. He put the cigarette into his mouth and struck and struck the row of flimsy matches, one after another. Sweat trickled into his eyes, his hands shook, he wanted, unreasonably, to curse Ida.

A man's shadow blocked out the glare. A huge pair of red hands was cupping a lick of flame. 'Light?' Norm White- house growled. Frank inhaled, his head spun, his heart surged with love. He knew now why everyone loved Norm, the gardener, who just as silently ambled off. As if to say: a man has a right to a smoke in peace.

The next moment the cigarette was stubbed out on the post of the washing line and thrown across the fence. Frank thought he might be sick. Dizzy, blinded, he veered back down the dark corridor, heaved himself onto the bed. His body was not a normal boy's any more.

He wasn't a little kid either, smelling of soap, asleep like those around him. Yet after a



Image: Shannon Crees, *Anthony Lister*, mug shot, acrylic on canvas, 123 x198cm (SH Ervin Gallery)

while, as his heart slowed, a smile spread across his face. He could still hear the rumble of Norm's voice.

'Light?'

He may as well have said: 'Life?' But where was Elsa? ■

About the author

Joan London is the author of two prize-winning collections of stories, *Sister Ships* and *Letter to Constantine*. Her first novel, *Gilgamesh* was published in 2001. It won The Age Book of the Year for Fiction in 2002 and was longlisted for the Orange Prize and the International IMPAC Dublin Literary Award. Her second novel, *The Good Parents* was published in April 2008 and won the 2009 Christina Stead Prize for fiction in the NSW Premier's Literary awards. *The Golden Age* is her third novel and won the 2015 Kibble Award.

Q&A

JANET WHITING, PARTNER –
GILBERT + TOBIN



Describe one memorable moment in your career.

I am one of the lucky ones who genuinely enjoys what I do. To try to highlight one memorable moment is too hard! What I would say is the most rewarding part of my career as a litigator has been finding solutions for clients that meet their requirements and

building long-term relationships with clients and colleagues.

Have you had any remarkable female role models?

I think my strongest female role models have been my mother and my grandmother. My grandmother was widowed with four children under the age of 12. She was a teacher and fully supported her family. She effectively balanced work and life which is clear from the fact that her four children were very close. My mother was an extremely positive woman who brought us up to believe we could be whatever we wanted.

What was the best advice you received in the early stages of your career?

I was encouraged to be extremely curious about not only the facts of the matter that I was working on but also the people who we were acting for and their drivers. The other important piece of advice I received was to start with the presumption that there were

no barriers, but to deal with barriers as they appeared (which, as a female lawyer working in commercial law, was frequently!). Curiosity and optimism will always serve you well.

Have you seen a shift in attitudes towards women in the workplace in recent times (or during your career)?

Unfortunately, the rate of change has indeed been glacial! Perhaps the main difference is that there is more lip service paid to the issue now than there was many years ago. A key recruitment blocker for firms is that people promote candidates who look like themselves and the current gender imbalance works in favour of many individual men so there is little incentive for them to support change.

Do you think that more men should be involved in leading the gender-equality conversation? If so, why?

I would prefer to see more men involved in implementing gender equality initiatives rather than merely talking about it. There is no logical argument for gender discrimination so we should stop talking and start doing! It's depressing that we are still talking about giving 50% of the population equal access and opportunity.

What sorts of initiatives or policies (that employers could adopt) do you think would best assist women in the legal profession? Have you seen them implemented?

The best policy is to encourage women to be engaged, promoted and rewarded. Many firms are happy to accommodate 'time out' for secondments, overseas stints and further study, but somehow maternity leave and part-time work (predominantly taken by women) can only be accommodated at a lower financial matrix. There is no economic justification for it. Ultimately, it is about attitude. Where there is a will by both employee and employer, it works. ■



Image: Margaret Gurney, *Storm brewing*

QUILT BLOCKS TO HEAL VIOLENCE

JACKIE GILLIES

IT WAS EARLY ON A WEDNESDAY MORNING AT THE BEGINNING OF SEPTEMBER THAT I HEARD THE NEWS ON THE RADIO. I HAD JUST DROPPED MY 4-YEAR-OLD SON OFF AT KINDER. IN THE CAR ON THE WAY HOME I HEARD A NEWS REPORT ABOUT THE VIOLENT DEATH OF TARA BROWN, ALLEGEDLY AT THE HANDS OF HER EX-PARTNER.

More harrowing were the details. Like me, Tara had dropped her young child, a daughter, off at childcare and was driving in her car. Tara didn't make it home like I did, though. She was followed by her ex-partner and run off the road. While still trapped in her overturned vehicle, her former partner beat her with a cast iron water hydrant cover until she was unrecognisable. Her life support was switched off the next day. I was devastated, for Tara and for her daughter, Aria who will grow up without a mother. Later that day another woman, Katrina Lock was shot and killed by her ex-husband in a crowded McDonalds in front of shocked onlookers.

With the murders of these two women, 62 women in Australia had been killed by intimate partners or in familial circumstances in 2015. The appalling figure represents almost two women each week. I was left feeling angry. More than that, though – I felt hopeless and helpless. I decided that I wanted to do something positive. I wanted to make a tangible difference in the lives of those women and children who suffer violence at the hands of men who are supposed to love them.

I'm active in the crafty community – I started quilting when I was pregnant with my second son. I decided to put out a call for the donation of quilt blocks amongst my circle of friends on Instagram and Facebook. My hope was that at least 30 people would each donate a quilt block and I could put together one quilt to donate to a family violence refuge in Victoria. What happened next, though was extraordinary. The idea of donating quilts to family violence refuges resonated with so many people that, within the first week, I had received 100 blocks and the promise of hundreds more. My goal of making one quilt for a refuge soon morphed into one for each Australian state and territory.

The project, dubbed #quiltblockstohealviolence, has garnered support from crafty people all over Australia. I have also received blocks from the USA, Canada, New Zealand, Japan, Germany, Holland, the UK and Singapore. Women have donated fabric to



cover the back of the quilts and small business owners who offer long arm quilting services have offered to professionally quilt them. Fabric stores across Australia have donated fabric and batting, and I have received 10 fully completed quilts and quilt tops from quilters who want to make a positive contribution.

So far I have received 362 block donations from over 100 women. This will be enough to make at least 12 quilts. A couple of the modern quilt guilds in various states are also making complete quilts to send to me. I am humbled to be a part of this wonderful group of people – our aim is to wrap women and kids escaping violence in quilts that have been handmade with love.

Men's violence against women is at a crisis level in Australia. In its recently released report, Australia's National Research Organisation for Women's Safety built on data collected in a 2012 Bureau of Statistics Personal Safety Survey, and showed that one in four women in Australia has experienced violence at the hands of an intimate partner – which equates to around 2.3 million women. To give this figure some perspective, of the 100 women who have donated blocks to the project, at least 40 of them will have experienced intimate partner violence at some point since the age of 15. Some of the letters I have received with the quilt blocks bear witness to this fact, as does my own personal experience. I am grateful to be able to provide a way for women to contribute in a positive way and to raise awareness of the pervasive nature of this most gendered form of violence against women. ■

Jackie Gillies is VWL's Sponsorship Officer.



Images: (above) First quilt
(left) Courage block

MESSAGE FROM THE PRESIDENT AUSTRALIAN WOMEN LAWYERS

AMY CHALLANS



DURING MY TERM AS PRESIDENT, AWL'S AGENDA HAS BEEN EXTREMELY BUSY WITH THE RELEASE OF THE FINDINGS OF THE LAW COUNCIL OF AUSTRALIA'S (LCA) NATIONAL ATTRITION AND REENGAGEMENT STUDY (NARS), AWL HOSTING ITS FIFTH NATIONAL CONFERENCE (IN ADELAIDE) AND RADICAL CHANGES OCCURRING IN FEDERAL GOVERNMENT POLICY RELATING TO PAID PARENTAL LEAVE AND CONSULTATION REGARDING FEDERAL JUDICIAL APPOINTMENTS.

During this period AWL has been active in providing a national and cohesive response to the findings of NARS and participating in the LCA's consultation process. This has included consultation and input on the draft recommendations arising from NARS, submitting a national response on the findings (endorsed by all AWL State and Territory Women Lawyer Association Presidents) and participation in the LCA's NARS roundtable and workshop meetings in Sydney.

AWL has also been heavily engaged in business planning, by developing and implementing its first strategic plan to provide a clear focus and direction for its activities over the next five years and to ensure it has clearly defined strategies to meet its goals and objectives.

The AWL Strategic Plan for 2015 -2019 outlines goals and objectives focused on specific priority areas, including supporting the implementation of actions arising from NARS, researching and producing a national gender equity report card for the legal profession and undertaking

research and reporting on wage statistics nationally.

In October 2014 AWL hosted its fifth national conference, in Adelaide. The theme of the conference was 'change, challenge and achieve' and it included a mixture of panel discussions and presentations on topics such as *Innovations in Legal Practice*, *Marketing Yourself* and *Surviving and Thriving as a Successful Female Practitioner: How to Face the Challenges of Practising in the Current Legal Culture*.



AWL HAS BEEN ACTIVE IN PROVIDING A NATIONAL AND COHESIVE RESPONSE TO THE FINDINGS OF NARS AND PARTICIPATING IN THE CONSULTATION PROCESS

The conference programme featured Christine Nixon APM and Rabia Siddique as key note speakers in addition to the announcement of the second AWL Award winner. Another key priority has been reviewing AWL's internal

governance arrangements and identifying new approaches to improve internal business practices. This includes implementing AWL's first 12 monthly business plan to clearly delineate the operational activities that each AWL Director is committed to delivering and ensuring the goals and objectives outlined in the AWL Strategic Plan for 2015 -2019 are delivered.

We have sought to increase awareness across the profession nationally through the media (print, electronic and social) by commenting on policies, initiatives, statistics, policy positions, reports and any topic impacting upon or of relevance to members of AWL (including VWL members). For example, comment on the federal government's shelving of its policy on paid parental leave for women, the NARS findings, the lack of female partners, silks and women in senior positions across the profession and the need for increased female judicial appointments and equity around appointment criteria in firms. ■

About the author

Amy is the Immediate Past President of Australian Women Lawyers. In 2015 she was named as one of Australia's top 50 women in the 10th anniversary edition of *Who's Who of Australian Women* for her contribution to women in the legal profession. She was also awarded the inaugural Gender Equity in Law Award by the Law Society of South Australia. Amy is a member of the Law Council of Australia's Equal Opportunity Committee. She has worked for a number of key agencies in Australia and the United Kingdom.

A TRIBUTE - SUSAN JENNIFER NOLEN

19 OCTOBER 1956 - 6 JANUARY 2015

SUE NOLEN'S FIRST JOB WAS WITH CONSUMER AFFAIRS VICTORIA. SHE LATER WORKED AT THE AUSTRALIAN GOVERNMENT SOLICITOR'S OFFICE IN THE 1980S AND 1990S, WHERE SHE WAS A PRINCIPAL SOLICITOR IN THE PROPERTY AND COMMERCIAL BRANCH. IT WAS HERE THAT SUE BUILT UP A PRACTICE ADVISING ON LARGE SCALE COMMONWEALTH CONSTRUCTION AND LEASING PROJECTS.

In the late 1990s Sue spent a number of years with the Department of Human Services as manager of the commercial and property branch, before joining the Victorian Government Solicitor's Office in 2001.

During her time at VGSO, Sue's reputation as a trusted adviser and outstanding government lawyer continued to grow and she was appointed the first female Assistant Victorian Government Solicitor, leading the Commercial, Property and Intellectual Property branch. At VGSO, Sue's practice expanded beyond property-related transactions and major Victorian projects to encompass a wider range of procurement projects and public sector governance. Sue is remembered for providing frank, legally sound advice to government departments and agencies on a host of complex issues.

Remembered by her VGSO colleagues

"Whatever life threw at her – Sue just got on with it and dealt with it, with no fuss or fanfare. This was true of her working life and her personal life, including living with cancer in the last years of her life. Sue loved her job and was very focussed on providing the best service possible to clients. She was particular about maintaining a high standard of client service and could be a hard taskmaster.

I will always remember Sue with great admiration for the dignity with which she bore her illness; how, to the extent she could, she lived her life to the full right to the end; how she shared her journey with those who wished to do so, without making any demands on us." **Bakthi Jayasuriya, Principal Solicitor**

"Sue was a really strong person, with a level-headed, precise and incredibly thorough approach to the law and to managing the wide array of issues that come up in government.



She was committed to delivering exceptional legal services to government and to looking out for the greater interests of the State, even if this meant telling the clients things they didn't want to hear from time to time. Her long history of service in government law meant that she had the trust and respect of many senior people across government and they would regularly turn to her with problems that they did not feel comfortable having resolved elsewhere. Sue was a very impressive and inspiring person to work for. Her presence is greatly missed." **Sarah Daniell, Managing Principal Solicitor**

"I think for me it was terrific to have a well respected senior female role model who strove for excellence in commercial matters and in serving the public interest. She had a sharp mind. She was passionate about the law and worked long hours to serve clients and government. We take for granted the flexibility of our roles, but it is figures like Sue who were the pioneers and ground breakers for the working legal mums of today." **Joanne Kummrow, Special Counsel**

"Sue Nolen was my manager and friend for over ten years. Renowned for her strong work ethic, knowledge of government and commercial law and technical legal skills, she was respected and well known within government and the private sector. She was my teacher, mentor and guide in my journey to develop my government law skills. A true inspiration to women in government, women in law and professional women overall.

I will remember her for always being so strong and positive, living life to the fullest in her last years with her two adorable children, loving partner, family and friends. She will always be remembered and is truly missed."

Margaret Marotti, Managing Principal Solicitor

"Sue's dedication, commitment and contribution to government law and thus the Victorian community was outstanding.

She was highly regarded and respected not only by colleagues but also clients. Sue was a true role model not only for government lawyers but all women in law. Her success and leadership as a female senior lawyer was truly inspirational." **Carolyn Doyle, Managing Principal Solicitor ■**

With thanks to the Victorian Government Solicitor's Office



LAW ARTS

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All contributors to this section are members of VWL's Communications Committee.

Image: Tamara Dean, *A woman of influence*, oil on linen, 25 x 30cm (SH Ervin Gallery)

EMILY BITTO - WINNER OF THE 2015 STELLA PRIZE FOR *THE STRAYS*

CARA FRIEDMAN

PORTIA WAS THRILLED TO CHAT WITH EMILY BITTO ABOUT WRITING, THE ROLE OF GENDER IN THE LITERARY LANDSCAPE AND MOST EXCITINGLY, HER 2015 STELLA PRIZE WIN FOR *THE STRAYS*.

ON THE ROLE OF GENDER IN THE LITERARY WORLD

The main struggle for women in the literary world is not being taken seriously, Emily said. The issue is not so much having work published, rather it is the expectation of the type or genre of work which female authors should write about: crime, romance and other areas seen as the domain of women writers. She urged female authors to dare to embrace all genres, regardless of ingrained gender biases.

ON THE STELLA PRIZE

Emily is thankful, she said, for the Stella Prize (and she also praised a number of international organisations) for the incredible difference it has made to her life, not just financially but also in creating opportunities for profile-raising. She has been lucky enough to be involved in various writers' festivals, events and talks, and she has written reviews for major print media. Emily has been amazed at the sales generated after being awarded the prize – the same in the two weeks following the win as in the whole previous year!

ON THE STRAYS

Bohemian Melbourne

The setting of bohemian Melbourne was born of Emily's fascination with the Heide artists circle and more generally, her keen interest in those who purposefully cut themselves off from mainstream society in search of a utopian vision. She said she was taken by the vibrant atmosphere of that time and of those individuals.

Being ordinary

Inspired by other 'outsider novels,' Emily wrote *The Strays* from what she describes as 'a very ambivalent perspective' of half observer, half participant. Lily, the protagonist is the perfect outsider: both romanticising, and resentful of, the group in which she finds herself immersed. As a young girl drawn to the extraordinary, Lily is constantly looking in at the Trentham family in awe. What she fails to appreciate, Emily said, is that she possibly mischaracterises as 'extraordinary' a way of living and relationships that leave a lot to be desired.

Adulthood and female friendship: crossing the 'secret threshold'

The novel tracks Lily and Eva's friendship and its evolution through different life stages. Emily was particularly drawn, she said, to delving into the constant comparisons made by young females traversing life's stages. She is an avid believer in the importance of female friendships and strong female bonds, and she said she saw a gap in portrayals of those kinds of relationships in modern literature.



The book also includes an element of social commentary on female interaction. A particularly poignant observation from the novel is: 'she was a woman who hated other women, and did whatever she could to shatter their confidence.' Emily's experience as a writer, she said, is not dissimilar from the common experiences of other women in professional spheres – she has interacted with both supportive women and undermining women. Her view, like ours, is that women are disadvantaged enough: we need to support each other.

ON WRITING IN GENERAL

Emily urged all young lawyers – and anyone with an interest in writing – to 'just write.' While her experience was quite particular, she said, in that she entered an unpublished manuscript into the Premier's Literary Award and was shortlisted on that basis, she recommended that emerging writers involve themselves in any workshops available to them. Not only are workshops a good route to having work noticed, they are also an opportunity to meet other writers. Emily is eternally grateful, she said, for those who have assisted her and provided counsel along the way, and she reminded aspiring writers to not be afraid to ask for help. ■

STELLA EXTRACT

THE STRAYS

EMILY BITTO

Lily is an only child, and when she befriends the exotic Eva – daughter of artists and 'old money' – it is the beginning of a love affair with an unconventional world. Lily is enchanted by Eva's intensely free-spirited family and by the artists invited to live with them. But this is bohemian Melbourne in the 1930s, and in many ways it is not a good place for a child to be. As the girls grow up their world becomes darker and more complex, eventually imploding into scandal.

I once read that the heart's magnetic field radiates up to five metres from the body, so that whenever we are within this range of another person our hearts are interacting. The body's silent communications with other bodies are unmapped and mysterious, a linguistics of scent, colour, flushes of heat, the dilating of a pupil. Who knows, what we call instant attraction may be as random as the momentary synchrony of two hearts' magnetic pulses.

Eva's mother believed in past life connections, that two souls can be twinned over and over, playing out different roles so that in one life they may be mother and daughter, in another husband and wife, in a third dear friends. I only know that throughout my life I have felt an instinctive attraction to particular people, male and female, romantic and platonic; attraction inexplicable at the time but for a certain mutual recognition. It was this way with Eva, although we were only eight years old.

I remember that day, after it all fell apart, when Eva came to me through the misty garden so that her red coat bled into view from white to pale rose to scarlet, the pride I felt. That I was the one she turned to. That I could give her what her own family could not. All those years as part of the Trenthams' lives. Feeling loved, but never needed, never family. I am an only child; it is my lot to be envious, even grasping, to long for the bonds that tie sisters together, the fearless, unthinking acceptance that we are social creatures, pack animals, that there is never, truly, the threat of being alone.

I am sitting outside at the wooden table marking student essays when I hear the tidy creak and clap as the letter slot opens and shuts its mouth. I shuffle the papers into a pile, set them on a chair and walk through the open French doors, across the lounge room and down the hallway, lit cobalt by the panels of glass that flank the front door. The envelope is narrow and rust-coloured, shot through with metallic strands. Inside is an invitation that I recognise immediately, to the opening of Evan Trentham's retrospective at the National Gallery of Victoria. Tucked behind it is a sheet of notepaper folded into three. I open it and see Eva's loose sloping handwriting, unchanged, so that some part of my mind slips, unsure if I am a middle-aged woman standing in her hallway in blue light, or if I am a girl again. ■

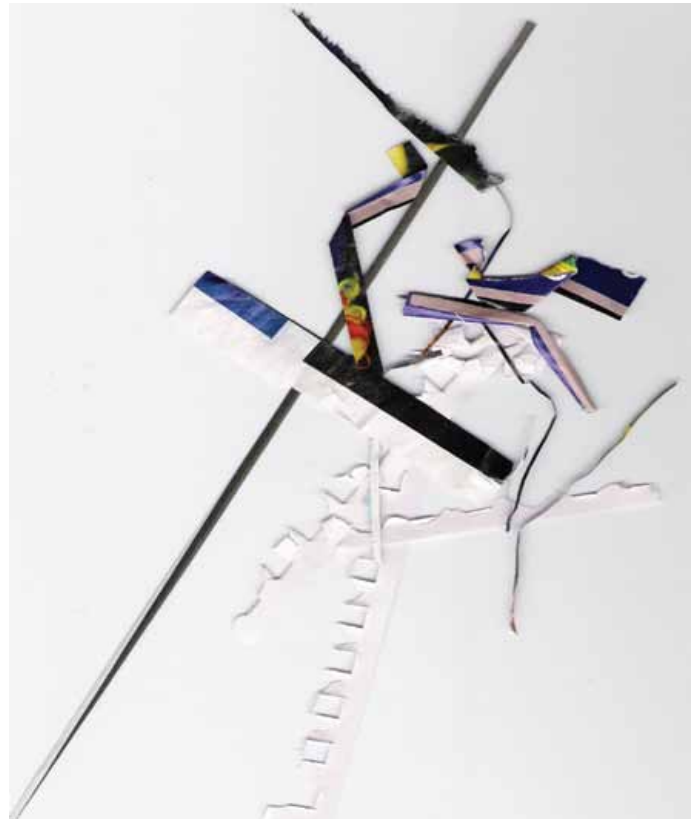


Image: Janet Boddy, *Bits and pieces*. Of this work, Janet says the bits and pieces came from working at her guillotine – fragments of coloured paper that needed rearranging into a simple and acceptable design composition.

About the author

Emily Bitto has a Masters in literary studies and a PhD in creative writing from the University of Melbourne.

Her writing has appeared in various publications, including *The Sydney Morning Herald*, *Meanjin*, *Heat* and the *Australian Literary Review*. The manuscript of her debut novel was shortlisted for the 2013 Victorian Premier's Literary Award for an Unpublished Manuscript.

The Strays was shortlisted for the 2015 Indie Prize and the Dobbie Award, and was the winner of the 2015 Stella Prize. She lives in Melbourne where she runs a new Carlton winebar, *Heartattack & Vine*.

AUSTRALIAN FEMINIST JUDGMENTS: RIGHTING AND REWRITING LAW

CAROLINE JONES

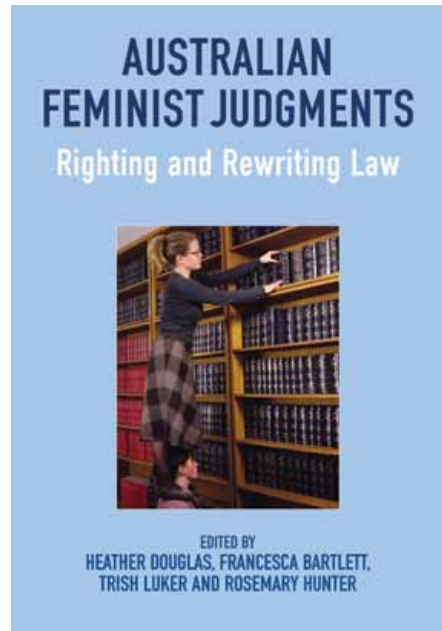
AUSTRALIAN FEMINIST JUDGMENTS – RIGHTING AND REWRITING LAW PRESENTS IMAGINED JUDGMENTS WRITTEN BY ACADEMICS WHO APPLY A FEMINIST LENS TO 25 REAL CASES SPANNING 80 YEARS. THE BOOK EXAMINES GENDER-BIASED OUTCOMES IN SEVERAL CRIMINAL AND DISCRIMINATION LAW CASES, AS WELL AS CASES IN MORE SURPRISING AREAS SUCH AS TORT, EQUITY, TAX AND CONSTITUTIONAL LAW.

The Australian Feminist Judgments Project originated at a legal theory reading group in Brisbane in 2010, inspired by similar projects in Canada and the United Kingdom. The Australian project is modeled more closely on the English one, which looked at how cases in a range of different areas could have been decided differently if approached from a feminist perspective.

The Australian project aims to ‘test new and enduring questions about the relationship between law and feminist ideas, approaches and objectives’. The under-representation of women in the Australian judiciary (women make up a third) has clearly been an important catalyst, but the editors suggest that ‘simply adding women and stirring’ is unlikely, on its own, to encourage judges to apply a ‘feminist consciousness’ in decision-making. They refer to United States study that suggests the more women there are serving on a court, the less compelled a woman judge may feel to ‘articulate “a woman’s point of view”’.

The critical question that comes to mind when picking up *Feminist Judgments* is – what does it mean to bring a ‘feminist consciousness’ or a ‘woman’s point of view’ to previously decided cases? There is not one answer to that question, as explained by the editors in the early chapters. The authors of the alternative judgments are given considerable latitude in determining what their feminist perspective would be. They allow their individual backgrounds in feminist activism or practice to inform their approach to the litigants, facts, evidence and legal rules.

For instance, in *JM v GFQ* [1998] QCA 228, Anita Stuhmcke applies a different



interpretation to an anti-discrimination law in order to reach a fairer outcome for a gay woman seeking access to assisted reproductive technology (ART). A doctor had refused to provide ART treatment on the basis that JM did not meet his preferred definition of ‘infertility’ (a requirement for receiving the treatment), being the inability of a couple to conceive after 12 months of intercourse without contraception. The Queensland Court of Appeal held that there was no discrimination because JM had not been treated differently because of her lawful sexual activity – she had been treated differently because of her heterosexual *inactivity*. Stuhmcke reaches the opposite finding, by applying a purposive approach to interpreting the statute. She relies on the High Court decision in *Waters v Public Transport* [1991] HCA 49 which held that ‘the principle that requires that the particular provisions of the Act must be read in the light of the statutory objects is of particular significance in the case of legislation which protects or enforces human rights’ (per Mason CJ and Gaudron J at 21).

A very different example of a feminist consciousness in action is the alternative judgment for *R v Middelndorp* [2010] VSC 202. Kate Fitz-Gibbon, Danielle Tyson and Jude McCulloch increase Luke Middelndorp’s

original sentence for defensive homicide for killing his ex-partner Jade Bowndes from the original 12 years to 17 years. The rewritten judgment puts greater emphasis on the need to denunciate homicide committed within the context of family violence and in violation of an intervention order. It also addresses the lack of reality around Middelndorp’s argument that he feared for his life, as Bowndes was almost half Middelndorp’s size.

The writers’ real challenge is to produce a plausible alternative decision, in judicial prose and by application of the law in force at the time the case was originally considered. The writers attended workshops run by serving judges and their final products read authentically. Indigenous writer Irene Watson is a notable exception – her alternative judgment to the case of *Kartinyeri v The Commonwealth* (1998) 195 CLR 337 powerfully rejects the methodology of the project, because ‘the rewriting needs to be done from “another space”, outside the jurisdiction of the Australian common law and the sovereignty of the Australian state’.

Each alternative judgment is preceded by a short commentary on the original decision, written by another academic. This device works well in allowing the new judgment to speak for itself. However, more interesting would have been an explanation by each revisionist of her approach and the experiences that informed it. This would have served in itself a feminist purpose – by expressly acknowledging that a judge’s background is a powerful influencing factor in the decision-making process.

Australian Feminist Judgments is academic but accessible, and it is sure to spark many debates on the role of feminist jurisprudence and the contentious 25 cases selected for revision. The work is refreshing in that it does not seek to promulgate a single feminist theory, but rather invites the writers to be sensitive to the female experience in a way that respects the letter of the law. It reminds us that change within existing legal frameworks is possible. ■

Australian Feminist Judgments – Righting and Rewriting Law, edited by Heather Douglas, Francesca Bartlett, Trish Luker and Rosemary Hunter. Published by Hart Publishing Ltd.

COLLECTED POEMS: LESBIA HARFORD

KIRSTEN ADAMS

FORGOTTEN FOR DECADES, LESBIA HARFORD IS NOW SEEN AS ONE OF THE FIRST TRULY MODERN, URBAN FIGURES IN AUSTRALIAN POETRY. A NEW COLLECTION OF HER WORK – *COLLECTED POEMS: LESBIA HARFORD*, EDITED BY OLIVER DENNIS (UWA PUBLISHING) – BRINGS HER UNIQUE LYRIC VOICE TO LIGHT. A VOICE ALL THE MORE UNIQUE GIVEN ITS HISTORICAL BACKDROP – WORLD WAR, SUFFRAGE, THE CHALLENGING OF RELIGIOUS IDEALS AND SOCIAL UPHEAVAL.

Lesbia Harford was born in Brighton in 1891. She went to school in Malvern and Ballarat, and then studied law, philosophy and literature at the University of Melbourne. She graduated in law in 1916 (in the same class as Robert Menzies), one of the university's few women students at the time.

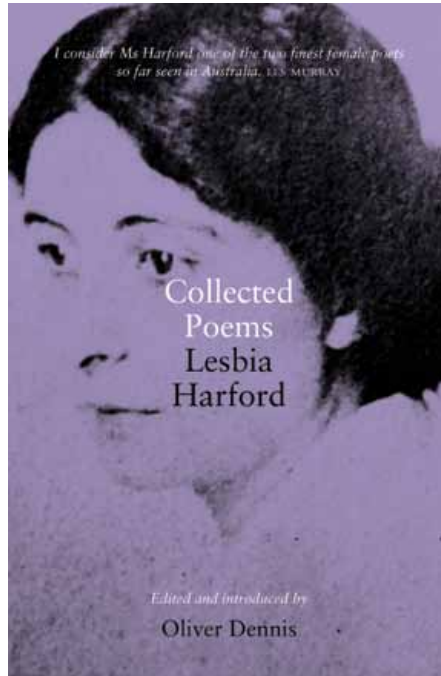
She was a writer, an activist, an intellectual – an original mind with a keen sense for art and politics.

At university Lesbia campaigned against conscription in the First World War, and against Australia's part in it. She rejected the bourgeois world, and after university turned away from middle-class people and conventions and took up with workers, working in textile and clothing factories and writing poems about it.

The Invisible People

When I go into town at half past seven
Great crowds of people stream across the ways,
Hurrying, although it's only half past seven.
They are the invisible people of the days.

When you go in to town about eleven
The hurrying, morning crowds are hid from view.
Shut in the silent buildings at eleven
They toil to make life meaningless for you.



As a poet she mused on a broad range of topics – both political as mentioned and personal. For example, her erotic poems about Katie Lush, philosophy tutor at Ormond College. There is a libertarianism in her poetry not out of keeping with a pre-World War One era in which modern sexual identities were in flux.

Lesbia Harford's poetical style is pared back and deceptively simply, since interpreted as tough and clear minded. The appeal of her poems is the succinct ambiguity inherent in them:

If you have loved a brave story
Tell it but rarely;
And, with due faith in its glory,
Render it barely.

Then must the listener, hearing
Your tale of wonder
Let his own hoping and fearing
Tear him asunder.

She said, in a letter, 'I take my poetry seriously and am in no hurry to be read'. Her poems must be read in context – that is, they are both intensely private and set within an intellectual milieu before World War One and the anti-communist era that followed it. Her poetry is intimately linked with the tumultuous times in which it was written.

Lesbia moved for a short time to Sydney and in 1920 married Patrick Harford, a working class activist from Redfern who later became a painter in the modernist and cubist styles. They returned to Melbourne and Lesbia attempted to complete her law qualification, becoming an articled clerk to a barrister in 1926:

When I am articled
The Law decrees
I shall devote my time
To stating fees
And learning about Actions
Suits and Courts.

Then Deeds and Briefs and Grants
Must fill my thoughts.
While if a naughty
Little verse should find
Its way into a corner
Of my mind

I must not tell the chap
For whom I work.
He pays the penalty
If I should shirk
And take to writing books
And verse instead
Of 'hereinafter', 'duly',
'Viz', 'the said'.

Lesbia Harford suffered from persistent ill health during her short 36 years. She died of lung and heart failure in 1927. At the time of her death, the only publication credited to her name was a pamphlet entitled 'The law relating to hire purchase in Australia and New Zealand'. Since then over 250 of her poems and a long-lost novella – *The Invaluable Mystery* – have been published. ■

Extracts of Collected Poems: Lesbia Harford reproduced with the permission of UWA Publishing.

I WILL NOT BE SILENCED

CARA FRIEDMAN

THE FILM, WHICH LAUNCHED THE 2015 HUMAN RIGHTS ARTS AND FILM FESTIVAL IN MELBOURNE, FOLLOWS A BRAVE AUSTRALIAN WOMAN'S PROTRACTED AND PAINFUL SEVEN YEAR BATTLE AGAINST A FOREIGN LEGAL SYSTEM.

Charlotte Campbell-Stephen is gang raped in Kenya and then told not to bother pursuing her legal rights. In direct defiance of this advice she spends seven brutal years navigating her way through Kenya's criminal justice system. Charlotte endures not only a horrific and violent rape but in its aftermath persistent adversity: a foreign legal system, aggressive defence counsel, multiple de novo hearings and alleged evidence tampering. We see, hear and feel her frustration throughout the film.

Ultimately, the offenders are found guilty only of violent robbery and are acquitted of the rape charges. Although the perpetrators are sentenced to life imprisonment, the decision confirms what Charlotte was told at the beginning of her seven year legal battle: "No one wins rape cases in this country". While Charlotte is relieved at the conclusion of the trial, the audience is left without the desired catharsis.

I Will Not Be Silenced is shot in a documentary and observational style which provides little relief from the reality and harshness of the story. Charlotte's experience is deeply disturbing and confronting. However, it serves as an impetus for positive change. Her fight to prosecute rape, although not entirely successful, takes on broader meaning as a uniting force against repression. It shows

how one woman's strength can inspire and create change, with the women of Nairobi banding together in defiance of a culture which otherwise silences them. ■



GETT, THE TRIAL OF VIVIANE AMSALEM

HILARY TAYLOR

"A CHAINED-UP DOG HAS A BETTER LIFE", SAYS A WITNESS TO VIVIANE AMSALEM'S STRUGGLE TO OBTAIN A DIVORCE. UNDER JEWISH LAW, THE ONLY WAY A WOMAN CAN BE GRANTED A DIVORCE IS FOR HER HUSBAND TO GIVE HER A 'GETT'. WITHOUT IT, SHE CANNOT REMARRY WITHIN JUDAISM AND FACES SOCIAL AND RELIGIOUS EXILE DESPITE THE FACT THAT SHE MAY HAVE RECEIVED A CIVIL DIVORCE.

Gett, The Trial of Viviane Amsalem follows a five-year appeal by an orthodox Jewish woman for a divorce in the Rabbinical court. Viviane Amsalem (Ronit Elkabetz) is an agunah – a chained woman – whose obstinate husband Elisha (Simon Abkarian) refuses to release her from their marriage.

The film takes place entirely within the confines of a pokey rabbinical court devoid of aesthetic interest. School desks and plastic chairs act as the bar tables and white unadorned walls surround the parties. The

location seems purposefully ambiguous, and indeed it could be anywhere (as rabbinical law co-exists with the civil systems of the countries in which its courts reside). The submissions of each party range from witty to heart wrenching as we are drawn through the absurd and maddening process – only to discover that, in the end, all power lies not with the three rabbis, but in the hands of Amsalem's husband. Slowly, the story of their marriage emerges, drawn out through the testimony of family, neighbours and friends.

Ronit Elkabetz's performance as Viviane Amsalem is notable. We watch her character shift from patience and bemusement to rage and desperation – we can't help but feel her plight. Her silences are as compelling as the beautifully scripted repartee. She challenges the patriarchal authority of the court and her husband in her own restrained fashion. Appearing in court with her hair uncovered and donning apparently immodest espadrilles, she refuses to back down on obtaining the Gett.

The film's focus is kept tight and confined, lending it a theatrical atmosphere. But despite its modesty, confined courtroom staging and stripped back scenery, the film is a chronically tense and thrilling drama that demands attention. ■



GO! REBELLE! – THE REBELLES

MARIANA DUTHIE

THE REBELLES ARE AN ALL-SINGING AND ALL-DANCING GIRL BAND HAILING FROM MELBOURNE'S INNER NORTH AND WEST. AFTER EIGHT YEARS TOGETHER, THE BAND RELEASED ITS DEBUT ALBUM GO! REBELLE! EARLIER THIS YEAR THROUGH THE HELP OF A CROWD-FUNDING PROJECT – AND AFTER LISTENING TO THE ALBUM, YOU'LL UNDERSTAND WHY THE PUBLIC WAS SO KEEN TO CONTRIBUTE.

The opening song *1-2-3-4 Go!* signifies the beginning of a musical journey, and the listener is immediately hit by a Spector-esque “wall of sound” and transported into a world of 60's inspired rock'n'roll that is filled with good vibes, powerful voices and a touch of girl group greatness.

Go! Rebelle! has a strong Melbourne flavour, with *Spanish Fitzroy* referencing our very own Johnston Street. The group has a knack for storytelling and the album is packed to the

brim with songs about love and heartbreak. *Bobby? Or Johnny?* tells a story of longing for two men but having to choose one, while *Danny's Car* transforms Dylan's *Maggie's Farm* into what critics call a ‘soda pop flavoured celebration of grrrl garage attitude’.

Juxtaposing bittersweet tunes about heartache and loss with upbeat songs about love, boys and of course cars, the Rebelles take listeners on a rock'n'roll adventure, with the band's broad influences ranging from the Shangri-Las, to the Dixie Cups to the Ramones all coming through. The energy behind every song yields powerful results – your foot will be tapping along in no time!

The Rebelles' live performances are a force to be reckoned with (what else can you expect from 15 passionate women together on stage?). The band ‘wig up’ and the audience become completely immersed in the surround sound and end up begging for more.

Go! Rebelle! is a powerful album full of strong voices, soaring harmonies and great stories but most importantly, it's downright fun. The songs are infectious and the album leaves listeners feeling uplifted with a formidable dose of girl power. ■



FROM MEXICO WITH LOVE – ABBIE CARDWELL

JESSICA AWAD

FANCY A PINCH OF MEXICAN CHILI IN YOUR MUSIC? MELBOURNE BORN BILINGUAL SINGER-SONGWRITER ABBIE CARDWELL CERTAINLY DELIVERS ON THAT FRONT. IF YOU ARE LOOKING FOR A FRESH ACOUSTIC SOUND WITH A SPICY UPBEAT VIBE, LOOK – OR LISTEN – NO FURTHER.

In a genre totally of its own, *From Mexico With Love* has been dubbed ‘Roots-Rocanrollin’-Tex-Mex-Spaghetti-Vintage-Mexi-Americana’. With a mashed up genre like that, it's destined to impress!

From Mexico with Love shares with us the story of an Aussie *chica* falling in love with Mexico, abandoning her life in Australia to begin writing and recording music. Cardwell's love of Mexico shines through in 10 unique tracks boasting 10 different styles, in both English and Spanish. Cardwell's sound is augmented by two bands, the Melbourne 10-piece, the Chicano Rockers and the

Twin Tones from Mexico City. She holds it all together, producing a highly energetic, yet smooth beat you can't help but get up and dance to!

With *Love* opens with ‘Piñata Heart’ (performed with the Chicano Rockers), a soft but catchy tune. ‘Hey Lupe’ and the next nine tracks keep it interesting with a unique mixture of speedy and languorous, upbeat and mellow. There is a whole lot of heart pouring through each track and each lyric. The final track, ‘You Can't Say No in Acapulco’ brings the album to a close on a slow, soothing note, bathing the listener in a chilled Mexicana glow.

The spicy blend that is *From Mexico with Love* will keep you on your toes. Cardwell is a previous Triple J Unearthed winner and an Australian Music Week Winner, and she was a member of Keith Urban's team on ‘The Voice Australia’. Her song writing skills have also earned her awards. What does

the future hold for this *chica*, we wonder?

Look out for Abbie Cardwell's latest single, ‘The Guiding Star’ and check out her upcoming tour dates at <http://www.abbiecardwell.com/gigs/>. ■



CELEBRATION SLICE



Recipe idea: Jessica Heyes
Recipe/styling: Cle-ann Stampolidis
Photography: Hugh Adams

SERVES 4 - 6

PROVISIONS

6 - 8 asparagus
1 preserved capsicum
1 carrot, grated
6 - 8 snake beans
Handful cherry tomatoes, halved
100g free range sliced ham
5 free range eggs
½ cup plain (or gluten free) flour
1 tsp baking powder
A few sprigs of dill, chopped
½ cup tasty cheese, grated
Pinch murray river salt flakes
Freshly ground black pepper

METHOD

1. Preheat oven to 180 degrees celsius.
2. Line a loaf tin with baking paper.
3. Place a layer of asparagus into the tin, followed by capsicum, carrot, snake beans, cherry tomatoes and ham. Repeat layers with anything left overs.
4. In a jug (or bowl) whisk eggs, flour, baking powder and dill. Season with salt & pepper and pour into your loaf tin. Tap down onto bench. Cover with cheese and bake for 35 - 45 minutes until golden.
5. Serve it warm or cold, as is, or with a lovely green salad on the side.



Jessica is an enthusiastic (if slightly disorganised and impatient) amateur cook, as well as a wife, mother, musician and lawyer at Minter Ellison specialising in competition law.





COMMITTEES

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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.

2015 UPDATE

We thank our major sponsor firms for generously hosting the following VWL events:

- Allens – Launch of VWL's *Flexible Work Protocols: A best practice guide for productive and engaged legal workplaces*
- Ashurst – *Career Progression for Women in the Legal Industry*
- Corrs Chambers Westgarth – *Body Image and the Law*
- Clayton Utz – *Life Balance for Women in*

the Legal Industry

- DLA Piper – *Screening of Miss Representation*
- K&L Gates - *Launch of the annual VWL & WBA Law Student Mentoring Program*
- King & Wood Mallesons – *Not Just Jobs For the Boys*
- Maddocks – preliminary rounds of the inaugural *Warren Moot* and award presentation
- Maurice Blackburn – *Screening of Loves Me Loves Me Not and Use & Abuse: The effectiveness of Intervention Orders in the Fight against Family Violence*
- Minter Ellison – *A Conversation on Unconscious Bias in Legal Workplaces with the Honourable Chief Justice Marilyn Warren AC*
- Russell Kennedy – *Make It Happen: Celebrating International Women's Day.*

Special thanks to the following organisations for supporting VWL during 2015 by hosting the following events:

- Logie-Smith Lanyon Lawyers – *Royal Commission into Family Violence – Victoria's Response*

- Victorian Government Solicitor's Office – *Progression and Promotion for Women Lawyers in Government and Managing Conflicts: Navigating Committee, Board, Volunteering and Pro-Bono Work While Maintaining Public Sector Neutrality*
- Taylor Root – *Launch of Career Interrupted: How 14 Successful Women Navigate Career Breaks.*

VWL would like to thank all our sponsors and friends for their ongoing support throughout 2015. We look forward to working together in 2016. ■



Image: Jackie Gillies

SPECIAL REPORT

FROM THE TREASURER, LIZ COOPER

2015 UPDATE

VWL received all sponsor revenue on time. Membership earnings were steady, with efforts to provide free-of-charge functions for members (combined with low interest rates) resulting in low revenue.

Accounting costs were reduced, reflecting the extra effort directed towards the preparation of all but the end of year accounts.

Costs associated with VWL's annual publication, *Portia* were higher, reflecting the redesign effort applied in producing an excellent publication. Requests for additional copies were made from interested groups enabling another print run. This cost was reflected in increased printing and stationery costs.

A focus for VWL has been to improve the member experience leading to an increase in media and website expenses to better connect with VWL members and enable them to better interact with the association.

FOCUS AREAS FOR 2016

The coming financial year should see continuing effort in the attraction of new members and the retention of existing ones.

There will be a reduction in costs, associated with a document storage overhaul of archived documents and their movement to central storage. 2016 marks the 20th anniversary of VWL and funds will be set aside to mark the occasion. Past covenors are being engaged to ensure the collective knowledge of this extremely successful representative body is displayed. An investment in website development is planned, with costs of rebranding being amortised over five years.

Emphasis will continue to be on delivering high-quality, funded seminars and networking opportunities to members. ■



Image: Liz Cooper

All drawings by Sam Golding

COMMUNICATIONS COMMITTEE

ROLE

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

ACHIEVEMENTS OF THE YEAR

Another bigger, better edition of *Portia*! Many of the feature articles in this edition were generated by the talented members of the committee, supported by research conducted throughout the year.

Other 2015 achievements include launching a new monthly e-newsletter, *VWLlist*, actively promoting VWL's events and activities in the media (both print and social) and developing a new platform for the VWL website.

SPECIAL MENTIONS

Thank you to our wonderful committee members: Jessica Awad, Claudia Brkic, Ciara Coleman, Mariana Duthie, Cara Friedman, Alexandra Lane, Amanda May, Sarah Saliba, Hilary Taylor and Grace

Walton, and to all the writers and artists who contributed their work to this edition of *Portia*.

INSPIRATIONS

We have been inspired by the emergence in mainstream dialogue of a number of important topics of concern to VWL. In particular, there has been widespread and continuing media coverage of family violence in Australia as well as pay inequity.

The broader community's recognition of these issues, and its willingness to engage with them, is heartening. Involving the whole community in the conversation will lead to a greater understanding of, and support for, women's legal and human rights. We have drawn on the increasing wealth of resources and discussion on these issues to inspire and inform many of the articles in this edition of *Portia*. ■



Images: Co-chairs, Caroline Jones and Kirsten Adams

JUSTICE COMMITTEE

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.

ACHIEVEMENTS OF THE YEAR

Our work in 2015 focussed on family violence, with the aim of giving the epidemic the attention it deserves. It included the following events.

- screening of *Loves Me, Loves Me Not* and panel discussion led by Angela Barker, Leanne Sinclair, Magistrate Anne Goldsborough and Joanna Fletcher
- panel discussion on the use and abuse of intervention orders with Deputy Chief Magistrate Felicity Broughton, Antoinette Braybrook, Dr Rachel Mackenzie and Ross Porter
- interactive Q&A session on the Royal Commission into Family Violence with Rosie Batty, Rob Hulls, Jocelyn Bignold, Kay Swanton and Luke Ablett.

SPECIAL MENTIONS

We would like to thank our committee members, Mieke Matimba, Jessica Dawson-Field, Carmendy Cooper, Julie Asher, Katya Udorovic, Natalia Chilk, Stephanie Burn and Claire Humble for their tireless efforts in helping to meet the committee's objective of sharing knowledge and insight into family violence in 2015.

Special thanks to Maurice Blackburn for its continuing support of our justice initiatives.

INSPIRATIONS

After the screening of *Loves Me, Loves Me Not*, VWL members and guests had the honour of meeting Anj Baker and hearing her thoughts on tackling family violence. In her speech Anj spoke courageously about her experience and her survival of it. Anj is an emblematic example of strength and confidence – the key pillars in a strong woman. ■



Images: Co-chairs, Raeesa Rawal and Julia Swift

LAW REFORM COMMITTEE

ROLE

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

ACHIEVEMENTS OF THE YEAR

Another successful year involving two great events and the continued involvement in important law reform initiatives:

- screening of *Miss Representation*, inviting discussion and exploring how mainstream media contributes to the under-representation of women in influential positions
- *Body Image and the Law* – research project and panel discussion exploring whether Australia should introduce laws that require all models to have a minimum body mass index and all photo-shopped images to include a statement to that effect
- review and evaluation of proposed changes to university fees and the consequences, particularly for women and low income-earners

- continued commitment to and financial support of the Indigo Foundation, supporting women to attend law school in Afghanistan
- submission to the proposed Commonwealth 'revenge porn' bill.

SPECIAL MENTIONS

Monique Hurley (former co-chair) for her fantastic efforts. She inspired us by becoming a civil lawyer at the North Australian Aboriginal Justice Agency (NAAJA) in the Northern Territory. Each of our committee members, for their energy, enthusiasm and hard work in participating and contributing to law reform activities. Committee members, Cindy Halliwell and Tair Tidhar for their research report on the current photoshop laws in Israel and France, and whether Australia should legislate similarly. DLA Piper and Corrs Chambers Westgarth, for hosting our 2015 events.

INSPIRATIONS

Marilyn Krawitz, a senior lecturer in law at the University of Notre Dame and the leading researcher in the area of body image and the law, encouraged and influenced the committee's main focus for 2015. ■



Images: Co-chairs, Vanessa Shambrook and Amy Johnstone

NETWORKING COMMITTEE

ROLE

To hold events that support women's professional development in the workforce, through career planning, mentoring and education, and networking events. We often host events with other professional groups.

ACHIEVEMENTS OF THE YEAR

A number of successful networking and professional events, including:

- the inaugural Warren Moot, with the Grand Final held at the Supreme Court of Victoria before Chief Justice Warren
- Annual Members' and Guests evening at La Di Da with entertainment by comedian, Laura Davis
- *Marketing, Mentoring and Career Motivation*
- Annual *Coming to the Bar* information session, co-hosted by the Women Barristers' Association

- VWL Christmas Party and Annual General Meeting.

SPECIAL MENTIONS

A huge thank you to our committee members, Daniella Christodoulou, Jasmina Davis, Allie Guegan, Elizabeth Guarino, Tessa Hawthorn, Nina Janic, Alexandra Jelley, Deborah Kliger, Chloe McGuinness, Annika Memery, Chloe Parker, Bonnie Phillips, Maneka Siva Nathan, Ella Thompson, Claire Walczak, Merryn Skehan and Sunita Warrior for their hard work and enthusiasm.

INSPIRATIONS

We have been blown away by the courage, dedication and enthusiasm demonstrated by participants in the Warren Moot. The key objective of this new initiative is to encourage women lawyers to participate in public speaking in a supportive and encouraging environment. The participants in the inaugural competition inspired us with their confidence and advocacy skills. ■



Images: Co-chairs, Michelle Berry and Natalie Plumridge

WOMEN IN GOVERNMENT COMMITTEE

ROLE

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

ACHIEVEMENTS OF THE YEAR

In 2015 we held two great events and continued our work in enriching career progression and opportunities for women lawyers in government:

- *Progression and Promotion for Women Lawyers in the Public Service*, with speakers including LIV President, Katie Miller and General Counsel at the Department of Treasury and Finance, Marian Chapman
- informative panel event, providing public service lawyers with practical tips on effectively managing conflicts of interest, featuring Victorian Public Sector Commissioner, Belinda Clark and public service lawyer, Susanna Ritchie

- successful outreach to women government lawyers through a survey to obtain a clearer understanding of their interests and career goals.

SPECIAL MENTIONS

Each of our dynamic committee members deserves a special mention for their hard work and contributions to the two very successful events this year. We sincerely thank all those who have taken on unglamorous administrative tasks that keep the committee moving.

INSPIRATIONS

Exceptional public service women lawyers have inspired our committee. From the many talented women lawyers within our own organisations, to inspirational public figures such as the Honourable Justice Betty King who retired from the bench this year after an illustrious career and former Sex Discrimination Commissioner, Elizabeth Broderick, our committee members are continually reminded of the high calibre of women lawyers in Australia. They are our mentors – leading by example, inspiring us to keep working towards the next step in our own careers. ■



Images: Co-chairs, Erin Richardson and Tessa Plueckhahn

WOMEN MIGRANTS' LEGAL INFORMATION (WMLI) PROJECT COMMITTEE

ROLE

To formulate and implement an ongoing project to disseminate legal information to migrant women in the Victorian community, and to link them with appropriate services.

ACHIEVEMENTS OF THE YEAR

In 2015 the WMLI Project continued its important work, producing radio announcements informing migrant women about the free confidential advice available at inTouch Multicultural Centre Against Family Violence (with the support of a grant from Victoria Law Foundation).

With the assistance of new project manager and co-chair, Elva Zhang the WMLI Project produced announcements in Vietnamese and Mandarin.

Those announcements, together with announcements in English and Arabic (the latter the focus of last year's project), will be broadcast on local community radio stations over the next few months.

The second half of 2015 saw the WMLI Project commencing a pilot flyer campaign which aims to produce and distribute cards informing migrant women in various languages of the services of inTouch.

SPECIAL MENTIONS

A special mention goes to the CEO of inTouch, Maya Avdibegovic. Maya's organisation provides a unique service to our community and the demand is ever increasing. Her energy and openness to our future co-operation has been truly inspiring.

INSPIRATIONS

Our committee members are a continuous source of inspiration. They have provided fantastic ideas to further develop the operations of the WMLI Projects. We look forward to continuing our work next year. ■



Image: Co-chair Satu Aho

Thanks also to co-chair Elva Zhang.

WORK PRACTICES COMMITTEE

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.

ACHIEVEMENTS OF THE YEAR

The focus of the committee's work in 2015 was the release of VWL's *Flexible Work Protocols: A best practice guide for productive and engaged legal workplaces*.

The Flexible Work Protocols are part of VWL's response to the findings of the Law Council of Australia's National Attrition and Re-engagement Study (NARS) and are designed to help lawyers and legal practices effectively manage flexible work without sacrificing career progression.

The committee is now organising workshops with sponsor firms to discuss the ways in which their organisations have responded

to the NARS findings. We are particularly interested in uncovering what is working, and what is not working, for private legal practices in their attempts to displace persistent gender biases affecting their employees.

SPECIAL MENTIONS

Everyone involved in drafting and launching VWL's new Flexible Work Protocols.

INSPIRATIONS

The prominent media coverage flexible work has received and the encouraging approaches firms are taking to increase gender diversity. ■



Images: Co-chairs, Jane Doyle and Emma Henderson

WITH THANKS FROM THE CONVENOR KIRSTEN ADAMS

THE ACHIEVEMENTS OF VICTORIAN WOMEN LAWYERS OVER THE LAST 12 MONTHS ARE THE RESULT OF MUCH HARD WORK BY MANY DEDICATED PEOPLE WHO, THROUGH THEIR OWN ACTIONS, ARE DETERMINED TO MAKE IT HAPPEN.

Every single contribution is valued and we are immensely grateful to everyone who gave their time, energy and effort this year.

Special thanks go to Stephanie Milione, Assistant Convenor, Secretary Bianca Quan and Treasurer Elizabeth Cooper. Thank you also to all other voting members of the executive committee – Elizabeth Aitken, Meredith Gibbs, Brooke Hobson, Jackie Gillies (not least for her continued work as VWL's sponsorship officer) and immediate past convenor (and VWL's representative on the board of Australian Women Lawyers),

Verity Shepherdson. Our administrator, Judy Nutter has provided tremendous support this year and we thank her for going above and beyond.

To the co-chairs of VWL's extremely industrious committees (named in the committee reports from page 65) – thank you to each of you and to your committee members. In your work for social justice, law reform, better work practices, women in government, migrant women's access to legal information and connecting women lawyers, you make VWL everything that it is. Thank you to all members of the Communications Committee for bringing this beautiful, compelling edition of *Portia* to life.

We extend our thanks to all of VWL's supporters and friends within the Victorian legal community, including our principal sponsor, the Law Institute of Victoria and our major sponsors: Allens, Ashurst, Clayton Utz,

Corrs Chambers Westgarth, DLA Piper, King & Wood Mallesons, K&L Gates, Maddocks, Maurice Blackburn and Minter Ellison. With the generous support of these sponsors we are able to harness the energy of our volunteers to deliver meaningful and valuable benefits to women lawyers and the Victorian legal profession more broadly.

VWL's patron, the Honourable Chief Justice Marilyn Warren AC is an inspiration to all Victorian women lawyers. We thank her Honour for her ongoing support of our association this year, and especially for helping to make the Warren Moot happen.

Next year, 2016, will be VWL's 20th anniversary and we look forward to bringing our members a year packed with events and programs designed to help them to achieve a satisfying, successful professional life – whatever their personal definition of success might be. ■

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
- 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: Jac Clark, *Meeting Rosie Batty*, acrylic on canvas, 122 x 150cm (SH Erwin Gallery)

GET INVOLVED!

JOIN A COMMITTEE

PLAN OR HOST AN EVENT

BECOME A MENTOR OR MENTEE

COMPETE IN OR JUDGE A MOOT

CONTRIBUTE TO NEXT YEAR'S PORTIA

If you would like to get involved in these, or any other ways,
please email contact@vwl.asn.au

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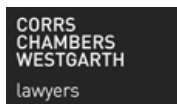


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