

# PORTIA 2019



The annual journal and report of Victorian Women Lawyers

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## ABOUT THIS EDITION OF PORTIA

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THE THEME FOR *PORTIA* 2019 IS IDEAS AND IDENTITY. THROUGH THIS THEME, WE HAVE EXPLORED INNOVATIVE IDEAS AND IDENTITY POLITICS.

'Ideas and identity' draws upon a paradox in recent times, that as technology has enhanced capacity for communication and created a more interconnected world, we are witnessing fractures in people clutching to identity. Whether that be gender, race, sexuality, nationality or religion, there is a real sense that the world is experiencing widening divides. An example is how the recent reforms in New South Wales left South Australia and Western Australia as the only jurisdictions to regulate abortion through the criminal law (a matter currently subject to review of the South Australian Law Reform Institute); but due to the current *Religious Discrimination Bill* may pose a threat to women in need of such services by prioritising the interests of medical professionals who may conscientiously object. Of course, holding tightly to identity need not widen divides where there is genuine respect and robust debate. Focusing on gender, race, sexuality, nationality or religion and the intersections among them can help us identify who is being left out, and why.

Victorian Women Lawyers (**VWL**) is continuing to bring intersectional issues of diversity and gender into the spotlight through its many events such as the panel discussion on the recent *Modern Slavery Act 2018* (Cth) and its impact on slavery and domestic servitude in Australia today. We are glad to report on events like this and to include articles on issues of intersectionality in our Features section.

The articles in this edition of *Portia* canvass a broad cross-section of topics such as constitutional recognition for our First Nations people, the 'impostor syndrome' in the workplace, the consequences of the Lawyer X scandal, and how women on temporary visas experiencing family violence in Australia are far less likely to be able to access necessary support. You will find in these pages insights from the Women of the Australia Legal Technology Association, the Women's Empowerment Centre, and from legal professionals who are making flexible work, work. Also included is advice regarding the pathway to being admitted as a lawyer.

In our Arts section, we celebrate women in the arts including Bri Lee, author of her memoir *Eggshell Skull* and also this year's presenter at our biennial event to celebrate Australian poet, novelist and political activist, Lesbia Harford, a pioneer of women in the legal profession.

Finally, we are grateful and delighted to publish works of portraiture submitted by women artists as entries to the 2019 *Portia Geach Memorial Award*. The winning piece by Sally Robinson, a self-portrait titled *Body in a Box*, is featured on page 4. The annual award exhibition is held at the SH Ervin Gallery in Sydney, and you can read about the history of the award on page 4.

VWL and its Communications Committee express a sincere thanks to the many who generously contributed to *Portia* 2019. We very much hope this edition will be motivating and thought-provoking. ■



Image (this page): Sally Ryan, *Unchained Melody* (Jacqueline Gibson and Ben Ryan, Lawyer and Artist) (SH Ervin Gallery)

Cover image: Kathrin Longhurst, *Mariama* (Mariama Hajaratu, Professional Wrestler) (SH Ervin Gallery)

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# PORTIA 2019

Ideas and identity

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# MESSAGE FROM THE PRESIDENT

ELLA VAN DER SCHANS

**2019 SAW VWL DELIVER A PLETHORA OF UNIQUE EVENTS AND PROJECTS FOCUSED ON LAW REFORM, SOCIAL JUSTICE, PROFESSIONAL DEVELOPMENT, AND ADVOCACY.**

This year, we focused on diversifying our offering to members, enhancing our regional and suburban reach and building relationships with aligned bodies to increase opportunities for women in the legal profession. VWL continued its work to eliminate gender discrimination and inequality for all women, and also focused on the intersectional nature of diversity and inequality.

I am especially proud of the expansion of VWL's Diversity and Inclusion Committee (formally the Cultural Diversity Committee), which is now responsible for championing the rights of, and working to promote equality for women of culturally and linguistically diverse backgrounds, Aboriginal and Torres Strait Islander women, women with disabilities and the LGBTQI+ community.

2019 also saw VWL focus on female entrepreneurship and how legal technology can improve access to justice for women. VWL hosted a seminar regarding access to justice in the online world with a focus on family law and our Cross-Industry Networking event, held with LUNA Startup Studio showcased female entrepreneur, Sarah Holloway, founder of Matcha Maiden. In 2020, VWL is eager to collaborate with WALTA: Women of the Australian Legal Technology Association, to showcase new legal technology initiatives which aid women in law and access to law.

Early in 2019, VWL's Law Reform Committee made a submission to the Australian Human Rights Commission's Inquiry into Sexual Harassment in Australian Workplaces. The submission made five recommendations to address sexual harassment and bullying in the workplace.

I was shocked, but not surprised, to read the alarming findings of the International Bar Association's report, *Us Too? Bullying and Sexual Harassment in the Legal Profession*, and the Women's Legal Service's report *Starts with Us: Sexism and Gender Inequality in the Victorian Legal and Justice Sector*, of which VWL was a project partner. These reports highlight that sexist attitudes (including 'everyday' sexism), sexist cultures, sexual harassment and bullying are continuing and pervasive in the legal profession.



VWL stands with the regulator, the Victorian Legal Services Board and Commissioner and awaits the results of its recent survey, which has been designed to gain a comprehensive understanding of sexual harassment and bullying in the profession and the wider Victorian legal workforce.

As part of VWL's commitment to providing valuable content, events and projects to our members, VWL appointed an additional voting executive member, tasked with the responsibility of membership engagement. VWL launched a survey of its members to better understand their needs and requirements in the current, rapidly changing

legal environment (the details of the survey are included in this edition of *Portia*).

The annual Warren Moot, named in honour of our Patron, the Honourable Marilyn Warren AC QC, continued into its fifth year. I extend VWL's sincere thanks and gratitude to the Honourable Marilyn Warren AC QC who is a continual source of inspiration, support, and guidance as our Patron.

For their ongoing and generous support, I would like to thank VWL's sponsors: Allens Linklaters, Clayton Utz, Justitia Lawyers and Consultants, KQH Lawyers, K&L Gates, Law in Order, Maddocks, Maurice Blackburn Lawyers, MinterEllison, Nicholes Family Lawyers, Svenson Barristers and Wotton Kearney. This year, VWL was also delighted to welcome new sponsors: Foley's List, Coulter Roache, Lennon's List and event sponsor Gatehouse Legal Recruitment. We also thank LUNA Startup Studio, Northern Community Legal Centre, Holding Redlich and Herbert Smith Freehills for their involvement and support of VWL in 2019.

I would like to congratulate and extend my sincere gratitude to VWL's Voting Executive Committee for their dedication and invaluable contribution: Deborah Kliger, Elizabeth Cooper, Patricia McMullan, Emma Sestito, Bonnie Phillips, Natalie Plumridge, Vanessa Shambrook, Priya Wakhlu, Marquita Nolan, Sophie Lefebvre and Michelle Berry.

I would also like to thank the co-chairs and committee members of each of VWL's committees for their passion, commitment, and ideas, which are the driving force of VWL's diverse range of events, publications, and projects. It has been a great privilege to serve as President of VWL. I hope that this edition of *Portia* is a source of inspiration and motivation to join VWL as it leads the profession towards achieving gender equality. ■



## MESSAGE FROM OUR PATRON

### THE HONOURABLE MARILYN WARREN AC QC

THE 2019 YEAR HAS BEEN FILLED WITH OUTSTANDING ACHIEVEMENTS FOR VWL RANGING FROM THE SURVEY ON THE VICTORIAN LEGAL PROFESSION, TO PROVIDING MOOTING EXPERIENCES FOR YOUNG WOMEN LAWYERS. THIS EDITION OF *PORTIA* IS TESTAMENT TO AN ORGANISATION WHICH IS PROUDLY SUPPORTING WOMEN IN ACHIEVING EQUALITY IN THE LEGAL PROFESSION.

Now for a different reflection for the woman lawyer.

Women are innately adaptive and flexible in the workplace. Within the legal profession women continue to gain greater equality. Yet there remain significant barriers to entry on to the career escalator. One of the barriers is that the child bearing and raising years of women generally occur at the same time the escalator takes off through the middle to upper floors of the law. Another barrier may be deliberate delay in promotional opportunities by employers where offers of partnership or senior positions are promised but not fulfilled because 'the time is not quite right for the office'. The woman lawyer can find herself left behind. This scenario does not arise in workplaces that see the careers of their women lawyers as a long-term investment.

Those workplaces offer flexibilities in working hours and arrangements. Nevertheless women may find the treadmill of juggling family life and the career tough going, especially where they feel their career has slowed down or plateaued.

I suggest this. The young woman lawyer of today has a distinct advantage through technology over others in the profession. The younger generation has extraordinary skills for managing legal knowledge and research, service to clients and legal practice. Modern technology enables flexibility in workplace practice and accommodation including work away from the traditional workplace. So often these days the legal workplace is representative of a working hub as distinct from an office.



I venture to suggest women lawyers should sometimes step back and assess how the technology can be better adapted and refined to make their individual work even more effective and competitive. In other words, pause to reflect on how technology can be marshalled to give the individual an edge on the one hand and, on the other hand, advanced flexibility in their personal lives and wellbeing.

A couple of areas to keep an eye on are the application of artificial intelligence (AI) and the Fintech economy.

AI has been around for a while. Its support of discovery of documents and dispute resolution has been an increasing feature of modern litigation practice. For the woman lawyer seized with technological skills and knowledge, technology also provides opportunities for different types of legal service, litigation and employment. Understanding AI and the building of relevant algorithms is a key to launching a different arm of a legal career. There are very many companies, start-ups and cyber collaborations that need lawyers at the various stages of development: establishment, marketing, transactions, disputation and, at times, insolvency.

Relevantly, a vibrant financial sector is booming with Fintech. I hope young women lawyers do not see the AI and Fintech sectors in the old way as often occurred with STEM studies and maths, that is, as 'male areas'. Rather, I hope women lawyers become increasingly knowledgeable of the technological and digital opportunities that seem to be abundant and growing. Women lawyers seek change and difference at all ages. Technology may create the change being sought. As I say my remarks are a reflection.

To VWL I extend very warm congratulations on a brilliant year culminating in this elegant and inspiring *Portia*.

Good luck to all Victorian women lawyers and remember to keep gender on the agenda. ■

Image courtesy of the Supreme Court of Victoria

# ABOUT THE PORTIA GEACH MEMORIAL AWARD

SH ERVIN GALLERY

THE *PORTIA GEACH MEMORIAL AWARD* WAS ESTABLISHED BY THE BEQUEST OF (FLORENCE) KATE GEACH TO HONOUR HER SISTER, ARTIST PORTIA GEACH, WHO DIED IN OCTOBER 1959. NOW THE MOST RECOGNISED PORTRAITURE AWARD FOR WOMEN IN AUSTRALIA, THE AWARD PROUDLY CELEBRATED ITS 55TH ANNIVERSARY THIS YEAR.

Born in Melbourne in 1873, Portia Geach studied design and painting at the National Gallery School, Melbourne from 1893 to 1896, winning a prize for her nude painting. In 1896, she won the first travelling scholarship awarded to an Australian to study at the Royal Academy of Arts in London, where she remained for four years.

In the early 1900s, Portia returned to Melbourne and began experimenting with her art. She eventually focused on figure studies, portraits and atmospheric landscapes, and later moved to Cremorne Point, Sydney in 1904. Portia painted murals for buildings in New York, and her art was exhibited at the *Societe Nationale des Beaux-Arts* in Paris. Portia continued to travel widely, visiting New Guinea, Noumea, Tahiti and New Zealand.

Disillusioned by the lack of support from the male dominated art world, Portia directed her energies to fighting for the rights of women in Australia. Portia assisted the suffragette movement in 1905 by painting a banner for the movement. She also founded and was President of the *New South Wales Housewives' Association*, which was later reorganised as the *Housewives' Progressive Association*. Portia was also the President of the *Federated Association of Australian Housewives*.

Portia regularly expressed her views on subjects such as buying Empire goods, the use of preservatives in foodstuffs, the date-stamping of eggs, the marking of lamb, and the high price of milk and bread on various media outlets, including the *Sydney Morning Herald* and the radio. Armed with a strong personality, she campaigned against the closed front that she claimed had faced her when she tried to exhibit her paintings.

The *Portia Geach Memorial Award* is presented annually "... for the best portraits 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 closing date for entries". The *Portia Geach Memorial Award* is a fitting legacy and ensures that women artists in Australia are encouraged and supported in their endeavours.

The 2019 judging panel, which included Samantha Meers, Trustee of the Art Gallery of New South Wales, Natalie Wilson, Curator of Australian and Pacific Art at the Art Gallery of New South Wales and Jane Watters, Director, SH Ervin Gallery, commented that the list of finalists for the Award demonstrated that contemporary Australian portraiture has a vibrant future.

The winner of this year's Award, selected from 409 entries, is artist Sally Robinson for her self-portrait entitled *Body in a Box*. On this self-portrait, the judging panel said:



Image: Sally Robinson, *Body in a Box* (Sally Robinson, Artist)  
(SH Ervin Gallery)

We admired this bold and audacious portrait which demonstrates an understanding of tonal painting, composition and original technique. The confronting image of the figure contained within a box challenges our social perceptions around ageing and the body. The artist has cleverly used the construct of the box to break down the liminal space between the painting and the viewer.

The judging panel also selected two highly commended art works, Pollyxenia Joannou for *Me, the Irishman and the Chair* and Victoria Reichelt for *La Mere (after Elizabeth Nourse)*, which are featured on pages 53 and 55 in this year's edition of *Portia*.

VWL is extremely proud to promote the *Portia Geach Memorial Award* and pay homage to Portia Geach as a pioneering woman in her field and feminist. VWL would like to thank the SH Ervin Gallery, Sally Robinson and the finalists, whose pieces appear in this year's edition of *Portia*, for kindly allowing us to reproduce their works. Finally, VWL congratulates Sally Robinson on her powerful portrait. ■



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# VALUES BASED CONTRACTS

13 FEBRUARY 2019

**VWL WERE HONoured TO INVITE KIM WRIGHT, A U.S. BASED LAWYER AND ADVOCATE FOR TRANSFORMATIVE APPROACHES TO LAW, TO INTRODUCE 'VALUES-BASED' CONTRACTS TO VWL MEMBERS AND GUESTS.**

Values-based contracts (also known as 'conscious' contracts) are designed to reflect the mission, vision, and values of the contracting parties. These contracts are often used to help companies and organisations improve relationships with stakeholders.

In her presentation, Kim introduced guests to the potential of values-based contracts, and explained how lawyers can assist their clients in aligning legal documents with the values of each contracting party's organisation, with a view of creating long-term relationships between the organisations. Guests then had the opportunity to ask Kim questions about her experience delivering values-based contracts in practice.



VWL thanks Kim for delivering an interesting and thought-provoking presentation and discussion on values-based contracts, and MinterEllison for sponsoring the event.



Images (from left to right): (left) Guests  
(right): Alex Wormald, Geraldine Johns-Putra, Kim Wright and Alex Dworjanyn

Photography by Vanessa Shambrook

# DAME ROMA MITCHELL MEMORIAL LUNCH

6 MARCH 2019

**VWL AND THE WOMEN BARRISTERS' ASSOCIATION (WBA) HELD THE ANNUAL DAME ROMA MITCHELL MEMORIAL LUNCH, COMMEMORATING DAME ROMA FLINDERS MITCHELL, WHO WAS THE FIRST AUSTRALIAN WOMAN TO BE APPOINTED QUEEN'S COUNSEL, JUDGE, CHANCELLOR OF AN AUSTRALIAN UNIVERSITY, AND STATE GOVERNOR.**

Guests heard from Professor Gillian Triggs, former President of the Australian Human Rights Commission. Professor Triggs emphasised the need for a Bill of Rights in Australia, expressed her concern regarding the regressive position of women in Australia, and spoke of the remaining challenges in achieving equality for women. She urged guests to be less polite, speak up, and strive for equality for all.

Professor Triggs addressed the pressures on women to strike a 'work-life balance' and achieve success in every aspect of their lives simultaneously. She emphasised that in her view, women should reconsider and change their priorities regarding work and other pursuits as their lives evolve.

VWL is grateful to Gatehouse Legal Recruitment for sponsoring this event.



Image: Professor Gillian Triggs

Photography by Fedon Photography





Photography by Fedon Photography

# HOW DID YOU DO IT? A PANEL DISCUSSION ON JUGGLING PARENTING AND A CAREER IN CRIMINAL LAW

15 MARCH 2019

**VWL, TOGETHER WITH CRIMINAL LAW MUMS, HOSTED A PANEL DISCUSSION ON JUGGLING PARENTING WITH A CAREER IN CRIMINAL LAW.**

The event opened with networking over champagne and a delicious grazing table. This was followed by an honest, inspiring, and entertaining discussion where our panellists shared personal experiences and practical tips on overcoming common challenges for mothers practising in criminal law.

Over 50 guests heard from our esteemed panellists, Her Honour Judge Elizabeth Gaynor, Her Honour Magistrate Sharon Cure, barristers Sharn Coombes and Fiona Todd, and 'The Zen Lawyer' Virginia Warren. Guests also heard from April Long of Shine for Kids, a charity which supports children, young people and families with relatives in the criminal justice system. All ticket sales from the event were donated to Shine for Kids.



Key take-home messages from the evening included:

- Judge Gaynor's advice to accept that you are "good enough" as a lawyer and as a parent, and there is no need to be perfect;
- Magistrate Cure's advice to openly seek and rely on external support; and



- Virginia Warren's advice to "just breathe" and understand yourself in moments of stress.

VWL would like to thank David Ross Chambers, Foley's List and James Dowsley & Associates for making the event possible.

Photography by Vanessa Shambrook

## THE FUNDING NETWORK

20 MARCH 2019

**TOGETHER WITH PWC, CONNECTED COMMUNITIES MELBOURNE, AND THE CITY OF MELBOURNE, VWL PARTNERED WITH THE FUNDING NETWORK TO PRESENT A HIGH-IMPACT, LIVE CROWD-FUNDING EVENT TO SUPPORT AND RAISE MONEY FOR SOCIAL ENTERPRISES.**

Society Melbourne, Project New Dawn, and Emerge Women & Children's Support Network were selected to pitch to the audience and discuss the ways their organisations are helping domestic violence victims, and assisting to end homelessness by providing those in need with employment opportunities.

The event raised a combined amount of \$140,000, which will be donated to the three social enterprises to enable them to continue to expand and progress their amazing work.



Photograph courtesy of the Funding Network



## ACCESS TO JUSTICE AND THE ONLINE WORLD

21 MARCH 2019

**VWL, IN CONJUNCTION WITH NICHOLAS FAMILY LAWYERS, HOSTED A PANEL DISCUSSION EXPLORING THE IMPACT OF THE EMERGENCE OF THE ONLINE WORLD UPON AN INDIVIDUAL'S ABILITY TO ACCESS JUSTICE'.**

Facilitated by Rebecca Dahl, Partner at Nicholes Family Lawyers, guests were treated to a discussion between three experienced panellists; Dr Catherine Boland, Clinical Psychologist, Julie Kun, CEO of the Women's Information Referral Exchange, and Emma Heggie of Counsel. The discussion canvassed the sources and methods that individuals and communities use to obtain information to assist them in navigating the legal system, and how courts are responding to new issues that arise with the emergence of new technologies.

The panellists drew from their professional experience to provide examples of information and advice services that can now be delivered using online platforms, and highlighted how such services improves access to justice for individuals or communities who may otherwise have been disconnected from these important support services.

However, there are also lessons to be learned in this space, particularly in terms of quality assurance, security issues, and synchronicity between entrenched legal rules and processes, and the ever-evolving online world.

Thank you to Nicholes Family Lawyers for hosting this event, and to our panellists for their thought-provoking contributions on this topic.

Image (from left to right): Dr Catherine Boland, Emma Heggie, and Julie Kun



Photography by Erin Meeking

## THE MODERN SLAVERY ACT - DOMESTIC SERVITUDE AND MODERN SLAVERY IN OUR BACKYARD

28 MARCH 2019

**TOGETHER WITH MAURICE BLACKBURN LAWYERS, VWL HELD AN ENGAGING PANEL DISCUSSION BETWEEN ACADEMICS AND ADVOCATES IN THE FIELD OF DOMESTIC SERVITUDE AND AUSTRALIA'S RECENTLY ENACTED MODERN SLAVERY ACT 2018.**

The panel featured Felicity Gerry QC, Professor and International Queens Counsel, Jo Pride, CEO of Hagar Australia, and Marie Segrave, Associate Professor and Criminologist. Jacinta Lewin, Social Justice Senior Associate at Maurice Blackburn Lawyers, moderated the event.

The panellists provided a critique and commentary on the *Modern Slavery Act 2018*, and what the Act aims to achieve. They also emphasised the importance of raising awareness of the issue of modern slavery, in view of the large number of victims of slavery both in Australia and worldwide.

The panellists encouraged the audience to discuss the issue with family and friends. Guests were also urged to be wary of supporting shopping brands that use exploitative practices in their supply chains and to undertake research into their labour practices and company values.

Image (from left to right): Oriana Torcasio, Felicity Gerry QC, Marie Segrave, Jacinta Lewin, Jo Pride, and Naomi Hickey-Humble

Photography by Vanessa Shambrook





## VWL WELLBEING SERIES: THE ROAD TO KNOWING YOUR PURPOSE

4 APRIL 2019

**VWL WAS PROUD TO HOST AN EVENT TO EQUIP MEMBERS OF THE LEGAL PROFESSION WITH THE SKILLS TO FOSTER A SENSE OF PURPOSE IN THEIR PERSONAL AND PROFESSIONAL LIVES.**

This event was run as part of VWL's flagship wellbeing initiative, now in its second year, which is aimed at assisting members of the legal profession to build resilience, maintain wellbeing, and manage stress.

Sam Suke, workshop facilitator, physiotherapist and volunteer surf lifesaver, presented the seminar. Sam spoke to guests about the Japanese concept of Ikigai – "iki" meaning life and "gai" meaning purpose—in order to embrace meaningful work. Ikigai requires a focus on the pursuit of four pillars; personal strengths, personal passions, contribution to the community, and financial and non-financial payments.

Guests were taken through interactive and engaging tasks to assist them find each pillar of their Ikigai.

Sam's takeaway points were:

- A compass is better than a map. A map can only be drawn in retrospect, but a compass is always true. Introspecting on the four pillars to Ikigai will build for you a personal compass that guides you forward.
- Allow your Ikigai to evolve as you do. Our responsibilities, strengths, and passion, change throughout life - expect and accept that things will evolve.
- Be patient. "The road to knowing your purpose" is as long as life itself. Enjoy the journey.

VWL thanks Sam Suke for his fantastic insights, and Wotton + Kearney for hosting this event.



Photography by Mammoth Media Productions

## WOMEN IN LAW SPARKING JOY

9 MAY 2019

**VWL, IN CONJUNCTION WITH SVENSON BARRISTERS, HOSTED A COCKTAIL EVENING AT LUMAS GALLERY IN SUPPORT OF FITTED FOR WORK.**

Fitted for Work is a not-for-profit organisation that helps disadvantaged women enter and remain in the workforce by providing outfits for women to wear in interviews, working with women to draft their resumes, connecting women with a network of employers, and providing ongoing support.

Guests were asked to bring quality, unwanted work-wear items and unused makeup or toiletries to donate to Fitted for Work. General Manager of Fitted for Work, Amanda Carlisle, also attended the event, and expressed her gratitude for each generous donation received, and emphasised how the donations could change the lives of the women she works with.

Guests were also encouraged to write affirmations to accompany their donations, to inspire confidence in the women who will access Fitted for Work services.

VWL were overwhelmed by the amount of clothing, shoes, accessories, and cosmetics donated on the night and in the lead up to the event. VWL thanks Svenson Barristers, LUMAS Gallery, and Fitted for Work for making this event such a success.

Photography by Vanessa Shambrook



## AN EVENING IN THE NORTH

15 MAY 2019

### VWL IS PROUD TO CONTINUE ITS COMMITMENT TO ENGAGING WITH LAWYERS IN BOTH REGIONAL AND SUBURBAN VICTORIA.

This year, VWL held an event at Northern Community Legal Centre in Broadmeadows to highlight the diverse career pathways available to women lawyers.

VWL welcomed three women leaders working in judicial, governmental, and legal roles. The Honourable Justice Rita Zammit, Councillor Helen Davidson, Moreland City Council Councillor and Senior Lawyer at Darebin Community Legal Centre, and Antonella Terranova, Chair of the Northern Suburbs Law Association Inc. and Co-Director and Principal of Castra Legal Costing Pty Ltd. Each leader offered unique insights, advice, and recommendations to guests of the event.

They articulated the benefits and challenges of studying, volunteering, and working in legal practice in the northern suburbs of Melbourne. Her Honour Justice Zammit, a former long-time volunteer at Broadmeadows Legal Service and current Champion of Northern Community Legal Centre, identified peer support as an essential resource for suburban lawyers.



She encouraged attendees to develop their own support cohorts. Councillor Helen Davidson remarked that working in the northern suburbs of Melbourne allows her to feel connected to a community.

The event offered an opportunity for suburban lawyers to celebrate suburban practice and for 'northern' lawyers to recognise their importance in Victorian practice.



Images (from left to right): (left) Marcela Castro, Leanne Cousinery, and Bridget Coutts

(right): Justice Zammit, Antonella Terranova, and Councillor Helen Davidson

Photography by Vanessa Shambrook

## SLEEP AT THE 'G

16 MAY 2019

### ON 16 MAY 2019, VWL MEMBERS BRAVED THE COLD AND SLEPT OVERNIGHT AT THE MELBOURNE CRICKET GROUND TO RAISE AWARENESS FOR YOUTH HOMELESSNESS.

The VWL team raised \$4,320.34 for Melbourne City Mission, a not-for-profit organisation that provides a range of support services to young people who are either experiencing, or are at risk of homelessness.

The funds raised will help Melbourne City Mission provide services to some of the 6,000 young Victorians that are currently homeless.

VWL thanks all who participated and provided their support. VWL looks forward to taking part again next year and helping to end youth homelessness for good.

Photography by VWL



# MEMBERS AND GUESTS EVENING

29 MAY 2019

VWL HELD ITS ANNUAL MEMBERS AND GUESTS EVENING AT THE TRUST – MELBOURNE'S HISTORIC PORT AUTHORITY BUILDING. AS ONE OF VWL'S MOST EMINENT EVENTS, THE MEMBERS AND GUESTS EVENING PROVIDES AN INVALUABLE OPPORTUNITY FOR BOTH EXISTING AND PROSPECTIVE MEMBERS TO LEARN ABOUT VWL AND ITS ACTIVITIES AND GOALS.

This year VWL was thrilled to present comedian and media personality Cal Wilson as its special guest for the evening. Fresh off her critically acclaimed comedy show, Cal regaled attendees with witty and pertinent observations of her experiences as a comedian and presenter, and as a woman working in a male dominated profession. Cal's thoughtful and hilarious performance provided guests with food for thought and some welcome levity to break up the working week.

Over 150 people attended the event to network with colleagues in the legal profession over drinks and canapés. VWL's President, Ella van der Schans, spoke to attendees about VWL's recent and upcoming initiatives, encouraged those new to the organisation to consider membership, and provided insight into opportunities for new and existing members to become further engaged in VWL through its committees and executive organisation.



VWL would especially like to thank event sponsor, Gatehouse Legal Recruitment, for its generous support, and the Networking Committee for once again making this event a success.

Images (from left to right): (top) Jessica Samuel, Georgia Whiteside, Louie Hvala, Catherine Moroney, Cal Wilson, Olivia Roslaniec, Eleanor Weir and Hannah Dunai

(bottom left) Cal Wilson

(bottom right) Guests

Photography by Charlie Kinross



## SPEED NETWORKING FOR GOVERNMENT LAWYERS

5 JUNE 2019

**THIS YEAR'S SPEED NETWORKING FOR GOVERNMENT LAWYERS EVENT PROVIDED A WONDERFUL OCCASION FOR LAWYERS AND STUDENTS CURRENTLY EMPLOYED IN THE PUBLIC SECTOR, AND THOSE INTERESTED IN GOVERNMENT WORK, TO COME TOGETHER, CONNECT, AND SHARE EXPERIENCES OVER DRINKS AND CANAPÉS.**

Held at Black Rabbit Bar, the event was attended by both current and former government lawyers, as well as aspiring government lawyers. The diversity in the stages of guests' careers, as well as the differences in their career paths, sparked interesting conversations between guests. The speed networking rounds facilitated countless introductions and ensured no one was left without someone to chat to.

VWL were delighted to be able to facilitate connections between so many women with a shared interest in government legal work, and to also support other women in their careers.

VWL would like to thank the members of the Women in Government Committee for their enthusiasm and dedication in organising this event. VWL looks forward to running a similar event in the future.

Photography by Vanessa Shambrook



## LAW STUDENT MENTORING PROGRAM

13 JUNE 2019

**VWL WELCOMED PARTICIPANTS OF THE LAW STUDENT MENTORING PROGRAM AT THE PROGRAM'S ANNUAL LAUNCH EVENT, THIS YEAR HELD AT CLAYTON UTZ.**

The Law Student Mentoring Program is a joint initiative run by VWL and the WBA. Now in its twelfth year, the program aims to connect female law students with women working in law, to facilitate the development of valuable networks based on shared interests. This year, 70 mentees and mentors were matched, based on the mentee's area of interest, and the mentor's practice area.

At the launch event, guests heard from program Patron, The Honourable Justice Rita Zammit. Her Honour delivered an inspiring opening speech, speaking to law students and their mentors about her own experiences and challenges during her career, as well as the challenges of one of her former Associates. Her Honour remarked that in times of adversity, "I know it's tough, but you're going to be okay. You can get through this, and each and everyone of you should be proud of yourselves for what you have already accomplished."

VWL thanks executive member Natalie Plumridge for coordinating this year's program.

We hope that this year's mentees and mentors find the Law Student Mentoring Program a rewarding experience, and one that builds lasting relationships.



Photography by Joshua Djaelani

## NEW LAW IN THE SUBURBS

14 AUGUST 2019

THIS YEAR, THE MEMBERSHIP COMMITTEE HOSTED NEW LAW IN THE SUBURBS, A PANEL DISCUSSION ON HOW LAW FIRMS CAN ENHANCE PRODUCTIVITY AND WELLBEING, TO HIGHLIGHT THE OPPORTUNITIES AVAILABLE OUTSIDE THE SPHERE OF 'TRADITIONAL' LEGAL PRACTICE.

Guests heard from law professionals who have broken the confines of traditional legal practice by looking beyond billable hours, and have found a way to combine their passions with their practise of law, to achieve remarkable results for both themselves and their clients.

The panellists were Melissa Lyon, Associate Principal of Hive Legal, Jennifer Tutty, Principal of Studio Legal, Lucy Percy, Principal of Head and Heart Estate Planning, and Nick Valentine, a counsellor from Healing Phase.



The panellists gave incredible insight into understanding how to manage the legal profession and the stresses associated with it. The event was facilitated by co-chair of the Membership Committee, Abbey Mason, and the discussion was designed to be open and free-flowing between guests and panellists.



VWL thanks Maurice Blackburn Lawyers Dandenong for their hospitality and for assisting VWL to host this marvellous discussion.

Photography by Joshua Djaelani

## CROSS-INDUSTRY NETWORKING

28 AUGUST 2019

VWL HELD ITS SECOND ANNUAL CROSS-INDUSTRY NETWORKING EVENT, A NETWORKING EVENING AIMED FOR PROFESSIONAL WOMEN IN DIFFERENT INDUSTRIES TO BUILD CONNECTIONS AND SHARE THEIR EXPERIENCES.

We were delighted to welcome attendees from a diverse range of professions, including in-house Counsel, bankers and florists! Held at the Black Rabbit Bar, VWL members and their guests escaped the chilly August weather and mingled over drinks and canapés.

This year, the focus of the event was the experiences of female entrepreneurs and female-led start-ups. VWL was thrilled to have former lawyer Sarah Holloway, podcaster and founder of Matcha Maiden and Matcha Mylkbare brands, as our guest speaker. Sarah



entertained the audience with the story of her unexpected evolution from burnt-out corporate lawyer to successful business owner, and the lessons she has learnt about taking chances and finding your passion.

VWL would like to thank our event sponsor, LUNA, a start-up hub for budding entrepreneurs, for making the night a great success.

Photography by Zoe Twomey-Birks

# WARREN MOOT

## SEPTEMBER – NOVEMBER 2019

IN 2019, VWL HAS CONTINUED TO GROW THE WARREN MOOT TO PROVIDE OPPORTUNITIES FOR MEMBERS OF VWL TO DEVELOP THEIR ADVOCACY SKILLS. 14 TEAMS PARTICIPATED IN THIS YEAR'S WARREN MOOT, WITH THE PROBLEMS DRAFTED BY BARRISTERS FELICITY FOX, EMMA POOLE, JULIE ZHOU, AND SUPREME COURT RESEARCH ASSISTANT ZOE ANDERSON. THE 2019 MOOT PROBLEMS COVERED CRIMINAL LAW, CIVIL LAW, AND JUDICIAL REVIEW.

The Warren Moot continues to receive overwhelming support from the judiciary with each round being adjudicated by a serving female judge of the Supreme Court – Trial Division and the Court of Appeal, County Court or the Federal Circuit Court. The Grand Final of the Warren Moot was presided over by the Honourable Marilyn Warren AC QC.

This year's Warren Moot was launched with an advocacy training event, a new initiative for the program. The Honourable Marilyn Warren AC QC and the Honourable Justice Zammit provided insights and practical tips for both oral and written advocacy. The discussion was then followed by a practical exercise on effective written submissions run by Julianna Marshall of the Judicial College of Victoria, and a session on effective research strategy run by Belinda Schembri of the Supreme Court of Victoria Library. The Supreme Court of Victoria Library also developed an Advocacy and Research Guide for Warren Moot participants.

VWL thanks the many volunteers who support this competition, including members of the WBA. VWL is fortunate to have the continued support of the Supreme Court of Victoria, which this year hosted both the semi-finals and Grand Final. VWL is also grateful for the ongoing support of competition sponsor firm, Maddocks.



Photography by Vanessa Shambrook



## SHARE THE DIGNITY: NETWORKING AND DONATION DRIVE

11 SEPTEMBER 2019

**VWL'S JUSTICE COMMITTEE AND SPONSOR, JUSTITIA, HOSTED A NETWORKING AND FUNDRAISING EVENT FOR AUSTRALIAN WOMEN'S CHARITY, SHARE THE DIGNITY.**

Share the Dignity collects donations of sanitary and personal hygiene items for women in crisis or women at risk. The event was held at the Laikon Delicatessen in Richmond, which provided a charming setting and a lavish spread of deli fare for guests. Guests generously donated 115 packets of sanitary pads and 101 packets of tampons, which will help restore a sense of dignity to the women who receive the donations.

Guests also heard from Share the Dignity, who explained how these donations would help women at times when they need it most, including when they are experiencing domestic violence, homelessness, and poverty.

Through ticket sales, VWL and Justitia raised \$680. These funds were donated directly to Share the Dignity to help the charity continue their important work so that no woman has to choose between purchasing sanitary items and meeting other essential needs.



Share the Dignity holds donation drives twice per year, in April and August. VWL's Justice Committee thanks Justitia and all event attendees and donors. We encourage all of our members and supporters to continue to contribute to this very worthy cause in 2020.

Photography by Vanessa Shambrook

## LESBIA HARFORD ORATION

2 OCTOBER 2019

**VWL PROUDLY HOSTED ITS BIENNIAL LESBIA HARFORD ORATION, AN EVENT THAT CELEBRATES AUSTRALIAN POET, NOVELIST, AND POLITICAL ACTIVIST, 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, VWL gave the stage to Bri Lee, an award winning author, freelance writer, and change-maker. Bri is a well-known advocate for criminal justice law reform and has been recognised by the Australian Financial Review as a young leader in the 2019 *Women of Influence Awards*.

Bri gave a powerful and honest speech, sharing her personal experience of sexual assault and her emotional journey through the justice system as a complainant.

Having gained further exposure to sexual assault cases as a Judge's Associate, Bri shared her insights on sexism in the legal profession and justice system, particularly in her hometown Queensland, and the difficulties women face when speaking up. Bri spoke on the power of the collective voice and calling out inappropriate behaviour. Although Bri has made strides in Queensland with criminal justice law reform, Bri emphasised the need for further change.

Held over breakfast at the Langham, Bri captured the audience of 130 guests with her compelling story which was followed by an engaging question and answer session.



Photography by Shevan J Photography



Photography by Shevan J Photography



## ETHICAL INTUITION: NAVIGATING ETHICAL CHALLENGES IN GOVERNMENT

9 OCTOBER 2019

VWL'S WOMEN IN GOVERNMENT COMMITTEE HOSTED AN ENGAGING PANEL DISCUSSION ON THE UNIQUE CHALLENGES FACED BY GOVERNMENT LAWYERS IN MEETING THEIR ETHICAL OBLIGATIONS. WE WERE FORTUNATE TO HAVE JOELLE GROVER, PARTNER AT MINTERELLISON, FACILITATE OUR PANEL.

Her Honour Judge Felicity Hampel opened the discussion with some fascinating stories from her career as a barrister and as a judge of the County Court of Victoria. Her Honour addressed attendees on the ethical issues she has encountered while presiding over criminal trials and sitting in the review and regulation list at Victorian Civil and Administrative Tribunal (VCAT). Katie Miller, Deputy Commissioner of the Independent Broad-based Anti-Corruption Commission, shared her experiences after 15 years in the public sector and offered useful insights as to how we can further support and advance an ethical legal environment in government.

Elsie Loh, Assistant General Counsel of the Victorian Department of Premier and Cabinet, provided practical tips and advice for tackling ethical dilemmas in government. Guests also heard from Rachel Ellyard, who shared her experiences as a barrister acting for and against government in a wide range of civil and administrative law areas.



The event was well attended by legal professionals in both the public and private sector who are interested in government work. It was a great opportunity for attendees to network with one another and draw on the collective wisdom of our panellists to feel more confident in managing their ethical obligations.

We are grateful to MinterEllison for hosting the event.

Photography by Vanessa Shambrook

## ALTERNATIVE LEGAL PATHWAYS

10 OCTOBER 2019

VWL HELD ITS FIRST ALTERNATIVE LEGAL PATHWAYS EVENT, A NETWORKING BREAKFAST AND PANEL DISCUSSION HIGHLIGHTING CAREERS IN LAW OUTSIDE OF THE TRADITIONAL LAW FIRM SETTING, AND THE UNIQUE PATHWAYS AND CAREER TRAJECTORIES WHICH HAVE LED TO THESE ROLES.

The event took place at Clarence Chambers, a fully serviced, contemporary co-working space located in the heart of the legal precinct. We were pleased to welcome to the panel her Honour Judge Elizabeth Brimer of the County Court, Megan Comerford, Head of Legal at AFL Players Association, Kate Dillon, Transformational Lawyer and Innovative Consultant at Gilbert + Tobin and owner of She Lion Bags, and Joanna Fletcher, CEO at Women's Legal Service Victoria.

The panellists shared their insights and experiences on the different career paths they have traversed, and provided advice on how to transition into a different role and forge a career with meaning and purpose.



The moderator for the event was Suzy Schimtz, Principal Consultant at KeyPoint Law, who discussed her experience working outside of the traditional law firm model.

VWL would like to thank our panellists and moderator for the lively and informative discussion, and for helping to make the event a great success.

Photography by Vanessa Shambrook



# WOMEN AND REPRODUCTIVE HEALTH

6 NOVEMBER 2019

**OUR SOCIETY HAS MOVED FORWARD IN ITS UNDERSTANDING OF WOMEN'S REPRODUCTIVE HEALTH NEEDS AND TREATMENTS, HOWEVER FURTHER PROGRESS IS NEEDED.**

VWL's Justice Committee and sponsor, Allens, hosted a panel discussion to explore this issue. Nicky Friedman, Director of Community Engagement at Allens, moderated the event.

Guests heard from three distinguished panelists, Louise Johnson CEO of the Victorian Assisted Reproductive Treatment Authority, Jane Bennett Menstrual Educator and member of Victorian Women's Trust and Megan Paybody Manager in EY's Economics, Regulation and Policy team.

The panelists discussed their diverse areas of expertise and how they and their organisations work to facilitate and progress women's reproductive health in Australia.

They also fielded questions about the current trends and future challenges they foresee for women's reproductive health on a personal, organisational, and regulatory level. Guests were armed with information about their own reproductive health options, as well as a sense of how our reproductive health needs interact with our workplaces and broader communities.

# FAMILY LAW REFORM

13 NOVEMBER 2019

**IN LIGHT OF THE PROPOSED AMENDMENTS TO THE FAMILY LAW ACT 1975 (CTH), VWL AND KHQ LAWYERS HOSTED A PANEL DISCUSSION EXPLORING THE IMPACT OF THE PROPOSED REFORM TO BOTH WOMEN LAWYERS AND WOMEN EXPERIENCING A RELATIONSHIP BREAKDOWN.**

The panellists, Dr Kate Jackowski, Psychologist, Dr Rachel Carson, Socio-Legal Researcher, and Monica Blizzard, Director at KHQ Lawyers and Accredited Family Law Specialist provided unique insights into the proposed amendments.

VWL thanks sponsor KHQ Lawyers for hosting this event.

# PRACTICE IN GEELONG: PATHWAYS, PURPOSE, AND POSSIBILITIES

19 NOVEMBER 2019

**VWL'S EXECUTIVE COMMITTEE CONTINUED THEIR REGIONAL ENGAGEMENT IN GEELONG HOSTING A PANEL DISCUSSION REGARDING REGIONAL PRACTICE. THE EVENT WAS SPONSORED BY COULTER ROACHE.**

Anne O'Loughlin, Principal Family Lawyer at Coulter Roache in Geelong and Melbourne, Shelley Buchecker, Managing Lawyer at Victoria Legal Aid, Barwon Regional Office, Bronwen Charleson, Director of Corporate Services at Geelong Grammar School, and Jaz Goddard, Personal Injuries Associate at Maurice Blackburn joined VWL as panel members.

Executive Committee Members and suburban and regional lawyers, Marquita Nolan and Bonnie Phillips, moderated the discussion.

The Geelong practitioners facilitated a candid conversation with attendees about regional practice during the exciting panel discussion.

With a wide breadth of legal roles and experiences, the speakers provided attendees with insight into the multitude of employment pathways, unique benefits, challenges, rewards, and successes of female practitioners in Geelong.

The panel members spoke of their personal and professional experiences to offer attendees insight to their career development, achievements, and successes as regional practitioners. The practice diversity of the panel, and their contributions to regional practice, were inspiring.

This event brought Geelong lawyers together to celebrate regional practice and to network with a number of other cross sector practitioners, and demonstrates VWL's ongoing commitment to supporting regional members.

## WOMEN BARRISTERS NETWORKING LUNCH SERIES

### VWL, THE WBA AND SVENSON BARRISTERS AGAIN JOINED FORCES FOR THE 2019 WOMEN BARRISTERS NETWORKING LUNCH SERIES.

The objective of the VWL and WBA Networking Lunch Series is to provide women barristers with the opportunity to meet and network with senior solicitors with briefing power in their relevant practice area. It provides a forum for women barristers to promote their skills and highlight their capabilities, with a view to building relationships with solicitors who may brief them in the future.

The first lunch focused on barristers and solicitors in Building and Construction. Susan Kirton, Senior Member at VCAT and Construction Law Barrister and Mediator moderated this event. The event was extremely well attended, and the lunch hour passed quickly, with plentiful conversation and informal networking.

The second lunch hosted women barristers and solicitors specialising in Wills and Estates. Attendees were fortunate to hear from the Honourable Justice McMillan of the Supreme Court of Victoria, who kindly moderated the event.

The third and final event for 2019 was targeted towards in-house Counsel, and commercial barristers who receive (or are open to receiving) briefs from in-house Counsel. Sarah Fregon, former Chief Executive Officer of the Victorian Bar and now in-house Counsel at Deloitte, spoke to attendees about her experiences both at the Bar and in-house. The event was kindly moderated by Jennifer Batrouney QC.

VWL sincerely thanks Svenson Barristers for its ongoing sponsorship of the lunch series, and looks forward to continuing its partnership with WBA in the future.



Image: Tianli Zu, *Keep it all Together* (Her Excellency the Honourable Margaret Beazley AO QC, Governor of NSW, Former President of the NSW Court of Appeal) (SH Ervin Gallery)



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# HOW LONG UNTIL THEY REALISE I DON'T BELONG HERE?

STEPHANIE PASHARIS

**MONDAY MORNING, 9AM – IT IS THE START OF YOUR FIRST DAY AT YOUR NEW JOB. NOT ONE STRAND OF HAIR IS OUT OF PLACE, AND YOU ARE SPORTING A NEW SUIT AND FRESHLY POLISHED SHOES. YOU ARE KEEN TO MAKE A GOOD FIRST IMPRESSION. YOU HAVE JUST MET YOUR NEW BOSS, AND YOU ARE SHOWN TO YOUR DESK. YOU SIT DOWN, BREATHE AND TAKE EVERYTHING IN. A THOUGHT THEN RUSHES THROUGH YOUR MIND – HOW LONG UNTIL THEY REALISE I DON'T BELONG HERE?**

The 'impostor phenomenon' is common, particularly in high-achieving women. Individuals experiencing impostor feelings reject praise or recognition, and view their achievements as undeserved. Despite achieving countless awards, and receiving the continuous praise and recognition from colleagues, friends, and family, high-achieving women can often become plagued with the feeling that they are 'impostors', unworthy of their success.

Rather than internalising and celebrating their well-earned accomplishments, often, their first instinct is to attribute their victories to external factors. "I was just lucky", "I was in the right place at the right time", or "I was supported by a great team" are common phrases. How many times has someone congratulated you for a job-well-done, and rather than acknowledging your own success or hard-work, you brush off their comments, downplay the significance of your achievement, and respond with a generic comment along the lines of, "thank you, it was no big deal". It was a big deal. If it was not a fantastic accomplishment, the chances are that that person would not have even made that statement to you.

So why are we so quick to undersell ourselves?

## THE DEVELOPMENT OF IMPOSTOR FEELINGS

In a 2016 study of university students and working professionals, Mirjam Neureiter and Eva Traut-Mattausch examined the correlation between the impostor phenomenon and the preconditions of a fear of failure, fear of success, and self-esteem, and how these preconditions impact career-development, including career planning, career striving, and the motivation to lead.

Neureiter and Traut-Mattausch found that in the sample group of students, there were positive correlations between the impostor phenomenon and all three preconditions. This means that those who reported higher in feelings of negative self-esteem, a fear of failure or a fear of success also experienced higher feelings and actualisations of the impostor phenomenon. For students, the strongest precondition was low self-esteem, followed by a fear of failure and fear of success. Neureiter and Traut-Mattausch hypothesised that this may be explained because of the pressure on academic success in students, and a conditioned fear of failure.

In contrast, Neureiter and Traut-Mattausch found that in the sample group of working professionals, a fear of success was the strongest predictor of impostor feelings. The research suggests that for working professionals, impostor feelings develop to manage the fear of being socially rejected by colleagues, for example, in situations where one colleague is promoted. They suggest that working professionals are more aware of the opinions of their peers, compared to students. Therefore, high-achieving professionals deny their own success as a coping mechanism to mitigate rejection by envious colleagues, as they fear losing the support of their peers. This in turn can be to the detriment of career planning, career striving, and can even lead to career self-sabotage.

Additionally, Neureiter and Traut-Mattausch found that those with high feelings of a fear of failure often avoid striving for leadership positions in the workplace. They suggest that individuals experiencing impostor feelings avoid leadership roles due to the perception that they will be open to continuous public evaluation, and in turn, they will inevitably be exposed as an impostor. Therefore, they consider it safer to avoid these positions altogether.

## WHY ARE IMPOSTOR FEELINGS COMMON FOR LAWYERS?

Lawyers are naturally high-achievers. As students, these individuals were typically at the top of their class, recipients of countless awards, and involved in numerous extra-curricular activities. From an outsider looking in, these individuals are hardworking, determined, and intelligent. They deserve their success. However, some individuals struggle to believe this.

The legal profession is comprised of incredibly intelligent and determined individuals. We continuously hear tales of the accomplishments of successful leaders in law, and perhaps incorrectly assume that their trajectory has been smooth sailing. On the surface, these leaders are perfect. We, on the other hand, know that we are not, and are acutely self-aware of our own shortcomings.

Law can be competitive. From the very beginning of our legal careers, we are told that the legal profession is made up of exceptional people, and only the 'best-of-the-best' will secure employment. As students, we were continuously vying for the next internship and working to secure the best grades, to stand out from the crowd. When we do secure our dream job, it therefore feels too good to be true. We could not possibly be good enough for the role. We could not possibly have made it. And we could not possibly be one of the 'best-of-the-best' lawyers that we had admired and strived to become for all those years. We therefore reach the conclusion that our success must have been by mistake.

## ADVICE

Perhaps we cannot truly eliminate our 'impostor' feelings. However, we can learn to change our mindsets and cultivate a greater self-awareness of the instances and scenarios where these feelings may manifest. We should practice strategies to manage these feelings, to ensure that they do not hinder our opportunities for success, cause us to self-sabotage our careers, or even worse, create enough fear that we do not even try to strive for new positions and opportunities. My advice:

- **Practice positive self-talk:** Someone has given you the job, the task, or the opportunity because they think you can handle it. There may be something new or unfamiliar in the job or opportunity which makes you doubt yourself, but practice looking objectively at why the task has been given to you from the view of someone you care for or admire.

Practice talking to yourself about the things you can do well and learn to communicate with others when you need guidance or another person to bounce ideas off. Do not doubt yourself.

- **Be patient with yourself:** You will constantly be on a journey of learning. We will never know all there is to know about something because life and law are constantly evolving. So be kinder to yourself and remember that you are always learning.
- **Reflect:** It is okay if you make a mistake. You have not been caught out. It is an opportunity to grow – not one where you will be identified as a fraud.
- **Limit how often you worry about what others think of you:** It is natural to want to be liked. However, do not downplay your achievements to gain the approval of others. Would they do the same for you?

- **Own your accomplishments:** The next time someone congratulates you on an achievement that you worked hard on, acknowledge it. Acknowledge your hard-work and persistence. Acknowledge the difficulty of the task. Acknowledge your intelligence. Acknowledge your success.
- **Communicate:** If this is something you are really struggling with and cannot seem to shake, talk to someone you trust or a healthcare professional about management strategies.

It is okay to fail. But remember that others fail as well. The next time you do fail (and you will) remember that this does not mean that you have been 'caught out' as a fraud. Learn from it. Most importantly, do not forget that you do in fact belong there, no matter where 'there' is, or despite what you may otherwise believe. ■

*Citations available upon request.*

## SPONSOR LAW IN ORDER



**Technology is changing at a faster pace than ever before. How does Law In Order ensure they remain at the forefront of changes in technology and customer demand?**

While technology is changing how law is practised at an accelerated rate, the core

demands of our clients in the legal profession remain the same. People want to save time and money; they want value, they want understanding and they want to trust that technology is going to make their lives easier.

The culture at Law In Order was shaped around discovering efficiencies for law firms by leveraging technology. Our founder, Julian McGrath, a Head Paralegal at Ebsworth & Ebsworth, knew that most of the work he was doing could be completed faster, better and more cost-effectively if it was outsourced. In 1999, Law In Order began, initially specialising in providing document production and digitisation services to law firms, government agencies, and corporates.

A lot has changed in twenty years. Disputes are far more complex, with discoverable documents running into the terabytes. Judges across Australia are telling Counsel that they no longer want to see boxes of documents in their court rooms, and law firms and corporates are becoming increasingly paper-lite, some paperless. Royal Commissions are being live-streamed to desktops and mobile devices throughout the world.

To remain at the forefront of these changes, Law In Order focuses on three areas:

### 1. Dedicated Relationship Managers for every client

People create change by converting problems to ideas. Our Client Relationship Managers meet with Senior Associates, Graduates, Sole Practitioners, Office Managers, CIO's, In-house Counsel, Personal Assistants and Technology Specialists. They listen to their pains, challenges and desires, and then tailor the appropriate technology to achieve winning solutions.

### 2. Continuous learning and knowledge sharing

We attend and present countless CPD presentations on emerging technologies and techniques, and our experts regularly share insights and ideas on our Law In Order podcasts and website.

### 3. Our people

We employ field-leading experts, from Certified Relativity Masters to Electronic Hearing Room specialists. We work in global teams, collaborating across seven offices and three time-zones, and we lead by continually improving systems, processes and knowledge. By partnering people with technology, our solutions are continuously evolving in tandem with the law. ■

*Emma Barker, Global Head of Sales*

# THE FUTURE OF DATA BREACHES: RISK OR ROUTINE?

SONIA MACKIE

**IN 2017, THE PRIVACY ACT 1988 (CTH) (THE PRIVACY ACT) WAS AMENDED TO INCLUDE MANDATORY DATA BREACH NOTIFICATION LAWS. IT NOW REQUIRES BUSINESSES TO NOTIFY THE OFFICE OF THE AUSTRALIAN INFORMATION COMMISSIONER (OAIC), AND POTENTIALLY AFFECTED INDIVIDUALS IF THERE HAS BEEN AN “ELIGIBLE DATA BREACH”.**

Data breaches occur if there is unauthorised access or disclosure of information such that a reasonable person would conclude the disclosure would likely result in serious harm.

The objective of the recent amendment to the Privacy Act is to allow individuals to take any necessary steps to protect themselves if their personal information has been improperly disclosed. This amendment builds upon the existing requirements in the Privacy Act, whereby organisations must take reasonable steps to protect information from unauthorised disclosure, misuse, interference, and loss.

Companies are required to implement ‘Data Breach Response Plans’ to assist them in meeting their legal obligations to notify the OAIC and affected individuals in the event of a breach. The aim of a ‘Data Breach Response Plan’ is to mitigate damage and protect businesses.

## WHAT FORMS DO DATA BREACHES TAKE?

Data breaches come in many shapes and forms. Some have been a result of human error, others phishing, and some as a result of more serious malicious and criminal cyber attacks. The data breach which has captivated the greatest attention in recent years can be recalled in the following few words: “Facebook”, “Cambridge Analytica”, and “election”.

In this breach, UK analytics firm, Cambridge Analytica, was involved in Donald Trump’s 2016 presidential campaign. Cambridge Analytica was accused of harvesting data from 86 million Facebook users’ profiles to predict and influence voters’ choice in presidential candidacy. The data was harvested through a Facebook quiz app that

exposed a loophole in Facebook’s Terms of Service, allowing third parties to gain access to certain types of data, such as personal information, location, likes, and friends.

As a consequence, Facebook was penalised and eventually agreed to a US \$5 billion settlement with the US Federal Trade Commission, the largest civil penalty to date. At first glance, this figure may seem adequate. However, compared to Facebook’s 2018 fourth quarter revenue of US \$16.9 billion, the settlement figure suddenly seems relatively meek in comparison. Additionally, this settlement raises the question whether penalties actually dissuade companies from further breaches.

It could be said that such penalties do not dissuade companies. Facebook has been, and continues to be, plagued by data breaches. In September 2018, Facebook was hit with another data breach where the information of its users was compromised by a data hack. The malicious attack enabled unauthorised persons to gain access to Facebook profiles using a ‘View As’ feature.

More recently, in August 2019, Facebook admitted to paying contractors to transcribe audio clips from users’ Messenger app. It was alleged that humans were used to cross-reference transcriptions performed by Artificial Intelligence (AI).

Cross-reference transcriptions performed by AI has previously been a relatively common practice in the technology industry. Companies such as Google, Amazon, Microsoft, and Apple have all previously engaged in the practice, some resulting in data breaches. All of these companies have discontinued this practice as a consequence of widespread criticism regarding the lack of commercial transparency, user consent to human transcription, and the risks associated with the storage of audio clips. The incessant Facebook data breaches elucidate the ability, or lack thereof, for companies to internally regulate and protect user’s data.

Data breaches are not exclusive to big technology giants. Data breaches can occur on any conceivable platform where personal information is collected in order to provide a service. This can include any sector, from health to finance.

Notable examples in recent years include:

- In 2018, human resource company PageUp was affected by a data breach, which saw the data of thousands of job seekers potentially compromised.
- In 2019, Australian National University experienced a data breach, which saw both staff and student information hacked. The information included highly sensitive information such as tax file numbers, bank account details, and passport information.
- In 2019, it was revealed that ticketing system Myki had breached users’ data by including more than 15 million card users’ travel routes during July 2015 and June 2018 in a 2018 data science competition. Although this data was de-identified, researchers at the University of Melbourne discovered that the data could be re-identified using the Myki data and social media.

Although these examples capture a small number of data breaches, the above demonstrates that data breaches do not discriminate. Data breaches can happen on any platform, and can include any personal information that has been disclosed to a company or enterprise. Whether we are aware that we are consenting to data collection or not, very often we lose control over what happens to our data once collected.

## EFFECTIVENESS OF LEGISLATION

The media has played an important role in increasing visibility and public interest as to how our data is being used and stored. Public scrutiny and interest has facilitated a global call to action for the increased transparency and accountability of businesses. Enactment of stricter privacy protection legislation has followed. This includes significant pieces of legislation such as the European Union *General Data Protection Regulation* and the *California Consumer Privacy Act*. In Australia, the OAIC published their first 12-month report on Notifiable Data Breaches. Between 1 April 2018 and 31 March 2019, the OAIC were notified of 964 notifiable data breaches. That is 964 data breaches which resulted in the unauthorised access of the information of individuals, which would likely cause harm.



More positively, 35% of these breaches occurred due to human error. This indicates that education and proper due diligence has the potential to actively reduce instances of data breaches. This would be particularly useful in the health and finance sectors, where almost 50% of reported data breaches occurred due to human error. Conversely, mitigating the 60% of data breaches caused by malicious or criminal attacks is more challenging, as it requires an almost hyper awareness of the limitations and weaknesses in data storage and systems prior to being exposed to a data breach.

While the legislation has been effective in working with businesses to improve 'best practice' following a data breach, there is much to be said about the effectiveness of legislation to prevent data breaches from occurring. Therefore, without stricter legislation into what data can be used for, it is up to businesses and organisations to themselves actively strengthen their internal systems to ethically store, manage, and use data.

#### WHAT ABOUT OUR RESPONSE TO DATA BREACHES?

Many notable data breaches have attracted widespread public criticism, yet our interaction with such businesses has remained relatively unchanged. In the case of Facebook, there was a decline in the number of active users post data breach.



Image: Mirra Whale, *Another Side of Leigh* (Leigh Sales, Journalist and Author) (SH Ervin Gallery)

#### SPONSOR FOLEY'S LIST



##### **How important are formal and informal mentors to a lawyer's professional development?**

It will come as no surprise when I say that having good mentors can be hugely influential to the professional development of lawyers.

Since signing the Bar roll in May, I have had incredibly supportive formal and informal mentors, including through Foley's List. So much so, in fact, that it has caused me to reflect on how I could have sought out potential mentors more when I was a solicitor.

When I initially started practising, my firm had formal mentoring arrangements in place and there was always someone to turn to in those early days as a graduate lawyer – luckily for me, as I had previously not given any thought to finding mentors.

Beyond those kinds of workplace programs, law students and junior lawyers sometimes feel they 'should' have a formal mentor and sign up to a generalist mentoring program, where they are paired with a mentor whose interests and experience may not necessarily align with their own. Having been on both sides of that mentor/mentee fence, the experience can be variable.

This is not to criticise formal mentoring programs but rather to suggest that if you are signing up as a mentee in such a program, make some enquiries about who the mentors will be and whether you can be matched with someone working in your areas of interest.

If your goal is to move from private practice to in-house, find a mentor who has made that leap. If you want to learn more about career pathways within your current area of law, find someone who understands it. In short, find a mentor whose specialisation or career path you are actually interested in – perhaps somewhere you would like to be in five, ten or 15 years, or even someone who has already moved on from your dream job to something else.

If I had my time again, I would make more effort to contact the people I saw doing the things I wanted to be doing. I hope that, if approached, most lawyers would be generous with their time. In my experience, being a mentor can be just as rewarding. ■

*Suganya Pathan, Barrister*

While this may be a reaction to the public perception of the company, the biggest decline in user activity was among young people. However, it is equally possible that this shift is due to unrelated reasons such as favour falling in other competing platforms like Instagram or Snapchat.

With Facebook's 2.4 billion monthly active users, it is hard to determine whether the company suffered significant detriment as a result of the data breaches and the subsequent fall out. It seems, despite the initial decline in Facebook users post data breach, the company still continues to grow their daily active users from year to year. While there are circumstances where handing over personal information is unavoidable and a consequence of the digital age, the data suggests that when it comes to social media platforms, our habits and usage are relatively unaffected.

While we may feel outraged by the way our data has been handled, the lasting implications of data breaches could suggest that in the long term, they are not enough to dissuade us from engaging.

There is no doubt that the Internet has revolutionised the way we interact with businesses. Whether it is a social media platform, a human resources company, data analytics and consulting firms, or simply a retail membership program, all this access comes at a cost or inherent risk. The claim of free or paid access is irrelevant.

We give companies vital information which can be manipulated, tracked, and used to target us, our preferences, spending habits and even our voting choice. There is potential for data breaches to be an even more common event due to our increased use of technology and cloud service providers.

Legislation has, and will continue to play, a vital role in protecting our personal data from being abused or mishandled. Legislation has also made it possible to put greater pressure on businesses to make data security a priority. Ongoing focus will be required to determine whether the legislative amendments to date will prove effective, or if further amendments will be needed to strengthen privacy protection.

Legislation is far from a panacea and there are a wide variety of other privacy protection initiatives, including education. As the world becomes increasingly interconnected, going 'off the grid' becomes a less practicable solution. However, we can question what information we give up and be vigilant. At the crux of these questions is a cost-benefit analysis. Is the encroachment on our privacy the price we pay for increased communication, access, and integration in the age of the Internet? ■

## SPONSOR ALLENS



**Many of Allens' clients would view themselves as innovators and leaders in their industries, and would be looking for a law firm that understands the importance of innovation.**

**What does Allens do to ensure they are seen as innovators in law? How**

**does this benefit Allens and clients of the firm?**

Innovation has always been part of the Allens DNA. That we're on the cusp of our 200 year anniversary (in 2022) is a testament to our sustained focus on adapting to changes in the market, most recently reinforced by being ranked the top law firm in the 2019 Australian Financial Review's most innovative companies.

We do this by bringing together diverse teams, challenging the way we work and delivering services that better meet market demands, and partnering with industry to ensure the best opportunity for future growth.

### **Diverse teams working together**

To find real solutions to 'disruption' we encourage collaboration of diverse teams, creating an environment in which people can thrive and make a difference.

Our lawyers work with technologists, project managers and corporate services, to contribute their ideas regardless of role or seniority.

Initiatives in design thinking, co-creation, and client conversations across the firm have been instrumental in bringing technology, disruption and change into the spotlight for our lawyers and leaders alike.

### **Challenging the way we work**

As Head of Innovation, I lead a team that fosters innovation at all levels of the firm. I'm a big believer in a learning culture, where experimentation is a vital part of creating something new.

This year we updated our innovation structure to help accelerate these efforts. A new group, 'Innovation and Digital Solutions', was formed, comprising Integrated Legal Solutions; Legal Product Lab; and the Innovation Centre. The group is focussed on developing products and services aligned with core business and clients' needs – incorporating technology to streamline processes, reduce costs, and create client value across all practices.

Lawyers and law firms need to be open to the changes that new technologies bring, creating more opportunities for women to disrupt the legal industry's traditional change resistance. Allens' innovation leadership team is comprised entirely of women.

### **Partnerships for future growth**

We're particularly proud of our partnership with UNSW on The Allens Hub for Technology, Law and Innovation. It plays a leadership role in dealing with how the law itself copes with innovation and technological change, and provides an opportunity for our people and clients to join the debate and share knowledge and experience across the industry. ■

*Anna Collyer, Partner and Head of Innovation*

# FAMILY VIOLENCE AND TEMPORARY VISAS: WHY VULNERABLE WOMEN ARE BEING CLOSED OUT FROM HELP THEY NEED

GEORGIA DOBBYN

## THROUGHOUT AUSTRALIA, WOMEN WHO ARE ON TEMPORARY VISAS AND EXPERIENCING FAMILY VIOLENCE ARE AT RISK OF BEING CLOSED OUT FROM ESSENTIAL SUPPORT SERVICES.

Women on temporary visas are often ineligible for Centrelink assistance, Medicare and social housing. They also may not have the right to work in Australia or might be unable to work due to childcare responsibilities and the expense of childcare. Service providers such as domestic and family violence organisations have reported that the lack of financial and accommodation support available to these women combined with capacity and resourcing issues can mean that these women are closed out from the help they need. The complex intersection of criminal law, family law and migration law is also challenging, particularly as expertise in all three areas of law in community legal centres can be limited due to lack of funding, especially in regional or rural areas. Such barriers mean that women on temporary visas experiencing family violence are much more likely than other women to stay with, or return to, a violent partner.

Additional impediments that are common to this group of women even prior to seeking assistance include having limited social networks, lack of knowledge of services that are available to them, lack of English language skills, and cultural pressure to maintain a relationship.

The experience of family violence for these women can be further compounded by the fact that the perpetrator can use their visa status as means of control or coercion. Lastly, these women can face the prospect of visa cancellation, deportation, and separation from their children. In such circumstances, their only hope becomes ministerial intervention.

While there are family violence provisions under Schedule 2 of the *Migration Regulations 1994* (Cth) (**Migration Regulations**), collectively known as the “family violence provisions”, they apply only to permanent or temporary partner visas and certain skilled stream (business) visas. This leaves a wide range of visa subclasses, including many temporary visas, without sufficient recourse in circumstances of domestic violence.

The limited application of the family violence provisions is an indication that the barriers faced by this group of women and their children are not a matter of being forgotten or falling through the cracks. Rather, the barriers are “fundamentally underpinned by the legal and policy frameworks governing temporary visas.”

## AUSTRALIA'S SILENCE ON CALLS FOR ATTENTION

Plagued by disturbingly high levels of violence against women, including a continuing prevalence and severity of family violence, Australia has purported to prioritise issues related to violence against women for over a decade.

In 2010, the Australia Law Reform Commission (**ALRC**) conducted an inquiry to produce a report on the treatment of family violence in Commonwealth laws including, among others, immigration law and social security law. In the same year, the Council of Australian Governments (**COAG**) announced the National Plan to Reduce Violence against Women and their Children 2010 – 2022 (**the National Plan**) as a 12-year commitment that consists of four separate action plans coordinated across State and Territory jurisdictions. This year the National Plan entered its fourth and final stage, titled the “Fourth Action Plan.”

In 2015, the then Prime Minister Malcolm Turnbull declared a ‘national emergency’ and in that same year, the Victorian Government established the Royal Commission into Family Violence. Other state and territory governments have led a variety of other initiatives on domestic and family violence.

In many of the submissions and policy positions adopted by stakeholders in relation to the above inquiries and initiatives, addressing family violence for migrant and refugee women, expanding the family violence provisions to cover a wider range of visa subclasses and more specifically, concerns for women on temporary visas, have been put forward. For example:

- In 2011, the ALRC recommended in relation to the limits of accessibility of services and supports for people on temporary visas, that “such persons

should be able to apply for a temporary family violence visa that would allow them time to access services and make arrangements to leave Australia, or to apply for another visa”.

- In 2016, Recommendation 162 of the Victorian Government’s Royal Commission into Family Violence was that the Victorian Government, through the COAG, “encourage the Commonwealth Government to broaden the definition of family violence in the Migration Regulations so that it is consistent with the *Family Violence Protection Act 2008* (Vic) and to ensure that people seeking to escape violence are entitled to crisis payments (regardless of their visas status) [within 12 months]”.
- In 2016, Action 3.8 of the Fourth Action Plan’s predecessor (the Third Action Plan) was “[e]nsure migration rules and eligibility requirements for support services do not disempower victims of violence or discourage them from leaving violent relationships.”
- In 2018, the National Advocacy Group on Women on Temporary Visas Experiencing Violence published a report titled “Path to Nowhere”, which recommended reforming the family violence provisions of the Migration Regulations, introducing a visa pathway for family violence victims on temporary visas who face separation from their children, and expanding eligibility for Centrelink and Medicare, social housing and other government support services to include women on temporary visas.

Despite such consistent calls for attention to this issue, the Australian Government has failed to implement any of the relevant recommendations.

In its submission in the ALRC inquiry, the Department of Immigration and Citizenship (**DIAC**) identified a policy tension between ensuring accessibility to the family violence provisions for victims of family violence while “preserving the integrity of the visa system.” As stated by DIAC, the limited number of permanent visas granted could lead to women “[who] seek to contrive or exaggerate



claims to meet visa requirements". Akin to Pauline Hanson's controversial claims that women lie about abuse to gain advantage in family courts, this identified policy tension is frustrating for those working for service providers and unable to assist vulnerable women and their children in desperate need. Furthermore, there has been no recommendation which stipulated that victims of family violence be granted permanent visas in Australia. Rather, various recommendations called for reforms to ensure that her visa status does not preclude any woman from essential support services in the context of family violence.

Ultimately, a system that accommodates the needs of the most disadvantaged is a system that will accommodate all. The Australian Government needs to put an end to its inaction and urgently address the existing policy and legal frameworks governing temporary visas that serve to inhibit women on those visas (and their children) from accessing safety in the event of family violence. ■

*Citations available upon request.*



Image: Clare Thackway, *Self Portrait* (Clare Thackway, Artist) (SH Ervin Gallery)

## SPONSOR

### NICHOLAS FAMILY LAWYERS



**What are some fundamental skills that lawyers should continue to build on throughout their careers? How do these skills assist lawyers at Nicholes Family Lawyers deliver exceptional client service?**

Working as a lawyer, particularly in family law, requires both technical expertise and interpersonal skills. Family lawyers have the privilege of working very directly with their clients, who are typically involved in high conflict and distressing situations. Understandably, such clients and counterparts are often highly emotional and under significant stress, or for other reasons unable to function fully. Practitioners dealing with such clients and circumstances require the emotional intelligence to relate to various personalities, empathise with clients, and acknowledge clients' emotion and perspectives, while remaining objective, professional and reasonable.

Alongside people skills, lawyers should possess and develop a solid understanding of their specialised area of law, plus surrounding areas.

To practise family law well, for example, and meet the needs of a diverse range of clients and their unique circumstances, family law practitioners require both an in-depth understanding of the specialised legal areas arising under the *Family Law Act*, and familiarity with a range of other areas. These include criminal law (relating to family violence and intervention orders), child protection, international law dealing with cross-border child disputes, adoption law, commercial law, equity and trusts, property, and tax law, which are often relevant in family law disputes.

Because of the versatility and broad range of expertise frequently required of practitioners, it is essential that lawyers are committed to continuing their learning and education, both within and outside their specialised field, so they are equipped for providing holistic advice and services to clients. Where individual lawyers do not have the requisite expertise in 'peripheral' areas to properly advise clients, they should tap into the wealth of expert knowledge available in the profession and beyond, either by seeking advice on discrete issues arising within matters, or by referring clients to lawyers practising in other fields and non-legal professionals as appropriate.

Nicholes Family Lawyers prides itself on providing exceptional legal services to all clients, and is able to do so through employment of staff committed to Nicholes' values of empathy, respect, excellence, and professionalism, and provision of ongoing staff training focussing on developments in family law and surrounding areas of law. ■

*Sally Nicholes, Managing Partner*

# FLEXIBLE WORK ARRANGEMENTS: MAKING WORK, WORK

KATHERINE JOHNS & STEPHANIE PASHARIS

**SIPPING PROSECCO IN THE ITALIAN SUN, VOLUNTEERING AT A CHARITY, PURSUING INTERESTS OUTSIDE LAW, OR CARING FOR YOUNG CHILDREN – THE REASONS WHY LAWYERS ARE TURNING TO FLEXIBLE WORK ARRANGEMENTS ARE AS DIVERSE AS LAWYERS THEMSELVES.**

Flexible work arrangements have long been considered the domain of part-time mums, conjuring up images of mid-week play dates and lattes, juggling client calls at the kitchen bench and late nights on the laptop, and making up for missed hours (of unofficial and often unpaid work). But the reality is changing. VWL spoke to five lawyers who are making work, work for them. We asked them how and why they do it, and for their tips and challenges of breaking out of the desk-bound, 60-hour-week lawyer mould.

## WHAT IS FLEXIBLE WORK AND WHY DO LAWYERS WANT IT?

Flexible work arrangements can include changes to the hours of work that might be considered the norm. They can include starting the work-day earlier or later to accommodate other responsibilities, and can also include changes to the patterns of work, such as working part-time or job sharing, and even changes to the location where a lawyer actually performs their work.

Sally McLean is an in-house Legal Counsel for Lloyd Group, a commercial construction company, and works a 12 hour week. Sally says it was not just one factor that led her to her seek out her current flexible work arrangement. With three children in primary school, Sally was looking for a role that allowed her to spend time with her children, and to be there for important school events, childhood milestones, and the inevitable sick day.

But Sally also volunteers her time with a charity, The Queen's Fund, which supports single disadvantaged women and their children in Victoria. She says it was very important to her that she was able to continue that work alongside any legal work she undertook. Her current role with Lloyd Group is proving the flexible solution that she was after.

Joseph Carneli, Senior Associate at Rankin Business Lawyers, is the first to admit that he is not what people usually think of when they imagine someone taking up a flexible work arrangement. Proving it is not just about 'mum's caring for kids', Joseph has negotiated a flexible work arrangement that is more about the 'where' than the 'when'.

And it is the 'where' that has many other lawyers understandably green with envy. Five years ago, Joseph was working long hours in litigation, and with two young children, he found that he was missing out on important parts of their childhood. Today, he and his family are living in Italy and Joseph is working remotely from Verona. Joseph says that there is no reason other lawyers cannot have the same experience.

For both Verity Quinn and Emma Gordon, job sharing their role as Deputy General Counsel at the Australian Competition and Consumer Commission (ACCC) has assisted them to better manage family commitments. It has also allowed them both to progress their career and share a complex role with a colleague in an enjoyable way.



**Sally McLean** is an in-house Legal Counsel for Lloyd Group, and works a 12 hour week. Sally's flexible work arrangement allows her to volunteer with a charity, and also spend quality time with her three young children.



**Joseph Carneli** is a Senior Associate at Rankin Business Lawyers specialising in general commercial law. He and his family are presently living in Italy and Joseph is working remotely from Verona.



**Emma Gordon and Verity Quinn** job share the role of Deputy General Counsel at the ACCC. Job sharing has allowed Emma and Verity to juggle family commitments and participate in volunteer work, with the added bonus of being able to share a complex role with a colleague in an enjoyable way.



**Zoe Baré** is a Corporate Mergers & Acquisitions Special Counsel at Gadens. Working part-time has allowed Zoe to embrace the laughter, joy and crazy of having three small children, whilst maintaining an interesting and rewarding career.



**Louise Hvala** is the CEO at Alifery Freelance Experts & Gatehouse Legal Recruitment. Alifery Freelance Experts is an online platform that connects legal professionals with companies and firms.

Zoe Baré, Special Counsel at Gadens, has found that working part-time allows her to focus on her family, and at the same time, maintain an interesting and rewarding career.

After seeing greater numbers of lawyers wanting to work flexibly, and a greater demand from firms and businesses that were actively wanting to engage legal professionals in a different way, Louise Hvala started Alifery Freelance Experts, an online platform that connects legal professionals with companies and firms. Louise sees lawyers wanting to work flexibly for many reasons, ranging from wanting to spend time caring for children, having a desire to travel, or wanting to put time into other passions. Louise says it is not just women who want the option of flexible work. She sees a number of men who also want the benefit of flexible work arrangements.

### ADVICE TO LAWYERS WANTING TO WORK FLEXIBLY

It is one thing to want to work flexibly and quite another to make that arrangement work. The lawyers we spoke to shared the following advice:

In Sally's experience, communication is key to making it work. She says that having total flexibility means that your arrangements may need to change at times. Having that conversation up front with your boss means there are no surprises. Sally advises giving your boss as much notice as possible when you need to change a day or time, and letting clients know about your arrangement. "Letting clients know how and when they can contact you if they need to demonstrates that you have considered them and their needs in your arrangements", she says.

Joseph's advice to others thinking about flexible work is to have a plan and to "get organised". Joseph says that being mindful of the broader impact of his work arrangement has been key to its success. As soon as Joseph raised the idea of working from Italy with his Principal lawyer, they started to work on a plan, with a focus on how Joseph could minimise the impact his flexible work arrangement would have on other members of his team and his clients.

Verity echoes Joseph's experience and says that it is important to recognise that employers will be apprehensive about how it is going to work. She recommends to:

go in with a well-thought out plan of how you will minimise disruption to usual working practices, what steps you'll take to ensure you're across things that happen on your non-working days, and if you're job sharing – how you're going to communicate with your partner so others don't have to relay information twice or deal with inconsistent approaches – to address those concerns.

Verity says that she and Emma also "proposed the job share on a trial basis first, so [their] manager could see how it would work before being asked to commit long term." She also says it is important to understand that you may need to have a couple of tries at asking for flexibility, as "it does take time to change people's perceptions and get them comfortable with new ways of working."

Do "some careful research and planning to be able to show how what you're proposing can work for the organisation", says Emma.

For example, think about what the organisation's concerns might be and address them in advance. Consider how what you're proposing fits with your organisation's broader goals and vision. Speak to key stakeholders (and possible supporters) within the organisation to warm them up to the idea. Draw on the experiences

of others where you can – both within your organisation and elsewhere.

Zoe says "[o]pen up communication channels early and keep communicating! Don't assume people know what you want or how you can best achieve your goals." She adds that lawyers should:

Invest in building strong support networks at work and at home to help make flexibility work at both ends where you need it... If something isn't working, don't be afraid to seek a change. Know what you want but be open to alternatives – flexibility has to work both ways.

### EMPLOYER BENEFITS?

Flexible working arrangements can benefit both employees and employers. Studies continue to show that traditional work environments that fail to accommodate the growing demands of modern society and the lifestyle of employees lead to poor employee retention and also contribute to the disparity of women in senior roles. Women who may be seeking greater flexibility in their working practices may view their current workplace as unaccommodating and unable to meet their needs, causing them to leave to pursue other opportunities that do provide that flexibility.

The rise of platforms such as Alifery Freelance Experts is testimony to this. Lawyers who are unable to obtain the flexibility they want from their employers have a number of options available to them. In Louise's view, the firms and businesses that can offer these people flexible, project-based engagements are reaping the rewards.

Any gaps in knowledge or experience in a firm can be filled quickly if the firm is willing to offer flexible arrangements. A business that finds itself with a sudden increase in work is able to meet client expectations by increasing their capacity through flexible engagements. However, they need to be open and supportive of less traditional arrangements.

In Verity and Emma's view "flexible working arrangements are key to retaining talent in the workforce, and enabling people to work at a level that reflects their abilities". Verity and Emma consider that "employers who recognise this will be able to attract and retain a more diverse range of talent, and get the most out of people when they are at work." Zoe echoes this view, adding that employers who offer flexibility to employees "build a workforce of motivated, loyal and engaged staff which in turn creates a positive and productive culture for organisations."

Staff retention and satisfaction are obvious benefits to firms and businesses open to flexible work arrangements, but are there other lesser known benefits to both parties?

Greater efficiency, says Sally. "My employer is getting someone who is acutely aware of the flexible arrangement and that means I'm not taking any social calls or responding to texts, personal emails or trawling social media on work time." Sally says that knowing she has her 'non-work' days to deal with personal admin tasks means she is less tempted to use work hours to attend to those things.

In Joseph's case, one of the unique benefits of working from Italy is the time zone difference. Joseph says his firm can get urgent instructions from a client in the evening in Melbourne and while the client sleeps, Joseph can be working on the job. "On several occasions I've been handed an urgent job on short notice which I've completed overnight", Joseph recalls. "It's undoubtedly impressive for a client to wake up to a draft document in their inbox for their immediate review".





Image: Dagmar Cyrulla, *Elegance II* (Kym Ellery, Global Fashion Designer) (SH Ervin Gallery)

## LAW IS A PROFESSION STEEPED IN TRADITION. WHAT ARE THE CHALLENGES OF WORKING DIFFERENTLY?

Making sure you stick to the arrangement is Sally's number one challenge. It is easy to start working more hours than agreed and finding that while you are officially 'part-time' you are really working full-time, "but not getting remunerated accordingly", she adds. Happily, Sally's current role has not presented that issue, but she has experienced 'time-creep' in previous roles and knows she is not alone.

Another trap, she says, is being given less interesting or complex work. Sally acknowledges that it is a reality of some areas of law that some work just cannot be done on reduced hours or over a longer period of time that a flexible arrangement might require. She has observed that "unfortunately the flow on effect of this is that it can be difficult to progress your career while working flexibly".

For Joseph, the tyranny of distance has presented unique challenges. Being in a different time zone to his team means that Joseph attends weekly Monday morning meetings at 1.30am on Sunday nights. He connects to the meeting either on his PC or phone. While it is not a substitute for being there in person, it means that Joseph can still attend and be part of the team.

Joseph has been surprised by the response from clients and says that he has found that clients are more interested in responsiveness than location.

While the time difference means some early mornings and late nights for Joseph, he says that for his clients, as long as they are updated regularly about their matter, work is done on time, and they receive timely communication, they are not concerned about where he actually is.

This is an experience shared by Zoe and in her view, concepts like 'face time' are outdated, and "organisations that perpetuate that culture will ... be left behind." She adds that technology has allowed us to integrate our professional and personal lives, and in her experience, "clients (and good bosses) don't care where or when it gets done, provided it gets done well and deadlines are met."

From the beginning, Emma recognised the "importance of reducing the impact of sharing the job on the people [she and Verity] were working with by making the job share as seamless as possible". This adds another layer of complexity to any job, and Emma notes that this is something that both she and Verity continue to focus on.

For Verity, after job sharing the role with Emma for a few months, she recognised there was a difference in the speed at which they each liked to make decisions. They talked about it and implemented strategies to flag decisions that could be made straight away and those which required more time and consultation.

Flexible working, as with any other type of 'traditional' working arrangement, should therefore be considered as fluid, and anyone working flexibly should be open to, and continually reflect on how their arrangements are working in practice. It is important to keep in mind that adjustments may be needed, and it can take time to get it right.

## HESITATION IN ASKING FOR FLEXIBILITY

Whilst an increasing number of lawyers work flexibly in some form, in Verity's view, "job sharing and other flexible arrangements are viewed as an exception to the 'normal' way of working, and as something that only women with kids take up". Some employees may also still believe that requesting flexible working arrangements could hinder their prospects of promotion, or lead to negative perceptions about one's work ethic or commitment to their job.

Emma believes that it is important that people do challenge these assumptions, noting that incremental changes are key. She believes it is important to make visible where flexible working arrangements are working and says that "the more that it's shown that flexible working arrangements not only work, but can deliver real benefits to an organisation, the more accepted they'll become."

While most people have been supportive of his decision to pursue a flexible work arrangement, Joseph has been surprised about what he says are "ingrained and unevolved views" to working flexibly in the legal profession and he is saddened that even in 2019, it seems to still be pigeonholed as a "working mum thing." The reaction from friends in the profession and other lawyers has generally been positive, but Joseph can understand why others may be hesitant to request flexible working arrangements because of how they might be perceived.

Most people have been very supportive and excited that his arrangement appears to "push the boundaries a little" and Joseph encourages lawyers who have priorities outside of work (and not only caring for children) to have the conversation. "I accept however that it's a culture thing", adds Joseph. "If the people at the top are not pioneering a more open minded culture and a willingness to do things differently, such initiatives are never going to get off the ground or find the support they need to have any sort of longevity."

The hesitation to ask employers about flexible work arrangements could be a factor in the increase Louise has observed in the number of lawyers making the move away from permanent employment to the kind of project-based engagements offered through platforms like Alifery Freelance Experts. Rather than having 'the conversation' necessary to make it work with their existing employers, Joseph says that lawyers are looking for other ways to achieve the flexibility they want in order to maintain their careers, but still enjoy other aspects of their lives.

It is of course equally possible that lawyers are trying to have 'the conversation', but that many employers are still not willing to be part of the dialogue that has to take place for flexible work arrangements to be successful. Whichever the case may be, it is clear that for those willing to have 'the conversation', the rewards are worth the effort. ■

## SPONSOR

### KHQ LAWYERS



#### **How does KHQ Lawyers support lawyers who want to explore interests outside their legal careers? Has the firm experienced any unexpected benefits in doing so?**

KHQ encourages all members of staff to develop their interests and passions, both within and outside of law. The firm benefits from this approach, not only in seeing higher levels of satisfaction in our staff, but also through the networking and marketing opportunities that this approach provides.

For Special Counsel Jennifer Huppert, KHQ's flexible working hours have allowed her to become involved in several outside organisations, as she can facilitate attendance at Board and

Committee meetings during usual business hours when required. Jennifer is the President of the Jewish Community Council of Victoria and she is also on the Board of the Victorian Equal Opportunity and Human Rights Commission. Jennifer's roles in these organisations are important to her, and by promoting her interests, the firm also benefits from having one of our senior lawyers represented at such a high level within these organisations.

Special Counsel Kristina Antoniadou has a special interest in the education and support of lesbian women who are considering the range of options available to them when starting a family. Kristina is a facilitator for the Prospective Lesbian Parents group (PLP). KHQ has supported her in this by hosting the group's monthly meetings and providing seminars on the legal aspects of assisted reproductive treatments. Our Family Law and Relationship team has benefited greatly from our involvement with PLP because it gives them the opportunity to educate members whilst simultaneously increasing our practice in this fascinating area of law.

KHQ also encourages each of our lawyers with a passion for community legal education and LGBTQI+ issues to speak about matters of interest to them on air at LGBTQI+ community radio station Joy FM. KHQ is a sponsor of Joy FM, and members of our Family, Corporate, Commercial Litigation, Tax, Estate Planning, and Workplace Relations teams have participated in weekly radio shows, which also benefits the firm by way of diverse referrals. ■

*Jennifer Huppert, Special Counsel, and Kristina Antoniadou, Special Counsel*

# CONSTITUTIONAL RECOGNITION

BRIGID ARTHUR

CONSTITUTIONAL RECOGNITION OF OUR FIRST NATIONS PEOPLE IS A SIGNIFICANT ISSUE FOR ALL AUSTRALIANS. IT IS CURRENTLY THE SUBJECT OF CONSIDERABLE MEDIA ATTENTION AND VARIOUS OPINIONS, AND IS RECEIVING SUPPORT FROM CORPORATE AUSTRALIA.

Ken Wyatt, the Minister for Indigenous Affairs, recently announced that a referendum to enact constitutional change is in the works. In order for a referendum to successfully pass, it is now more important than ever that Australians understand the meaning and significance of Constitutional Recognition for the First Nations people of Australia.

However, it is also important to understand that constitutional change in itself is not the end game. The long journey to where we are today has developed a consensus position that asks for more than just 'recognition'.

## RECOGNITION

That Australia's founding document does not contain any reference to First Nations people, who have lived in Australia for tens of thousands of years before the Constitution of Australia was even imagined, is indicative of the prevailing racism of that time. Constitutional Recognition is a means to right this wrong, and if drafted appropriately and with enough weight, would give the First Nations people of Australia an enshrined voice that cannot be eaten away at by future governments.

## THE LONG JOURNEY

The journey to this critical moment has been long and has involved an incredible amount of hard work by many First Nations peoples across the country.

In the last five years, there have been many processes that each pushed for Constitutional Recognition; the Parliamentary Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples 2015, the Aboriginal and Torres Strait Islander Peoples Act of Recognition Review Panel 2014, and the Expert Panel on Constitutional Recognition of Indigenous Australians 2012.

The work of these committees all contributed to the creation of the Referendum Council (the **Council**) in 2015.

The Council was appointed on 7 December 2015 by the then Prime Minister, the Honourable Malcolm Turnbull MP, and the Leader of the Opposition, the Honourable Bill Shorten MP. The Council is made up of a diverse group of Aboriginal and Torres Strait Islander members and non-Indigenous members, and was established to further progress constitutional change and provide guidance on the steps that should be taken.

## CONSULTATION IS CRUCIAL

From its inception in 2015, the Council maintained that constitutional change must be more than symbolic. This vision has been unwavering throughout the process, despite political pressure to dilute the outcome. Further, the Council agreed that consultation with First Nations people would be an essential and indispensable part of the process.

This led to the First Nations Regional Dialogues (the **Dialogues**) and concurrent community engagement, which invited First Nations voices from all over the country to contribute to the dialogue that informed the structure and content of Constitutional Recognition. The Dialogues were convened in Hobart, Broome, Dubbo, Darwin, Perth, Sydney, Melbourne, Cairns, Ross River, Adelaide, Brisbane, and Thursday Island over late 2016 and early 2017. The Dialogues involved 1,200 Aboriginal and Torres Strait Islander delegates, which made it the most substantial consultation process that has ever been undertaken with our First Nations people.

The Dialogues involved discussion between the delegates about the proposals set out in the Council's discussion paper (which was published in more than ten traditional languages). The discussion paper proposed different options of constitutional change, which were discussed by the delegates, who then reported back on their position on the legal and policy issues that had been raised.

Further to the Dialogues, the Council garnered community opinion through a process of digital consultation, social media and online and telephone surveys. Further to this, the Council received 1,111 submissions from the public in response to the discussion paper.

## HOW SHOULD THE CONSTITUTION BE ALTERED?

Out of the options that were canvassed, the most popular option for constitutional alteration was 'The Voice to Parliament'. The rationale for The Voice to Parliament is that it would mandate enhanced participation of First Nations people in the democratic life of Australia. The Voice to Parliament will involve a representative body of Indigenous peoples consulting and communicating with Parliament on issues and legislation that affect First Nations people. While the exact form of the voice has not yet been decided, various models have been suggested.

The second most endorsed option for constitutional alteration was 'agreement making'. This would involve treaty processes around the country, which build on existing commitments to treaty making (Victoria) and past commitments (like the Barunga Statement which was presented to the then Prime Minister Bob Hawke) in 1988.

Another important issue that came from the Dialogues was 'truth telling'. It was suggested that any process of reform needed a concurrent process where the true history of colonisation in Australia is ventilated and heard.

The Dialogues culminated in the National Constitutional Convention, which was held at Uluru from 23 May to 26 May 2017, and aimed to bring together the conclusions of the Dialogues in a consensus format. The following guiding principals were gleaned from the Dialogues, which provided that constitutional alteration should only proceed if it:

1. Does not diminish Aboriginal sovereignty and Torres Strait Islander sovereignty.
2. Involves substantive, structural reform.
3. Advances self-determination and the standards established under the *United Nations Declaration on the Rights of Indigenous Peoples*.
4. Recognises the status and rights of First Nations.
5. Tells the truth of history.
6. Does not foreclose on future advancement.



7. Does not waste the opportunity of reform.
8. Provides a mechanism for First Nations agreement making.
9. Has the support of First Nations.
10. Does not interfere with positive legal arrangements.

### THE ULURU STATEMENT OF THE HEART

In May 2017, over 250 First Nations leaders assembled at Uluru, on the lands of the Anangu people, and together came to a consensus based on the Dialogues and further discussion. This was manifested in the 'Uluru Statement from the Heart'.

The momentousness of the constitutional convention cannot be understated, as observed by the *Final Report of the Referendum Council*:

[This is] the first time a constitutional convention has been held with and for Aboriginal and Torres Strait Islander peoples. It was significant ... as a response to the historical exclusion of Aboriginal and Torres Strait Islander peoples from the original processes which led to the drafting, establishment and oversight of Australia's Constitution ...

[The] Dialogues engaged 1,200 Aboriginal and Torres Strait Islander delegates [an average of 100 delegates from each Dialogue] out of a population of approximately 600,000 Aboriginal and Torres Strait Islander peoples nationally.

This is the most proportionately significant consultation process that has ever been undertaken with First Peoples. Indeed, it engaged a greater proportion of the relevant population than the constitutional convention debates of the 1800s, from which First Peoples were excluded.

However, it should be noted that the Uluru Statement from the Heart does not necessarily represent a consensus view of all First Nations people of Australia.

There are diverse views amongst them on what Constitutional Recognition should look like, which may differ between clan or tribal delineations, or on individual bases. At the Constitutional Convention, a small number of delegates walked out in opposition.

### THE RECOMMENDATION OF THE REFERENDUM COUNCIL

Following the Uluru Statement from the Heart, the Council proposed that The Voice to Parliament have the following features:

- That it should take its structure from legislation, which would deal with how the body would be given a representative character and how it can best discharge its advisory functions.
- It would not have a veto power.
- The proposal is not intended to limit the legislative power of Parliament, but rather, where the power is exercised in relation to Aboriginal and Torres Strait Islander peoples, it would need to involve advice and consultation.

The Council also recommends processes outside of the Constitution, such as:

- An extra-constitutional statement of recognition.
- The establishment of a Makarrata Commission.
- A process to facilitate Truth telling.

Makarrata is a Yolgnu word meaning 'a coming together after a struggle'.

A Makarrata Commission would have a supervisory role to oversee the process of agreement making, and truth telling. (Analogies have been drawn with the South African truth-telling Commissions following the dismantling of the state-based apartheid regime.)

### POLITICAL RECEPTION

In 2017, after the Uluru Statement from the Heart, the then Prime Minister Malcolm Turnbull dramatically abandoned his support for Constitutional Recognition, claiming it would never pass and that it was "contrary to the principles of equality and citizenship." He publicly suggested that it would be seen as a "third chamber of parliament", in a remark that would reverberate and ultimately stick despite its falsity.

The model suggested by the Council has never involved a veto power, or the power to introduce legislation or amend it. Therefore, any suggestion that Constitutional Recognition would manifest in a "third chamber of parliament" is misleading. Unfortunately, in 2019, two years later, Peter Dutton, Minister for Home Affairs in the Morrison Government, made a similar remark to the media.



Image: Susan O'Doherty, *Portrait of Teena McCarthy in Flannelette Shirt* (Teena McCarthy, Artist and Poet) (SH Ervin Gallery)

However, despite the misinformation that has been circulated, several polls have suggested that Constitutional Recognition has the overwhelming support of the Australian public.

In 2019, the newly elected Morrison Government committed to a referendum on Constitutional Recognition, which ignited the hopes of many Australians. However, it has recently been confirmed by the Minister for Indigenous Australians at the 19th Annual Vincent Lingiari Memorial Lecture in Darwin that the referendum will be separate to The Voice to Parliament. Therefore, under the current Government, Constitutional Recognition is set to take the form of mere recognition in the Constitution, rather than a constitutionally enshrined voice.

This is the result that was guarded against at the National Constitutional Convention and throughout the Dialogues. Some argue that the risk of holding a referendum that includes a constitutionally enshrined voice which fails is too great.

This fear is not unfounded. A referendum is only passed if it receives the approval by a double majority. That is, a majority of voters across the nation and a majority of voters in a majority of states. Territory voters are only counted in the national majority. Australia has a poor history in successfully implementing changes through referendums – of the 19 that have been held, only eight have been successful. Success has often come from bi-partisan support behind the change subject to the referendum.

The Government's abandonment of support and the time that has passed since the Uluru Statement from the Heart is deeply disheartening. Indigenous peoples have consistently rejected mere symbolism. What has been clearly articulated is a need for substantive and empowering constitutional reform.

Shireen Morris, McKenzie Postdoctoral Fellow at Melbourne Law School and constitutional law expert remarks:

For decades Indigenous peoples have called for substantive and empowering constitutional reform, to ensure they are treated more fairly than in the past. The Uluru Statement is consistent with this history: it firmly rejects mere symbolism. Instead it calls for a constitutionally guaranteed voice in their affairs. This was an unprecedented and historic moment – never before has a national Indigenous consensus like this been achieved. It was an expression of self-determination.

That this historic consensus called for a reform so modest, achievable yet profound and empowering is remarkable. A First Nations voice fits with and upholds the Australian Constitution. Australia cannot ignore the power of this proposal.

**Shireen has published several books on constitutional recognition and related issues, including *Radical Heart*, *A Rightful Place*, and *The Forgotten People*. ■**

*Citations available upon request.*

## SPONSOR

### MAURICE BLACKBURN LAWYERS



**How does Maurice Blackburn Lawyers facilitate positive cultural change within the firm, and encourage positive attitudes towards Indigenous Australian identity?**

Doris Blackburn (Maurice Blackburn's wife) was an early ally of First Nations people. She opposed the establishment of

a rocket range in the Central Aboriginal Reserve during the 1940s and was affiliated with the Federal Council for Aboriginal Advancement in the 1960s. Building upon this history of advocacy, Maurice Blackburn recognises the importance of creating more inclusive and thoughtful workplaces for First Nations people and cultures, and strongly believes that this benefits our business, staff, clients, and community.

The firm has a range of projects and policies to facilitate positive cultural change, celebrate the widespread achievements of First Nations people, and deepen understandings of First Nations' stories of resistance, diversity, and cultural strength. Fuelled by our values of justice, fairness, compassion and tenacity, Maurice Blackburn believes in the power of acknowledging the on-going impacts of colonisation, dispossession and structural racism. From this place of honesty, the firm aims to ensure that all of our staff and clients feel welcome, heard, and seen.

The firm's policies and projects are guided by our Reconciliation Action Plan, which is drafted and monitored by the Rights and Reconciliation Committee. The Committee works on:

- increasing access to our services by First Nations' people;
- broadening our longstanding commitment to strategic and pro-bono case work;
- increasing the cultural competency of our staff;
- improving pathways for employment at Maurice Blackburn; and
- providing in-kind support to Aboriginal Legal Services.

We believe in the importance of supporting the work done by the First Nations Community and are guided whenever possible by recommendations and plans developed by First Nations people. For example, the Committee recently made a submission to the Parliamentary Inquiry into Constitutional Recognition, offering support to the Uluru Statement from the Heart. The Committee also facilitates work experience placements for Year 10 and Year 12 Aboriginal and Torres Strait Islander students. Recently, the Koori Heritage Trust provided a number of staff members in Victoria with cultural competency training, and each year the firm holds events to celebrate NAIDOC week, National Reconciliation Week and Indigenous Literacy Week.

Importantly though, Maurice Blackburn acknowledges that the road is long and that there is always more that can and should be done. To borrow a quote from Professor Larissa Behrendt, "the constant questioning of whether we are the best society that we can be, should preoccupy anyone who believes the ideals of social justice, human rights and democracy are important." ■

*Bethany Moore, Lawyer*

## SPONSOR

### CLAYTON UTZ



#### **Clayton Utz has committed to creating an inclusive culture, focused on diversity of thought, skills, interests, personalities, and capabilities. How does Clayton Utz plan to achieve this goal?**

At Clayton Utz, we have a diversity and inclusion strategy that is focused on building a diverse team and bringing that diversity to life through an inclusive culture. Our initiatives are multifaceted and include:

- Recruitment process – Clayton Utz has adopted innovative recruitment tools (such as Rare and Pymetrics) to remove bias and drive greater diversity of clerkship talent. We also 'nudge' our interviewers - reminding them of our unconscious biases and the need to mitigate them.
- Policy enhancement – Ongoing improvements to our policies to ensure they are inclusive and recognise social change and the evolution of language.
- Employee interest groups – We have a growing number of interest groups underpinning our diversity streams: Gender; Flexibility; LGBTIQ; Accessibility and Cultural Diversity.

They offer support for diverse people and also an avenue to demonstrate allyship. Increasingly these groups interact, recognising intersectionality, and the opportunities this mature approach to inclusion can bring.

- Diversity of services – In 2017, we started a new multi-disciplinary service called FTS (Forensics and Technology Services). With lawyers, non-lawyers, data scientists, accountants and others in the mix, the team is, by its very nature, a platform for greater diversity of thought.
- Education and story-telling – Through our diversity and inclusion activity program (called 'Momentum') we have opportunities for training on things such as unconscious bias, managing flexible teams, casual sexism, building disability confidence, and understanding gender diversity to name a few. Often we leverage the experiences of our people or external guests in Q&As or panel discussions to shine a light on difficult issues and/or debunk stereotypes and assumptions.
- Mental health and wellbeing focus – We know that psychological safety underpins inclusion and we have a number of resources in place including Mental Health First Aid Officers and Mental Health Champions, and an onsite National Mental Health Manager, in addition to our Employee Assistance Program.
- Measurement of 'inclusion' – Organisational 'Inclusiveness' is now a key human resources metric for us. We measure through a set of questions concerning people's sense of feeling respected, feeling valued, safety in speaking up, and their sense of empowerment. We can cut this inclusiveness data by particular demographics and compare with other populations. ■

*Alison Woolsey, Director of Diversity & Inclusion, and JK Muckersie, Senior Associate*



Image: Rachel Perrin, *Bruce McWilliam at Home – Still Working (Lawyer)* (SH Ervin Gallery)



# THE WOMEN'S EMPOWERMENT CENTRE: CREATING HIGHER EDUCATION OPPORTUNITIES FOR AFGHAN WOMEN

JEMMA BAILEY

“THE REASON I AM TOUGH WAS BECAUSE I HAD THE TOOL THAT WAS MY EDUCATION, OTHERWISE EVEN MY OWN FAMILY WAS THINKING THAT I AM THEIR PROPERTY ... AND I THOUGHT THAT I BELONGED TO MYSELF. SO IT IS REALLY VERY IMPORTANT TO GIVE CONFIDENCE THROUGH EDUCATION TO THESE GIRLS TO STAND AND LIVE AGAIN WITH DIGNITY.”

These are the words of Dr Sima Samar, Chair of the Afghan Independent Human Rights Commission and former Minister for Women's Affairs in Afghanistan (2001 – 2003). In 2010, Dr Samar founded the Gawharshad Institute of Higher Education, a not-for-profit university in Kabul, Afghanistan, with the mission of creating opportunities for tertiary education for students from financially and educationally disadvantaged backgrounds. In pursuit of that mission, Nasima Rahmani founded the Women's Empowerment Centre (WEC) at the Gawharshad Institute of Higher Education in 2011.

Decades of sustained conflict and violence has devastated education opportunities for those living in Afghanistan – and this is especially acute for girls and young women who face additional financial and cultural barriers. As published by UNICEF, an estimated 3.7 million children are out-of-school in Afghanistan, 60% of whom are female. For many girls and young women, families continue to prioritise the education of boys. Completing high school, let alone university, remains out of reach for many women.

The WEC wants to change that reality by supporting young Afghan women, who lack the finances and family support to attend university, complete degrees in law, public policy, and political science – areas that in turn create the next generation of active and engaged citizens. The WEC does this by providing scholarships to cover the tuition fees of students, as well as pastoral care and tutoring in English and computer studies.

The WEC also plays an active role in building an academic and public dialogue about women and peace.



Images: (top) Scholarship recipients hard at work at the WEC.  
(bottom) Scholarship recipient Frishta Matin.

Photographs courtesy of the WEC.

The WEC was integral in establishing the first gender studies program in Afghanistan, which is now a model for other Afghan universities to follow. More recently, the WEC worked with the Gawharshad University's Peace Studies Centre to organise a National Dialogue on women's participation in the peace process. Approximately 200 participants attended, all of whom were from diverse backgrounds, which included civil society, youth, media, academia, women's rights activists, mullahs, and parliamentarians.

To date, with the support of indigo foundation and others, the WEC has funded the tuition fees of more than 290 female Afghan students from disadvantaged backgrounds, as well as from different religious and ethnic backgrounds. The WEC has thrived since its establishment, as the stories of scholarship recipients, Anosha, Zahra, Hamida, and Frishta show, despite the insecurity that continues to be part of daily life in Kabul.

## SCHOLARSHIP RECIPIENTS: STORIES OF COURAGE AND PERSEVERANCE

- **Anosha** comes from a family of seven in the Ghazni province, where her mother was the main breadwinner. With the support of the WEC, Anosha completed a Bachelor of Laws and is now the gender program manager for UN-Habitat, the United Nations agency for human settlements, in Kabul.
- **Zahra** comes from the remote Bamyan province. She overcame significant obstacles in order to graduate from university, including dressing like a boy for six years during the Taliban rule so she could stay in school. Zahra is now a journalist and her story has been published in the Huffington Post.
- **Hamida** comes from the Badakhshan province. She watched her mother struggle to support three children when her father took a second wife.

Hamida was determined to get an education, but the financial challenges were immense, until she received a scholarship from the WEC. Hamida is now a database manager in a government ministry.

- **Frishta** received a scholarship from the WEC in 2012. She was at risk of dropping out of her law studies as her father was struggling to pay tuition fees for her and her two brothers. With the support of the WEC, Frishta graduated from her law studies and completed a second degree in Political Science from the American University of Afghanistan. Frishta is now working at the WEC.

Frishta states, "I am passionate about gender studies and women's rights with a keen interest in education and gender studies. Being an educated girl and an independent woman financially helped me to find a good life partner and [a] different life than other girls in my country.

I [paid] half of my marriage ceremony cost and instead I asked my in-laws to give me the freedom to decide on my behalf. I have the right to divorce, ... the right to get [an] education, to have [a] job and to have [a] property right."

## INDIGO FOUNDATION

Indigo foundation has partnered with the WEC since it was established in 2011, working closely with its Founding Director Nasima Rahmani and providing seed-funding. Since then, the WEC has gone from strength to strength, growing its scholarship program and attracting funding from around the world.

VWL has been one of the longest-standing and most consistent supporters of the WEC in Australia, donating generously to the not-for-profit organisation for over six years. For more information, please visit

[www.indigofoundation.org](http://www.indigofoundation.org). ■

## SPONSOR MADDOCKS



**What do you think are some of the biggest challenges facing women lawyers as they progress their careers? How does Maddocks address these challenges?**

Women continue to be under-represented in senior partnership and leadership roles in the legal profession,

a fact that cannot be explained away by the effluxion of time. Ironically, given our profession, law firms have been slow to recognise the value that comes from diversity of thinking, driven by diversity of lived experience in the partnership ranks and leadership team. We have been wedded to the concept of 'merit' as defined by a centuries-old profession that has only recently started to undergo cultural and structural change.

The good news is that a lot of the structural barriers that have traditionally made it difficult to move into the senior roles are disappearing. At Maddocks, of our youngest half of partners, more than 50% are women. About 38% of our partnership are women.

Introducing policies and programs to help all of our people have the same opportunity to take their careers where they want has helped to achieve change.

Below are some things that we have done, but ultimately diversity is only achieved if our people feel safe to make mistakes, are empowered to talk, and understand that we are open to listening and change to ensure that the things that we take for granted don't impact negatively on others. It's about cultural change.

### Set targets and make them known

We have a target of 40% female representation in the partnership by 2020, and a quota for men and women on our Board.

### Reward output and not hours

We found that measuring the success of our senior lawyers by hours worked rather than overall output was counterproductive for our lawyers working flexibly – both women and men.

### Timely promotions

We realised that one of the greatest drivers of pay inequality was delayed promotions, which affected women disproportionately. We conduct regular gender pay equity analyses, and review promotions and pay rises annually to ensure no unconscious bias.

### Encourage flexible working

About 25% of our staff work flexibly, including 21% of our partners. Our technology supports our people to work where it best suits them, backed by a strategy that supports all roles flex.

### Custodians

When one of our people takes parental leave, we take care of their practice and return it to them when they return from leave. ■

*Michelle Dixon, CEO*

# A REFLECTION ON LAWYER X

## HENRIETTA DE CRESPIGNY

ON 3 DECEMBER 2018, THE HIGH COURT OF AUSTRALIA RULED THAT THE SUPPRESSION ORDER PROTECTING THE IDENTITY OF EB, OR INFORMER 3838 BE LIFTED. SEVEN CONVICTED MEN WERE INFORMED BY VICTORIA'S DIRECTOR OF PUBLIC PROSECUTION THAT THEIR CONVICTION MAY HAVE BEEN UNDERMINED BY THE INVOLVEMENT OF INFORMER 3838. PREMIER DANIEL ANDREWS PROMPTLY ANNOUNCED A ROYAL COMMISSION INTO THE MANAGEMENT OF POLICE INFORMANTS.

Thus, ended years of litigation in closed courts fighting for the ongoing suppression order preventing the publicity of the scandalous collaboration between prominent criminal defence barrister Nicola Gobbo and the Victoria Police.

Vigorous public debate ensued as the media became saturated with stories on Ms Gobbo and the number of high-profile criminals whose convictions may be put into question. Central to these stories was the interrogation of the integrity of the criminal justice system, and the exposure of a significant weakness. That is that the system's basic safeguard depends upon the ethics of individual practitioners, which were demonstrably fickle. Some dubbed it the biggest legal scandal in Victoria's recent history.

Outside of the legal side of this scandal and its impact on the integrity of the criminal justice system, it has been considered the perfect storm by big media (and the perfect material for television - Channel 9 is currently filming a TV series on Ms Gobbo's life) for other reasons. Namely, the nature of Ms Gobbo's entwined relations with both the high-profile criminals who were her clients and the police officers involved. From the beginning, the media have continually cast aspersions on both Ms Gobbo's personal life, on the nature of her relations, and the scandal she has caused to her much-lauded, legally distinguished family. Whether the same aspersions would be cast regarding a male equivalent in Ms Gobbo's position, is worthy of consideration.

It is reported that this story begins when Ms Gobbo first signed as an informant with Victoria Police in 1995 where she registered to



Image: Caroline Zilinsky,  
*Medusa The Seducer*  
(Emily Hill, Artist, Poet,  
Wordsmith and Songwriter)  
(SH Ervin Gallery)

inform on her ex-boyfriend Brian Wilson, who was convicted of drug trafficking following a raid on their house in 1993. At the time, Ms Gobbo was still a law student.

Ms Gobbo plead guilty to a single charge of possession of a drug of dependence, was placed on a good behaviour bond without conviction and went on to continue her studies at law school, eventually being admitted to the bar in 1999. It has been reported that she was registered three times as an informer, or 'human source' with police. In 1996, following her graduation from law school she informed on her first employer at a law firm to police.

Her second registration, in 1999, coincided with the beginning of Melbourne's 'gangland wars.' Her third and most notorious registration from 2005 – 2009 was during the height of the gangland wars, which culminated in a series of homicides including the notorious murders of Terrence Hodson and his wife Christine Hodson. Former detective Paul Dale, a former client of Ms Gobbo's, was charged with the double-murder. It has been reported that he also had a romantic link to his lawyer Ms Gobbo, who ended up as a police witness

in the homicide case. Ms Gobbo wore a wire recording a conversation with her client in private. The case was dropped after Ms Gobbo withdrew as a witness.

Again, Ms Gobbo's intimate relations come to the forefront of the scandal. Her ability to be emotionally close to and trusted by her clients facilitated her role in providing information to the police that was otherwise unavailable to them. That, along with a disregard for client confidentiality.

As Ms Gobbo's reputation as a lawyer of choice for some of Melbourne's biggest criminals rose, so too did her ability to provide Victoria Police with key information they needed to fight the gangland war they were losing on the streets of Melbourne. She was close with the figures they needed information about, and overlooking the breach of client confidentiality was determined by the Victoria Police to be a small price to pay for gaining the upper hand in the 'war'.

As the Royal Commission has noted in its recent July Progress Report, people who become human sources for police may have criminal priors themselves and can be "one of the most effective weapons in the hands



of the detective.” This is primarily because they can penetrate criminal networks and activities that are otherwise difficult to access.

Did Ms Gobbo’s gender have a role to play in all this? With the evocative language used, such as ‘fighting a war’, it is easy to draw a comparison between informers and intelligence agents. Both female and male agents alike use their gender to their advantage to gain information. In intimate relations, people in their vulnerability, share information. However, cursory research of the term ‘sexpionage’ reveals that the numbers are skewed, showing more women than men. The key difference in this context is that Ms Gobbo was in a position of power that far outweighed any additional information-sharing-inducing intimacy. She was an esteemed criminal defence barrister whose role it was to represent and, only second to her duty to the Court, was her positive duty to act in the best interests of her client. This includes an ethical duty of confidentiality.

Of course, it still takes a good criminal lawyer to build a close relationship with their client, one of trust and confidence where the client feels comfortable to share facts at a time when they are often feeling vulnerable, possibly facing lengthy terms of imprisonment. Ms Gobbo enjoyed a good reputation in the legal sector. She was evidently good at gaining the trust of her clients. Like a good agent, she was successfully gaining access to the information her handlers required about the men that she was representing. Would a male equivalent of Gobbo engage in the same conduct when informing on women that were being prosecuted by police? There is nothing to suggest otherwise. Whether the media would report on it in the same way is perhaps better left to a gender studies thesis, but is a question highly worthy of consideration.

Again, the key difference in this comparison is that intelligence agents and their minders are generally not bound by a sworn oath to the Supreme Court not to do the very thing that they are doing.

And yet, human sources are a perfectly normal practice of policing around the world. Human sources are an important ingredient in the detection, investigation and prevention of crime. It has become apparent that it is a practice where legal boundaries are blurred, where corruption and unethical behaviour exists, all out of the view of the discerning public eye. At least until a Royal Commission reveals its internal workings.

In a time when the gangland wars were rife, Victoria Police decided to register Ms Gobbo as a police informer despite her being bound by ethical duties of confidentiality under client legal privilege contained in the Legal Profession Uniform Law Australian Solicitors’ Conduct Rules 2015 and the *Uniform Evidence Act*. Victoria Police “knowingly encouraging her” in what the High Court have called “reprehensible conduct”, and in exchange they remunerated her for her information, and guaranteed her protection.

As a law enforcement agency and a prosecuting authority tolerating the breach of an individual’s obligations to their profession; one question that has emerged is where does the blame lie? Is it on the individual, or with the state funded legal authority giving the nod (in the form of remuneration and protection) to this conduct? The individual morality versus morality of institutions involves distinguishing definitions of moral and political philosophy.

Victoria Police’s management of human sources has been examined before. In 2012, the former Chief Commissioner of Victoria Police, Mr Neil Comrie AO, APM conducted a review entitled *Victoria Police Human Source 3838—A Case Review (the Comrie Review)*. The prescient Comrie Review made a series of recommendations. It noted that “the utilisation of any source who may be bound by professional duties introduces complexities and risks that must be recognised and appropriately managed. Failure to give proper consideration to such matters may have dire consequences...”

The Comrie Review might be well known in the criminal legal sector, but reviews and commissions are not received with the same public outrage that the media narrative following the Lawyer X scandal achieved. The Royal Commission is about the failure of policy and management. Imbued with legalese, it is not as inured to TV.

The Royal Commission, in its July Progress Report casts a damning eye on the conduct of Ms Gobbo and Victoria Police, but as the title suggests, the focus is about inadequate management of police informers. Ms Gobbo is a vehicle for examining this failure.

There are some 13 police informers who are also lawyers. How is this complex risk being managed? How long has this been going on for? How do other states and countries manage this seemingly insurmountable conflict? Victoria Police say that they do not hold concerns about legal professional privilege being breached in the other 13

informer-lawyer cases. What reassurance can the public be given about this management in an era where justice being seen to be done is so very vital if we are to mend the damage that has been inflicted upon the rule of law? Commissioner McMurdo threatening to criminally charge the force for withholding 1000 documents goes some of the way.

The Royal Commission has been especially focused on the lack of procedures and policies that Victoria Police had in relation to human sources. Ms Gobbo was seemingly being managed as a human source without any clear management policy existing or being applied. Indeed, reports are that Detective Inspector Gavan Segrave, when signing off on her second stint as an informer noted she was “both credible/reputable” and “has no known history of supplying info to law enforcement agencies.” It appears that there was no mention of her being a lawyer; certainly, an important fact to be noted by an Inspector when approving such a risky operative in terms of securing conviction.

What arises is a tale of two blame-worthy entities; Nicola Gobbo, the individual, and Victoria Police, the institution. Blame is a natural response to such a scandal; and apportioning blame to the individual or the institution, is not an easy task. For an individual practitioner, whose ethics are no longer amenable to practice; the Victorian Legal Services Board strikes you off. For systemic failures that allow for such damaging effects to be caused to an entire legal system we have a series of Reviews and a Royal Commission. The exact consequences for the individuals involved remains to be seen. However, it was recently reported that according to Gavin Silbert QC, the former Victorian Chief Crown Prosecutor, if Ms Gobbo is charged in the wake of the Royal Commission, it is likely police officers would also be charged and that some of the senior police officers could face terms of imprisonment.

If mainstream media coverage indicates where the blame lies to date, Ms Gobbo has fared worse than the Victoria Police. After all, we are yet to see a TV series being made, titled ‘Victoria Police: Unmasked’.

The views of the author are her own personal view, and do not reflect those of her employer or VWL in any way. ■

*Citations available upon request.*

## SPONSOR

### WOTTON + KEARNEY



#### How does Wotton + Kearney encourage innovation and creativity?

Jane Austen wrote about “a truth universally acknowledged”. At Wotton + Kearney that truth is that innovation and creativity will drive better outcomes for our clients and our people. There’s no shortage of evidence pointing to the causation links between an inclusive and diverse culture, and innovation and creativity outcomes in the workplace, which is why we are investing heavily in diversity and inclusion initiatives. For us, that involves driving cultural change by putting people first. We are at the beginning of that journey and are currently rolling out awareness sessions for partners and staff, which are being delivered by diversity and inclusion expert Dr Jennifer Whelan. At the same time, we are embedding practices that boost inclusion.

For example, we use participative decision-making in projects involving organisational change and are addressing unconscious bias in our hiring practices. Harvard Business Review identified six behaviours that unlock innovation. They are:

- ensuring that everyone is heard;
- making it safe to propose novel ideas;
- giving team members decision-making authority;
- sharing credit for success;
- giving actionable feedback; and
- implementing feedback from the team.

We have implemented a number of initiatives – ranging from recognition practices, to building a feedback culture – to help bring these behaviours to life in our culture. Our next focus will be to take a diversity and inclusion lens to all of our structured processes and policies. As well as working on our business, we’re making a contribution to improve inclusion in the insurance industry. This year, in partnership with the Australian and New Zealand Institute of Insurance and Finance (ANZIIF) and specialist insurance underwriters, SURA, we have surveyed more than 600 people working across the insurance industry on how they perceive inclusion at work. The survey, conducted by Dr Jennifer Whelan, explored issues from leader capability and inclusion practices, to flexible work and psychological safety. This survey is the first industry wide survey ever undertaken in the market, and provides benchmark data that will allow us to measure industry change over time. ■

*Heidi Nash-Smith, Partner, and Odile Shepherd, People and Culture Director*

## SPONSOR

### JUSTITIA LAWYERS & CONSULTANTS



#### How has the implementation of innovative work practices benefited Justitia?

Although flexible working arrangements are no longer considered innovative in the modern workplace, a truly flexible workplace unfortunately still tends to be

the exception, not the norm, in private practice.

We regularly hear about the importance of genuine flexibility in supporting equality, however in light of the mental health concerns facing so many legal practitioners, Justitia argues it should not only be employees with carer responsibilities who are encouraged to achieve greater balance through flexible working. This is why the firm has adopted the presumption that all lawyers would like to work flexibly.

Traditionally, law firms wait for staff to request flexible work arrangements and then consider if they can accommodate this arrangement. Young lawyers do not tend to meet the eligibility requirements for requesting flexible work arrangements under workplace laws, which generally require carer responsibilities. And even where young lawyers are eligible, there tends to be a perception of putting your head down and paying your dues before even daring to think about working flexibly. Perhaps this is one of the reasons why research has shown that two in five young lawyers intend to leave their law firms in the near future.

Fortunately, my experience at Justitia has been quite different. When I dislocated a finger, sprained an ankle and broke a rib in the course of a one-year period (who said netball is a non-contact sport?), I did not have to worry about negotiating a flexible work arrangement; I was able to work from home whenever I needed. The ability to work flexibly has also allowed me to discover how I work most efficiently. Some days, this means I recharge by going for a lunchtime walk or Pilates class, or leaving early for a netball game. I am given the freedom to establish the work practices that work best for me, and there is trust that I will still get the work done. Justitia, in turn, benefits from employees that are happy, healthy and want to stick around. ■

*Nicola Martin, Lawyer*

# WALTA: WOMEN OF THE AUSTRALIAN LEGAL TECHNOLOGY ASSOCIATION

JODIE BAKER

**LEGAL TECHNOLOGY IS EXPLODING. BUILDING, GROWING AND ADOPTING SOFTWARE IN OUR INDUSTRY HAS NEVER BEEN AS PROLIFIC AS IT IS TODAY. ACCORDINGLY, THE OPPORTUNITIES FOR WOMEN AS TECHNOLOGY USERS OR TECHNOLOGY PARTICIPANTS, IRRESPECTIVE OF WHETHER THEY HAVE 'TECHNICAL' SKILLS, ARE SIGNIFICANT.**

## THE EXPLOSION OF LEGAL TECHNOLOGY – WHAT DOES IT MEAN?

Legal technology enthusiasts can use overwhelming terminology like 'block chain' and 'artificial intelligence', but the reality is more accessible. 'Legal technology' includes everything from document storage to automated document assembly, and even simple email add-ins to the online engagement of lawyers.

Legal technology affects every part of the legal ecosystem, and the day-to-day improvement in legal practice is now accessible to lawyers globally. With lawyers recognising the opportunity to improve their efficiency (and lives!), the legal technology industry has responded. If we use the number of legal technologies that are entering the market as a proxy for demand, then the chart on page 43 clearly demonstrates the acceleration of growth over the past decade.

Australia is at the forefront of this wave. In early 2018, the Australian Legal Technology Association (**ALTA**) was formed in response to growth in the industry. Today, ALTA represents 68 Australian companies, whose primary mission is to develop legal technology. As shown in the image below, the number of legal technology firms in Australia far exceeds any other country in the Asia-Pacific region, according to research by Alpha Creates.

## WHAT DOES THAT MEAN FOR WOMEN?

At ALTA, we have a community known as WALTA – Women of the Australian Legal Technology Association. This group comprises of women who are from legal technology firms or who are advocates of legal technology, and aims to educate and encourage women in legal technology.

## WHY? WHAT THE STATISTICS TELL US

**In legal:** We know that women are under-represented in leadership positions in law firms. Many firms now boast a female managing partner or CEO, but the overall representation of women in leadership roles or who hold equity partnership positions lag in terms of total participation across the profession, as shown by 2019 research conducted by the Australian Financial Review.

In-house teams fare significantly better, with 2017 figures from the Australian Chapter of the Association of Corporate Counsel showing an equal split between men and women in the most senior legal role within their organisation.

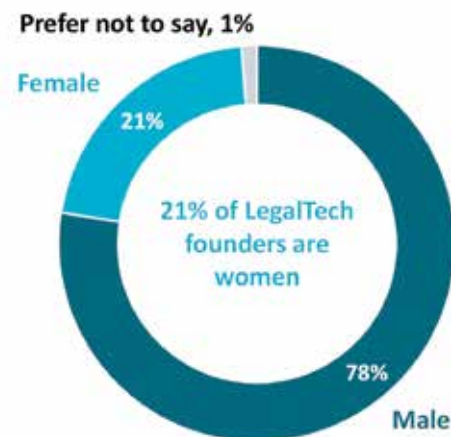
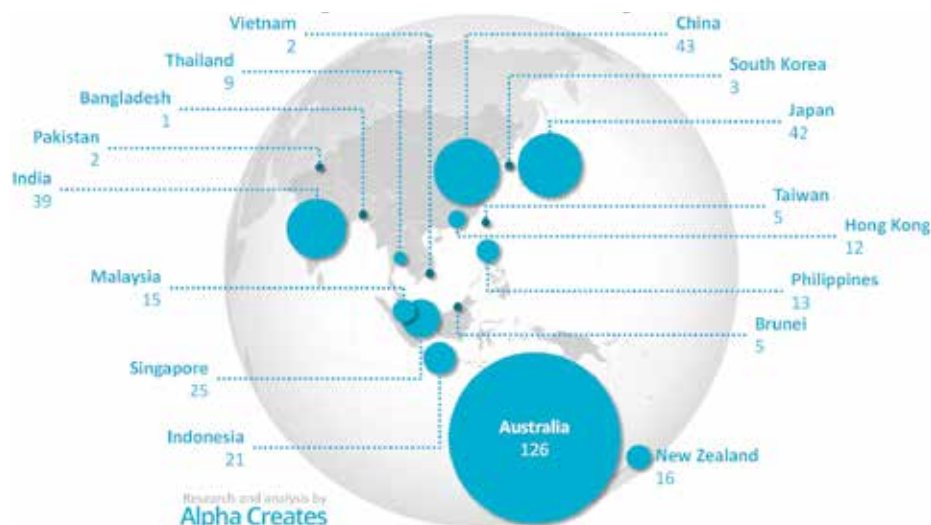
**In technology:** Women are under-represented in technology, whether in technology-specific roles, within a company's overall workforce, or in leadership positions.

**In entrepreneurship:** U.S. data tells us that:

- In 2017, 48% of technology start-ups in Silicon Valley had at least one female founder.
- Women venture capital partners (those who control investment money) accounted for just 9% of the total in 2018.
- Businesses co-founded by women attract 13-18% of venture capital funding.
- Businesses only founded by women attract 2-4% of venture capital funding.

**In legal technology:** Research conducted in early 2019 by Alpha Creates for ALTA shows that in Australia, 21% of the founders of legal technology firms are women.

## LegalTech firms in the Asia-Pacific region



## THE OPPORTUNITY

There are many fabulous women in the Australian legal technology industry, within law firms, working as consultants, and as leaders within software companies. What do we (anecdotally) know about them?



## LegalTech firms founded by segment (cumulative)



- Most do not come from a software background.
- A large proportion hails from the legal profession.
- Their roles are diverse, but most do not spend their days 'cutting code' or building software architecture.
- Many build the bridge between legal and technology, helping would-be technology users to understand their needs and find solutions.
- Some are software designers or business builders.
- A few are technologists.

But there are not enough.

The barriers to legal technology participation or leadership are no different to the legal profession or the technology industry more broadly. However, here in Australia we have an opportunity to make this industry different.

Legal technology may be exploding, but in many ways it is still in its infancy. As this industry grows rapidly, we have an opportunity to make it particularly attractive and accessible to women by surrounding them with a supportive community. Whether it is women in law looking for other career options, and/or women in technology choosing their vertical focus, we can achieve gender parity in this burgeoning industry right from the beginning. Imagine the opportunities!

## THE ACTION REQUIRED

At WALTA, we have explored how we can grow the number of women in legal technology and how we can empower women with choices in their careers, whether they are in the legal profession or the technology industry. We have identified the following:

- **Be informed:** There is an appetite amongst women in the legal profession to understand technology, to be informed about developments, and to know where to find solutions that fit their own needs and the needs of their clients. These women want a seat at the table in these legal technology discussions.
- **Support women in legal technology:** Encourage. Discuss. Promote. We already hold each other up and we do it well – legal technology is no different.
- **Hire equally:** If you are a legal technology company, or a law firm making a Legal Technology hire, consider your opportunity to grow the representation of women in this industry. It can be difficult (I know from experience!) but it can be done, and the more we succeed, the easier it will be in the future.

Jodie Baker is the Chair of the Australian Legal Technology Association and the Founder & CEO of Xakia Technologies.

WALTA is a community of women who are enthusiastic to learn about technology, support those who are actively involved in technology, proactively aim to ensure women are the next hire, and that the representation of women is as high as it can possibly be. We welcome all women to become legal technology advocates and be part of this community. ■

*Citations available upon request.*

All images courtesy of Alpha Creates unless otherwise indicated.



Image courtesy of the Australian Financial Review

# YOUR GUIDE TO BEING ADMITTED INTO THE LEGAL PROFESSION

ANNALEISE VULIN & BRIGID ARTHUR

You may be aware that a law degree is not the only qualification required to practise law in Victoria. Once you have completed your law degree, you will need to complete further study and training, being either 'practical legal training' or 'supervised legal training'. This is designed to ensure that a law graduate is not only equipped with the knowledge of the practise of law, and the responsibilities associated with being an 'Officer of the Court'.

We have outlined the necessary process in Victoria below.

## PICK A PATHWAY

### 1. Practical Legal Training

There are two pathways to becoming a lawyer in Victoria. The first pathway is to undertake Practical Legal Training (PLT). PLT is a formalised course by a provider that covers the required skills, practice areas, and values established by the Australasian Profession Legal Education Council, the Law Admissions Consultative Committee, and Schedule 2 of the *Legal Professional Uniform Admission Rules 2015* (the **Rules**).

To obtain a Graduate Diploma of Legal Practice, you must meet the Required Competencies. These include Lawyers Skills, Problem Solving, Work Management, and Business Skills, and Trust and Office Accounting in the areas of Civil Litigation Practice, Commercial and Corporate Practice, and Property Law Practice. You must choose two of the nine further competencies set out in Schedule 2 of the Rules (such as Ethics and Professional Responsibility).

Students have the option to complete PLT online, on-site, or a combination of the two. The main providers are the College of Law Victoria and the Leo Cussen Institute.

Work experience is a requirement for the practical component of PLT and can be completed within six months if you study full time. Some law firms may pay for your PLT; otherwise FEE HELP may be available to you. To be eligible for FEE HELP, you must complete part of the PLT in Australia and be an Australian Citizen. The College of Law and the Leo Cussen Institute are approved providers for FEE HELP. From 1 January 2019, the FEE-HELP limit is \$104,440. Depending on which provider you choose, PLT is approximately \$9,000 – \$11,000 for local students, and \$13,000 – \$16,000 for international students.

### 2. Supervised Legal Training

The second pathway is Supervised Legal Training (SLT). This is a minimum 12-month traineeship where the provider is a legal office such as a law firm or community legal service. SLT also requires completion of the Required Competencies, as outlined above for PLT.

As distinct from PLT, the majority of training in SLT takes place under the supervision of a practitioner. The rationale is the trainee will learn 'on the job' from those with more knowledge and experience. However, the Ethics and Professional Responsibility, Lawyers Skills, and parts of the Risk Management component must be completed through a provider unless your employer is deemed to be an approved training provider by the Victorian Legal Admissions Board (VLAB). If your employer is not an approved training provider, you will have to attend one of the providers' on-site sessions.

### ADMISSION

Once you have completed either the PLT or SLT, you will be one step closer to becoming a lawyer. However, you still need to be 'admitted' to legal practice, which is a process that involves demonstrating that you have the necessary qualities to enter the legal profession. Underpinning this process is the concept of the lawyer as a public role, and Officer of the Court, and one that must therefore be taken seriously.

### 1. Register for an account with VLAB

VLAB is the statutory body that holds the important role of overseeing law graduates' entry into the legal profession. Part of this process involves a vetting of your application to ensure that you are suitable for legal practice. You will be required to arrange for your academic transcript(s) to be sent to VLAB, as well as conduct reports from each Australian academic institution where you have undertaken any areas required for admission to legal practice.

Ultimately, the Admitting Authority (within VLAB) must determine that you are of 'good fame and character'.

### 2. Prove to VLAB that you are a 'fit and proper' person to be admitted to the legal profession.

This is where the concept of 'good fame and character' is relevant. The onus is on you, the applicant, to disclose to the Admitting Authorities anything that may influence its decision about whether you are of 'good fame and character'. This involves submitting what is called a 'disclosure statement', which is a declaration setting out any matters that may undermine your overall 'good fame and character'. Think Myki fines, traffic infringements, Centrelink issues, or any other contraventions of law or regulations. You will also need to submit a National Police Check.

You will also need to approach two people who have known you for at least two years to make a statutory declaration attesting to your character (known as 'character statements').

Whilst this process sounds daunting, ultimately VLAB are seeking honesty and candour. It may reassure you to know that a few speeding fines are unlikely to preclude your successful admission to practice. The important thing is that you disclose these facts and show VLAB that you have learnt from the mistake. This is so VLAB can be confident that in legal practice, you adopt a similar attitude of honesty and candour in your professional life, as it is a quality that the common-law system has historically considered a lawyer should hold.

### 3. Get admitted

Once VLAB has accepted your disclosure statement and character statements, you will then need to enrol into an admission ceremony. To be admitted as a lawyer, you need an Australian lawyer whose name is on the Roll of the Supreme Court of Victoria or any other State or Territory to 'move' your admission. This involves the lawyer appearing in court at your admission ceremony and submitting that you be admitted as an 'Officer of the Honourable Court'. You must then stand and either swear or affirm the oath or affirmation that is read out. Three Judges of the Supreme Court will preside over the admission ceremony. At the end of the ceremony, you sign the Roll, and will be given your Order of Admission.

### 4. Apply for a practising certificate

The final process, after admission is that the newly admitted lawyer must apply for a practising certificate, which comes with a fee. This must be submitted to the Victorian Legal Services Board.

#### The end of the process... almost

Congratulations on your admission as a practising lawyer! However, among other obligations, a requirement for maintaining a practising certificate is that you complete the prescribed number of Continuing Professional Development or 'CPD' activities during each year of practice. You must also renew your practising certificate each year. Remember, the 'fit and proper' person requirement is an ongoing obligation – when renewing your certificate, you will need to advise whether you have any matters you wish to disclose. ■



Image: Jane Guthleben, *The Scratching Post* (Self, Artist) (SH Ervin Gallery)

## SPONSOR

### COULTER ROACHE



#### What are some of the challenges and opportunities that Coulter Roache experiences when managing flexible work practices?

The opportunity to work flexibly is an important part of the culture at Coulter Roache. With offices located

in Geelong, Anglesea, Torquay, Barwon Heads, Bannockburn, and Melbourne, we often have requests for flexible work practices to allow our employees to move between offices and work non-traditional hours (particularly to enjoy the Surf Coast!).

We also have requests from our employees to work part time and from home, so that they can support their families and attend to personal commitments. We carefully consider each request for flexible work practices, both on the basis of the benefits for the employee, the firm, and the client. Rarely, do we feel it necessary to decline a flexible work request, unless there is a solid reason for doing so, which is discussed with the employee.

With flexible work practices increasingly becoming the 'norm', it is important to us to ensure that all of our employees feel they can ask for such an arrangement. As a result of flexible work arrangements being put in place, we have a more engaged and productive team. Our employees are able to better balance their family and personal commitments, meaning the time spent at work can be more focused.

The challenges are becoming less, as society has started to accept flexible work practices, however, challenges can arise when the volume or type of work simply demands the attention of a full time employee. To overcome this, we operate with two lawyers per file to ensure availability for the client, create job-sharing opportunities, or additional part-time roles. Communication between our employees and our technology is also key to the success of flexible work arrangements.

At Coulter Roache, we firmly believe that flexible work arrangements are important for our culture and attraction strategy. More than 50% of our employees work flexibly, such as by way of a compressed working week, part time hours, flexible start or finish times, or working from home. Our remote access and less paper focus also means that working flexibly is seamless. For us, the benefits far outweigh the challenges in providing a flexible work environment for our people. ■

*Bonnie Phillips, Special Counsel and Accredited Family Law Specialist*



## SPONSOR

### K&L GATES



#### **How does K&L Gates encourage innovative ideas and invest in future leaders of the firm?**

The Gates name is synonymous with innovation.

Therefore, it is part of our DNA that our Australian Innovation Committee explores how a human-centred approach to innovation can position our firm, clients, and people to succeed.

We want our people to identify effective business solutions for clients by being curious and imaginative. We must therefore empower them to do so.

We recognise that great ideas come from anyone and everyone therefore our Innovation Committee contains a mix of legal and allied professionals representing a broad range of our Australian practices, locations, and people. We understand the benefits and rewards this brings to the firm through the diversity of thought and ideas generated, with contributions recognised through Innovation Awards, which foster and strengthen our innovation culture.

We are fortunate to have Carolyn Austin, a strong and passionate co-chair of our Innovation Committee, jointly leading our innovation pursuits. Her remarkable commitment and dedication has been acknowledged both internally and externally in her nomination as a finalist for Innovator of the Year in the *Lawyers Weekly Women in Law Awards*.

The Australian model for encouraging innovation has recently been adopted globally within K&L Gates with the formation of a global committee to encourage, support, and invest in the innovative approaches developed by our future leaders.

There is an impressive pipeline of young leaders coming through the legal system and into firms, and it is incumbent on law firm leaders to recognise the opportunity this presents. We are all about generational excellence and succession planning so I am tremendously excited about the future based on what I see of our future leaders who are such talented and multi-faceted individuals. They are diverse, motivated, and flexible and importantly they think differently. The challenges for law firms today are different from those of my generation so different solutions are required, and we are creating a culture that encourages creative problem solving.

Our young professionals have taken the initiative in establishing their own internal network, *Law Reimagined*, which empowers our early career lawyers to work with the Innovation Committee to surface opportunities for innovation and co-create the future of legal practice. We also established #FutureLaw, an information series showcasing internal and external thought leaders on topics such as legal design, data science, and artificial intelligence to ensure our people are well informed about the latest developments in legal innovation and technology. ■

*Nick Nichola, Managing Partner*



Image: Zoe Young, *The Collectors*  
(Paul and Suz Isherwood) (SH Ervin Gallery)

# GENDER REMAINS ON THE AGENDA

MARQUITA NOLAN

## ALL LEGAL WORKPLACES CAN BEGIN TO TAKE ACCOUNTABILITY FOR PAY AND OTHER GENDER DISPARITIES IN THE WORKPLACE BY CONDUCTING AN ANNUAL GENDER PAY GAP ANALYSIS.

The gender pay gap is now accepted as fact and evidenced by research and reporting as pervasive in Australian industries. The legal profession is not exempt from the gender pay gap. VWL continues addressing the gender pay gap as a fundamental step towards achieving gender equality.

VWL has demonstrated an ongoing commitment to gender equity in the workplace. The development of the Gender on the Agenda portfolio was a precursor to the roll out of VWL's Gender on the Agenda: A Survey of the Victorian Legal Industry (**The Employer Survey**) in 2018.

The survey invited employers to evaluate and report on pay disparities, policies and practices and it provided a forum for employees to participate in the Gender on the Agenda: Employee Engagement and Satisfaction Survey (**The Employee Survey**).

The Employer Survey covered workplace demographics, classification of employment, practice areas and gender breakdown, with specific questions on organisational policies, documents, and entitlements.

The results of the Employer Survey identified pay gap analysis as a real, if not the, catalyst for change. However, not all legal workplaces are bound to comply with the annual analysis and reporting requirements of the Workplace Gender Equality Agency which can be found online. The survey results indicated that smaller firms are unlikely to be undertaking analysis of pay disparities.

The Employee Survey requested employee evaluation of workplace policies and strategies. Employees rated a number of employer policies as positive including parent/carer leave, flexible work, and superannuation policies. Unsurprisingly, employees were critical of employer pay gap analysis and pay transparency.

Overall, despite the relatively small sample size compared with the number of Victorian firms and employees, the results of the Employer Survey and Employee Survey reaffirmed VWL's assumptions about legal workplaces in Victoria. VWL considers the low participation level of firms and employees as reflective of the need for greater advocacy about gender equality in law. The evaluation was successful in providing VWL with a foundation for the development of a gender equality campaign to start this year.

VWL believes all legal workplaces can begin to be accountable for pay and other gender disparities in the workplace by conducting an annual gender pay gap analysis and developing and implementing a pay gap action plan to address pay equity. VWL has also identified the need for workplaces to adhere to the Victorian Bar's Equitable Briefing Policy. Such action can be implemented immediately regardless of workplace size.

VWL is committed to advocating for the removal of pay secrecy clauses in employment contracts. Additionally, VWL recognises that further change can be actioned through developing workplace policies by, for example, broadening the criteria for promotion and permitting uninterrupted superannuation payments during parental leave periods.

VWL recognises the range of positive steps that many law firms are taking to bridge the pay gap and achieve gender equality, however gender equality must be a pillar of legal workplaces and the commitment of all employers is essential to achieving this goal. ■

*This article was originally published by the Law Institute of Victoria on 1 August 2019.*



Image: Robyn Sweaney, Warrior Woman Karla Dickens (Artist) (SH Ervin Gallery)

## SPONSOR

### MINTERELLISON



#### **What does MinterEllison believe is key to attracting and retaining exceptional lawyers?**

We are operating in a world characterised by globalisation, digitisation and rapid disruption of traditional business models. There have been major shifts in the way law is practised and how we

need to be delivering services to clients. While grappling with these new ways of thinking and working, for us and our clients, we also want to focus intensely on the personal aspirations and relationships that underpin every individual legal career of those who choose to entrust theirs with us.

We aspire to deliver a workplace environment in which agility, empowerment, and autonomy are embedded in the cultural fabric of the firm. Critical to all of this is trust, and how our people experience working with each other every day. The other key element is a sense of individual meaning in the workplace. What is the greater purpose of the work at hand? Of the Firm?

Of the individual? These are all critical questions we want to be thinking about as we work to ensure our lawyers really have an opportunity to thrive with us.

We want to capture the imaginations of our people and support them to think creatively about what it is that we can offer in terms of career growth and positioning. What client opportunities are going to engage them at this stage of their careers? What secondments really make sense? Importantly, where is their creative and strategic stretch? These are critical questions our leaders are discussing to engage this highly educated group, who have a truly global outlook, and understand the value of innovation and entrepreneurship.

Our ambitions as an organisation, and on an individual level, will only be achieved through a shared vision and commitment to build a workplace that supports all members of the firm to contribute, to collaborate, and deliver outcomes that reflect the extraordinary potential of the talented people who entrust their careers to our firm. We believe it is this commitment which has led to MinterEllison being externally recognised by Lawyers Weekly as Australia's most attractive employer in the legal sector. ■

*Geraldine Johns-Putra, Partner*

## SPONSOR

### SVENSON BARRISTERS



#### **How can lawyers develop a strong personal brand and grow their professional network?**

A lot of the best lawyers nowadays are the ones who are great networkers and are recognised by their peers because of their strong personal brand. How to increase and develop your own personal

brand and grow your professional network is something that needs to be worked on.

In order to achieve success with your personal brand and professional network, here are some things to think about:

#### **What do you want to be known for?**

You need to think about what you want your personal brand to stand for. Do you want to be known as a niche specialist in your area of law? If so, consider writing some articles on this topic, taking opportunities to present CPDs in this area, or getting on relevant committees and groups that celebrate your speciality.

Maybe you want to be known for your passion for social justice, or women's rights? If this is you, then consider sharing articles that align with your values and curate your commentary around these things.

#### **Who do you want to be known to?**

Your personal brand and network is relevant to those who are in your professional audience. If expanding your network is important to you then think not of those you already know, but those one step away from your existing contacts. Ask to be introduced to someone, attend networking events or use LinkedIn to connect and communicate with people relevant to your industry. Anytime you reach out to someone new, be open as to why you want to connect.

#### **Why is this important to you?**

Your personal brand and your professional network should be built with authenticity. It should be consistent with who you are. Think about your motivations in why fostering your personal brand and your professional network are important to you.

Once you have ascertained the answer to these questions above, sit down with a trusted colleague and talk about a strategy to achieve your goals. Bouncing these ideas around with someone else is a good idea. Annually, check in on your progress and ask yourself these questions again to see how you are tracking. ■

*Anna Svenson, Director and Principal Clerk*





# LAW ARTS

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Image: Joanna Braithwaite, *Crowning Glory – Portrait of Susi Muddiman OAM* (Susi Muddiman, Director of Tweed Regional Gallery) (SH Ervin Gallery)

## EGGSHELL SKULL – BRI LEE: BOOK REVIEW

ANNALEISE VULIN

**BRI LEE'S *EGGSHELL SKULL* WAS SO ABSORBING THAT I READ FROM COVER TO COVER IN ONE SITTING.**

*Eggshell Skull* is a memoir that charts Bri Lee's journey of finding justice after suffering sexual abuse as a child. There are many themes throughout, but the most powerful message was her bravery. Her bravery in reckoning with her own past and confronting her perpetrator in our legal system despite firsthand knowledge of the vagaries inherent in that system, especially for women in sexual assault cases.

Bri's account of her time as a Judge's Associate is compelling. Readers will enjoy her authentic and relatable nature, as she details her experiences as a young woman at the beginning of her legal career, including her worries about what her Judge thought of her and her feelings of inadequacy against the 'Type A personalities' she considered herself to be amongst.

Bri recounts seeing jurors more focused on what is for lunch rather than deliberating a verdict. From the early stages of her memoir, Bri gives insight into the arduous process of bringing a case to trial, and the systemic problems of the Australian legal system for any victim. Readers may too share her frustration, asking why and how we are still in this position where victims of sexual abuse have the odds stacked against them. Deeper societal issues are also explored, and her use of foreshadowing led to reading well into the night.

As readers, we witness how her continuous exposure to sexual offence trials rattles the lid she is keeping on her personal trauma. The more cases she sees, the more she questions concepts of 'justice'. Self-loathing and doubt take over, and Bri's writing becomes confronting and explicit. Bri questions that if a jury will not believe an innocent child, why would they believe a 26-year-old adult?



Image: Kylie Melinda Smith, *Eileen Kramer (Dancer)* (SH Ervin Gallery)

Until this point, Bri was only scratching the surface, describing issues of age, gender, race, and sexism as an outsider observing these cases as a Judge's Associate. It is when she makes the pivotal call to the police when Bri's journey and hardship truly begins.

Bri's memoir emphasises the importance of women speaking-up and being heard, despite the difficulties they face in the legal system. It is unfortunate that trials are adjourned, court resources are minimal and stereotypes are cast on complainants and sexual offenders. This memoir is deeply moving and will likely be both heartening and inspiring to anyone who has experienced similar abuse. ■

# THE WIFE DROUGHT AND MEN AT WORK - AUSTRALIA'S PARENTHOOD TRAP - ANNABEL CRABB: BOOK AND ESSAY REVIEW

GEORGIA DOBBYN

**THE WIFE DROUGHT BY ANNABEL CRABB IS A THOROUGHLY CAPTIVATING READ. I FOUND MYSELF CHOOSING PUBLIC TRANSPORT OVER MORE CONVENIENT OPTIONS JUST SO I COULD MAXIMISE THE HOURS IN THE DAY FOR READING. MORE THAN ONCE, I PULLED IT OUT TO READ ALOUD THE MOST RECENT ASTUTE AND THOUGHT-PROVOKING EXTRACT TO FRIENDS. WEEKS AFTER READING IT, I CONTINUE TO CONTEMPLATE IDEAS CONTAINED IN ITS CHAPTERS.**

The crux of *The Wife Drought* is that having a wife is an invaluable advantage to getting ahead in the workplace or as Crabb puts it, "a cracking professional asset". Accordingly, not having a wife is an "urgent practical disadvantage."

For the purposes of her book, Crabb defines 'wife' as a person who pulls back on paid work "...to do more of the unpaid work that accumulates around the home... [the] sort of work [that] goes into overdrive once you add children to the equation, and the list of household jobs grows exponentially". While a 'wife' can be male or female, and it has nothing to do with rings being on fingers, it is women in the workforce who are overwhelmingly disadvantaged by being wifeless.

As at the time of publication (in 2014), 76% of full-time working dads have a wife and the rate of 'wife-having' for full-time working mums is "much, much lower: only 15%." Crabb delves into such discrepancies and contends that until we can change our robust attachment to the male-breadwinner model and shake off the belief that men do not bear equal responsibility for parenthood, we cannot hope to achieve gender equality in all levels of the workplace.

With characteristic wry humour, Crabb asks readers to imagine an industrial system in which 76% of male employees were given cars but the clear majority of women were obliged to catch the bus. Or a system where white employees are entitled to free child care, but black employees are not. She goes on to note that both arrangements are shocking because people shouldn't miss out on economic

privileges because of their gender or race, but that is exactly the system we are operating under. A system set in stone by the societal assumptions we often make "about who will do what, or who wants to do what." Crabb implores us to check these assumptions.

In doing so, she has been praised for her original approach. Instead of following the well trodden lines of "Awful Men, Hopeless Women" (the title of the first chapter), meaning that men continue to discriminate against women and women continually fail to step up, she wonders if we have been "Looking at Things the Wrong Way Up" (the title of the second chapter). She argues that to achieve genuine gender equality in the workplace, "we should stop worrying so exclusively about women's ease of access to the workplace and start worrying more about men's ease of egress from it".

It is this, men's ease of egress from the workplace (and the cultural barriers to such egress), which is at the heart of Annabel Crabb's new essay *Men at Work - Australia's Parenthood Trap*, featured in the most recent edition of the Quarterly Essay.

This essay is a deep dive into a perspective on workplace equality and parental leave that has enjoyed little attention – the perspective of men. Crabb argues that discrimination against men in relation to parenting is commonplace and "even sanctioned by Commonwealth law". The *Sex Discrimination Act 1984* (Cth) explicitly allows employers to discriminate against men when making decisions about parental leave. The section reads:

Nothing in Division 1 or 2 renders it unlawful for a person to discriminate against a man on the ground of his sex by reason of the fact that the first mentioned person grants to a woman rights or privileges in connection with pregnancy, childbirth or breast-feeding.

Of course, at the time this was legislated by the Hawke government, its intention was to make workplaces safe and fairer for women and "the idea that a man would be the primary carer was an exotic one indeed."

Crabb discusses how the language of 'primary carers', initially adopted for same-

sex parents, has become code for birth mother which is an assumption that applies even where the parents are two women. The Australian parental leave scheme is available to 'primary carers' (read: birth mothers) who then need to transfer the leave if they want their partner to take it.

A part that has remained with me since reading the essay is when Crabb powerfully argues that "if women and men have some sort of instinctive or primordial urge to behave a certain way, then let them do so in circumstances of utter freedom to do otherwise". She then reminds readers how, "[o]ne hundred years ago, it was uncontroversial to think that women were genetically unsuited to public office... a century down the track you'd be hard pressed to find even the most recalcitrant traditionalist who would mount the old arguments that women weren't suited... or were congenitally uninterested." Crabb does not spell out the analogy between the underlying assumption that men are not suited or are uninterested in parenting their children but it is cogent nonetheless in challenging such assumptions.

Just as she does in in her book *The Wife Drought*, Crabb reminds her readers that such assumptions matter because "there are all sorts of knock-on effects from these assumptions." This includes that 27% of fathers who took leave around the birth of a child experience harassment or discrimination on their return. Or that Australian women have a superannuation balance that is 42% less than that of an average Australian man.

Annabel Crab writes in the preface of her book *The Wife Drought*, that she hopes the book will be read in the spirit in which it was written, which is "in good humour and in fervent hope that the statistics it contains will very soon be hopelessly out of date". Upon reading both her book and essay, Crabb can rest assured the spirit of her writing leaps off the page – it is both disarming and persuasive. Unhappily, the statistics are yet to be hopelessly out of date. This is more reason to read both and encourage everyone you know to read them too. ■



# NANETTE – HANNAH GADSBY:

## COMEDY REVIEW

GEORGIA DOBBYN

SINCE ITS DEBUT IN 2017, HANNAH GADSBY'S LIVE COMEDY PERFORMANCE *NANETTE* HAS TAKEN STANDUP AND THE WORLD BY STORM. IT HAS BEEN HERALDED AS "SOUL AFFIRMING", "RAW" AND "RADICAL, TRANSFORMATIVE WORK".

After its 18-month tour, Netflix premiered the standup in June 2018 – a move which powerfully expanded Gadsby's audience. No longer, as can be the case for many comedians, was her work directed to like-minded, ticket-purchasing patrons. Instead, it became one of the most talked about Netflix specials watched by a diverse audience, including those less likely to be accustomed to hearing a queer woman's struggles within our patriarchal society, or less likely to witness (and be challenged by) an interrogation of themes such as sexism, toxic masculinity, gendered violence, and homophobia.

The first time I viewed *Nanette* around August 2018, I had no idea of what to expect (and if you haven't yet, I urge you to stop reading now so to watch *Nanette* before you continue).

Accordingly, I was settling in for what I expected to be some light comedic relief to a busy week. In the first half, Gadsby's style of comedy is intelligent and unhurried but punchy. I loved how she weaved social critique into her humour and laughed aloud. In the second half, I began to cry and then inconsolably sob. For days afterwards, Gadsby played over in my mind and I felt overwhelmed by anger and sadness.

The urgency and power in *Nanette* is strengthened in that it landed in the post-Weinstein, #MeToo world and more locally, when Australia had held the postal plebiscite on marriage equality, and the Safe Schools program in support of the LGBTQIA+ community was the subject of bruising national debate. However, it was Gadsby's story of her own personal experiences of trauma that resonated most for me. I found her relationship with her mother and some of the fragments of conversations between them that she shares devastating.

Gadsby describes that the heart of why she is quitting comedy is because a career in comedy had meant that in exchange for "being allowed to take up space in the world" she had silenced her own true story. Comedy, she explains is an art form that does not accommodate story easily. There is a setup, tension and then a punchline. No ending, no resolution. Her standup career until that point was built on her ability to laugh off her own deeply painful experiences "like they were no big deal". Her self-deprecating humour was not coming from a place of humility (as it should) but from humiliation. In doing so, she also "froze an incredibly formative period of [her] life at its trauma point and sealed it off into jokes". Tragically, she reflects that "you learn from the part of the story you focus on".

In *Nanette*, Gadsby implores us to care more about story, about our story. She furiously calls out the powerful people who have targeted those more vulnerable – Donald Trump, Pablo Picasso, Harvey Weinstein, Bill Cosby. "They are our story ... and the moral of our story is that we don't give a f\*%&k about women or children. We only care about the man's reputation. What about his humanity?!"

At this point, Gadsby is emotional and angry and it is powerful. She stops and apologises for her anger. She says she does not have the right to spread anger because "much like laughter, [anger] can connect a room full of strangers, ...[but] even if [anger is] connected to laughter it will not relieve tension because anger is a tension, it is a toxic tension" and something she wants no part of. She adds that even though she can position herself as a victim, it does not make her anger constructive because anger is never constructive. Finally, she says she doesn't want to unite her audience with anger or with laughter – she just wanted her story to be heard.

Fortunately, Gadsby's story is being heard and it is truly pushing our shared story forward. ■



Image: Alison Mackay, *Self-Portrait-Armoured* (SH Ervin Gallery)

# MUM SAYS MY MEMOIR IS A LIE: PODCAST REVIEW

CATHERINE GLOUTNAY

ROSIE WATERLAND FIRST GAINED RECOGNITION BACK IN 2013 FOR HER SATIRICAL AND HYSTERICALLY FUNNY RECAPS OF *THE BACHELOR* FOR MAMAMIA.COM.AU, WHICH AT THE HEIGHT OF THEIR POPULARITY RECEIVED OVER 6.6 MILLION UNIQUE CLICKS AND MORE THAN 450,000 SHARES ON FACEBOOK. IT WAS IN PART THE POPULARITY OF HER RECAPS WHICH LED HER TO LANDING A BOOK DEAL AND ULTIMATELY PUBLISHING IN 2015 HER FIRST BOOK, A BESTSELLING MEMOIR TITLED *THE ANTI COOL GIRL* AND ULTIMATELY SPUN OFF TO HER AWARD-WINNING PODCAST *MUM SAYS MY MEMOIR IS A LIE*.

The name of the podcast stems from her mother, Lisa Stevens, reading Rosie's book sometime after she became sober in 2016 and promptly declaring the majority of it a lie. In each episode Rosie reads a chapter of her book to Lisa, prompting the two discuss their own individual takes and lived experiences on what really happened during those moments of their lives.

The discussions which transpire between mother and daughter are simultaneously heartbreaking, heart-warming and hilarious. The podcast details the difficult experiences Rosie faced growing up with parents suffering from substance abuse and mental health issues, interspersed with stays in foster care, to some of Rosie's more light-hearted experiences, such as her nude scene in Drama School and initial writing successes, all described with her own sharp

wit. Consisting of 22 episodes covering the entirety of her first book, there is something everyone who listens to this podcast can relate to and enjoy.

If you enjoy this podcast you will no doubt also like her latest podcast, *Just the Gist*, hosted with her best friend Jacob Stanley. A show where Rosie gives Jacob recaps of any TV show, movie or event requested by her listeners. The show is currently recapping *The Bachelorette* and if you enjoy *Mum Says My Memoir is a Lie* you will no doubt enjoy her funny take on what happens each episode and her thoughts on who is 'husband material' and who will ultimately be an 'unlovable loser' (Rosie's words). ■



Image: Pollyxenia Joannou, *Me, The Irishman and the Chair* (John Reddin & Pollyxenia Joannou, John Reddin: Producer Film & TV – Pollyxenia Joannou, Artist) (SH Ervin Gallery)

# RECIPE: EGGPLANT WITH TAHINI, POMEGRANATE, TOMATO SALSA AND TOASTED ALMONDS

CLARE SKRINE

I'VE BEEN MAKING VARIATIONS OF THIS DISH FOR YEARS NOW. IT ALWAYS SEEMS TO END UP ON THE TABLE AT CHRISTMAS AND IS OFTEN MY GO-TO 'BRING A DISH' MEAL. IT'S SIMPLE, LOOKS INCREDIBLE AND TASTES EVEN BETTER. I LOVE THIS MEAL BEST WHEN EATEN WARM OR AT ROOM TEMPERATURE. IF YOU'RE PLANNING ON SAVING SOME OF THE SALAD TO ENJOY IN THE DAYS TO COME, I'D RECOMMEND KEEPING THE SALAD ELEMENTS SEPARATE, THEN GENTLY WARMING THE EGGPLANT FOR SERVING, AND DRESSING AND TOPPING IT FRESH EACH TIME.

In this recipe I have roasted the eggplant on a chargrill pan, but, if you have one, a grill sandwich press does the job wonderfully, too. If you have neither, roasting the slices in the oven until golden and soft will also work. The main aim is to ensure the eggplant is completely soft and golden brown. This is essential for this dish.

Serves 10–15 as a side, or 8 as a meal – Vegan, gluten free, leftover friendly



## INGREDIENTS

Olive oil, for drizzling

3 eggplants, sliced into 1cm thick slices

### Dressing

4 tbsp tahini

2 tbsp olive oil

1 tsp salt

2 tbsp lemon juice

½ cup warm water

½ tsp cumin powder

### Salsa

1 pomegranate, deseeded (see note)

3 ripe tomatoes, diced into 5mm cubes

1 small red onion, finely diced

½ bunch mint, finely chopped

½ bunch coriander, finely chopped

1 tbsp olive oil

Juice of half a lemon

Salt and pepper, to taste

Almonds

1 tbsp olive oil

100g slivered almonds

¼ teaspoon salt

## METHOD

1. Heat a grill frying pan with a good drizzle of olive oil. Add eggplant slices and cook on each side for about 5 minutes or until coloured and softening. Sprinkle each piece with a little salt. Repeat until you have cooked all slices well. Arrange the cooked eggplant on a big platter or wide bowl.
2. Blend the dressing ingredients using a food processor, or whisk by hand until combined; the dressing should be thick but drizzle-able. Taste, and add more salt and pepper if desired.
3. Combine all the salsa ingredients in a bowl. Season well with salt and pepper.
4. Toast the almonds in a small frying pan with the olive oil and salt, stirring often for 3–5 minutes until they're golden brown. Remove from the heat.
5. Drizzle the eggplant with the tahini dressing, spoon the salsa over and scatter with the toasted almonds. Garnish with extra herbs if you like.

*Note: Everyone seems to have a different method for removing the seeds from a pomegranate. Personally, I quarter mine and then submerge it in a bowl of water and pull out the seeds. The white pith will float to the top, the seeds will sink, and you'll be able to just drain the bowl and have all the lovely little jewels ready to go.*

Photography by Savannah van der Niet

## About the author

Clare completed her Arts Law degrees from University of Queensland in 2017 and is currently working in politics as a community organiser, advocating for social change and environmental justice. Cooking has always been her side project, a self-taught skill that she honed in on to financially support herself through her studies. In those years, it was being a short-order cook and caterer, but her passion is beyond her exceptional culinary skills. The act of cooking for others is an act that has become Clare's language of love and source of connecting with friends, family and people all around the world. For Clare, food and community are inherently connected, and sharing a meal is both the best platform to discuss the state of the world, and the best place to escape it all.

Shared Table is a self-published cookbook (in which the recipe featured here can be found) featuring delicious food that lends itself to beautifully large quantities for sharing (and budget-friendly too), released in December 2018 and available in all good bookshops or online, at <https://www.sharedtablecooking.com/about-the-book> ■





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## SPECIAL REPORT FROM THE SPONSORSHIP OFFICER

BONNIE PHILLIPS

### 2019 UPDATE

This year, we have been thrilled to welcome three new sponsors of VWL: Coulter Roache Foley's List and Lennon's List Barristers. Our new sponsors have continued to diversify the support for women in the legal profession across Victoria, including women at the Bar and women working regionally. Our new sponsors join our longstanding sponsors: Allens, Clayton Utz, Justitia Lawyers and Consultants, K&L Gates, KHQ Lawyers, Law in Order, Maddocks, Maurice Blackburn Lawyers, MinterEllison, Nicholes Family Lawyers, Svensons Barristers and Wotton+Kearney.

VWL takes this opportunity to thank our sponsors, together with thanking the following sponsors who have generously hosted or facilitated a VWL event this year:

- Allens hosted a panel discussion, Women and Reproductive Health;
- Clayton Utz hosted the Law Student Mentoring Program;
- Coulter Roache hosted a networking discussion, Practice Pathways in Regional Victoria;
- Justitia Lawyers and Consultants hosted the Share the Dignity Networking and Donation Drive;
- KHQ Lawyers hosted a panel discussion on the proposed changes to the family law system;
- Maddocks hosted the annual Warren Moot competition;
- Maurice Blackburn Lawyers hosted two panel discussions, the Modern Slavery Act Domestic Servitude and Modern Slavery in our Backyard, and New Law in the Suburbs;

- MinterEllison hosted two events, a seminar regarding Value Based Contracts, and a panel discussion, Ethical Intuition, Navigating Ethical Challenges in Government;
- Nicholes Family Lawyers hosted a panel discussion, Access to Justice and the Online World;
- Svensons Barristers facilitated two events, a networking event Women in Law Sparking Joy with Fitted for Work, and the Women Barristers Lunch Series; and
- Wotton+Kearney hosted a wellbeing event, the Road to Knowing Your Purpose.

In addition, VWL would also like to thank the Law Institute of Victoria (**LIV**) for its ongoing support, as well as this year's specific event sponsors:

- Criminal Law Mums for sponsoring a panel discussion, How did you do it? Juggling Parenting and a Career in Criminal Law;
- Gatehouse Legal Recruitment for sponsoring the Dame Roma Mitchell Memorial Luncheon and the annual Members and Guests event;
- Herbert Smith Freehills for hosting the VWL AGM and End of Year Celebration;
- Luna Startup Studio for sponsoring the Cross-Industry Networking Event with Sarah Holloway; and
- Northern Community Legal Centre for hosting An Evening in the North.

The work and projects of VWL would simply not be possible without its sponsors and VWL would like to thank all its sponsors for their ongoing support throughout the year. VWL is looking forward to another year of working with its sponsors to assist women in the legal profession in achieving a successful and satisfying professional life, whatever their particular and personal definition of success might be.

## SPECIAL REPORT FROM THE TREASURER

ELIZABETH COOPER

### 2018-19 UPDATE

2018-19 saw VWL generate a surplus of \$10,682.00. Membership revenue stayed constant and sponsorship increased as VWL welcomed new Major and Associate Sponsors in supporting the advancement of women in law and through the law.

VWL was also successful in receiving a grant from our project sponsor, the LIV, which covered the costs associated with a Gender Pay Gap survey that VWL undertook of the profession. Interest income reduced with the national fall in banking deposit interest rates. Seminar revenue was also higher, driven by the ticket sales to the Gender on the Agenda launch, VWL's ever-popular Dame Roma Mitchell Memorial Lunch, and the Members and Guests function.

Function expenses were also higher as VWL undertook these three large events. VWL managed to reduce its professional accountancy fees even further by moving to a new service provider, and administration costs were significantly less, due to the retirement of Judy Nutter in November 2018. Her position was not filled for the rest of the financial year, resulting in saving of \$8,100 in administration and office expenses, significantly contributing to the overall surplus. Most other costs remained constant or increased in line with CPI. Our rebranding five years earlier was paid off in the 2017-18 financial year, so that annual amortisation cost disappeared from the revenue report of VWL.

It is pleasing that VWL manages to continue to maintain a surplus while delivering relevant, useful, and popular functions and seminars.

## FOCUS AREAS FOR 2019-2020

VWL no longer has a permanent physical address and so, from the Treasurer's perspective, 2019-20 will see VWL's Executive Committee identify and appoint an administrator to replace Judy Nutter. This administrator will be able to service VWL's financial and administrative needs while most likely operating from a remote location.

It is a credit to the current VWL General Executive and all committee volunteers that VWL has been able to provide good member support and undertake multiple events with restricted administration support.

Final VWL accounts will be posted on the website.

## SPECIAL REPORT FROM THE MEMBER ENGAGEMENT OFFICER

SOPHIE LEFEBVRE

VWL's key objectives are to remove barriers and increase opportunities for participation by, and advancement of, women in the legal profession in Victoria. The 2019 VWL Executive Committee made it a priority to ensure that VWL was continuing to attract and retain a diverse membership, keeping in touch with both our members' needs and interests and remaining relevant to the Victorian legal profession as a whole.

In 2019, some key initiatives were introduced by VWL's Executive to address member engagement. The first was the creation of a new portfolio, Member Engagement, and the appointment of an Executive Committee Member to act as Member Engagement Officer. Secondly, at the instigation of the Member Engagement Officer, VWL undertook a survey of current and potential members to check in and ensure the relevance of VWL's activities.

The Survey was conducted over one month and promoted on social media, by the LIV and by an email campaign. 182 responses were received, providing feedback on our current event and project offerings, and suggestions for the future.

Topics addressed in the Survey included:

- use of technology;
- access for suburban, regional, and rural Members;
- events;
- projects; and
- communications.

Overall the responses received were positive. However, the Survey indicated that there are areas in which VWL can improve. VWL's Executive Committee are reviewing survey responses with a view to implementing changes in the future to meet the changing needs of our members.

VWL would like to thank all respondents for their time and congratulate our prize draw winners Eva Carol, Katherine Holdsworth, Irina Jovic, Yunn Chen, and Amy Bush who each won a \$100 Visa voucher.



Image: Lilli Stromland, *Tea Time* (Georgina Stromland, Architect) (SH Ervin Gallery)

## COMMUNICATIONS

GEORGIA DOBBYN &  
STEPHANIE PASHARIS

### ROLE

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

### 2019 ACHIEVEMENTS

We are proud of our 2019 edition of *Portia*, one which we hope is motivating and thought-provoking. We have strived to be innovative in our approach, in line with our theme of ideas and identity.

We have continued the production of our monthly newsletter, VWList, and the maintenance of our social media platforms via our Communications Executive Committee representative Vanessa Shambrook.

### SPECIAL MENTIONS

We thank all those who have contributed a feature to this year's edition. *Portia* continues to be a platform for women lawyers to voice their opinions on current issues in the legal profession, and we are proud to be able to share their views.

### REFLECTION

In reflection of the year that has been, we are inspired to be 'loud' about championing the rights of women lawyers in Victoria. It is too often heard that achieving genuine gender equality in the workplace will take time. For example, generational change will eliminate sexual harassment in the workplace because the next generation will not tolerate the sexism of the past. However, as indicated by the Australian Human Rights Commission's Inquiry into Sexual Harassment in Australian Workplaces, for which VWL's Law Reform Committee made a submission this year, the next generation is *still* tolerating sexual harassment. In the wake of that inquiry, VWL has also been involved with the Legal Services Board in targeting sexual harassment and bullying in the legal profession, and working towards its elimination. As expressed by Kate Jenkins, the Sex Discrimination Commissioner, "[c]hange does not take time, it takes action." The Communications Committee are proud to be part of this action.



## NETWORKING

HANNAH DUNAI  
& ELEANOR WEIR

### ROLE

The role of the Networking Committee is to create opportunities through which women in the legal profession, or who are about to enter the profession, can build strong professional relationships and connections in a supportive environment. We do this by hosting a number of networking events and panel discussions throughout the year, which aim to highlight the value of forging and maintaining networks for one's career development.

### 2019 ACHIEVEMENTS

This year, we were excited to host our first Alternative Legal Pathways breakfast event, which placed the spotlight on the myriad of legal career opportunities available outside of the traditional law firm setting. The distinguished panellists maintained a captivated audience throughout their discussion and we hope attendees walked away with a renewed sense of excitement for the many and varied roles which can be pursued in law.

### SPECIAL MENTIONS

We thank our committee members for all of the hours they have volunteered to help organise our events. The quality and popularity of our events is a testament to their hard work.

### REFLECTION

It is a common misconception that 'successful' networking is measured by the number of business cards which are exchanged and one's ability to 'schmooze'. However, we think a truly good networker is someone who is authentic and has a genuine interest in helping advance the careers of others, as well as their own. It's never a one-way pursuit.

## JUSTICE

ERIN MEEKING &  
BRONWYN MONTGOMERY

### ROLE

To bring attention to human rights issues that impact women by holding events and initiating projects to explore these issues.

### 2019 ACHIEVEMENTS

The Committee organised a number of events and 'hands on' activities exploring access to justice, health and homelessness, including:

- a panel discussion exploring the impact on access to justice to online services and resources;
- two networking events and donation drives, in which we collected clothing for Fitted for Work and sanitary items for Share the Dignity;
- entering a VWL team in Sleep at the 'G, in partnership with the Law Reform Committee, raising funds and awareness of youth homelessness; and
- a further panel discussion exploring the current landscape for women and reproductive health.

### SPECIAL MENTIONS

We would like to thank our panellists, moderators, host firms and all those who contributed to an exciting 2019. Most of all, we would like to thank our enthusiastic Committee for their commitment and passion for justice.

### REFLECTION

We are inspired by the outpouring of support for our donation drives from the legal community, and have been reminded of the power of a small group of women to effect significant change in our community.

## LAW REFORM

ALEX DWORJANYN  
& ASMAA HASANEIN

### ROLE

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

### 2019 ACHIEVEMENTS

In February 2019, the Committee held an introduction to values-based contracts with Kim Wright, a U.S. advocate for transformative approaches to the law. Also in February 2019, the Committee submitted a response to the Australian Human Rights Commission's National Inquiry into Sexual Harassment in Australian Workplaces.

In November 2019, the Committee also organised a panel discussion regarding the proposed changes to the *Family Law Act 1975* (Cth), following our submission to the Australian Law Reform Commission's review of the family law system in 2018.

### SPECIAL MENTIONS

A special thanks to all our enthusiastic Committee members for their hard work in preparing submissions and planning events, and for engaging in robust discussions about law reform at our Committee meetings.

### REFLECTION

The Committee is grateful for the opportunity to have contributed to the national conversation around two key areas impacting women this year – sexual harassment in the workplace and the impact of the family law system on women.

The Committee looks forward to continuing to work on law reform submissions on important topics impacting women, and to host more events where ideas around law reform can be shared and debated.

## WOMEN IN GOVERNMENT

STEPHANIE DE SANTIS  
& PIA WHITE

### ROLE

To promote women lawyers working in the public sector by supporting career planning, facilitating networking opportunities within the government and the legal community, and fostering engagement on topical issues facing public servants.

### 2019 ACHIEVEMENTS

The Committee hosted a networking night for current, former, and aspiring government lawyers to come together, connect and share experiences over drinks and canapés. The Committee also hosted an ethics CPD seminar with the support of MinterEllison. We thank our moderator Joelle Grover, and our panellists Her Honour Judge Felicity Hampel SC, Katie Miller, Elsie Loh, and Rachel Ellyard for sharing their wisdom on navigating the ethical challenges faced by government lawyers.

### SPECIAL MENTIONS

Special mentions go to our fantastic speakers, our dedicated Committee members and MinterEllison for their support.

### REFLECTION

The success of our Committee's first networking night was a wonderful demonstration of the power and importance of bringing women together to support one another. All our attendees were friendly and generous in sharing their experiences with one another and we look forward to running another networking event again in 2020.

## MEMBERSHIP

LAUREN CASSIMATIS  
& ABBEY MASON  
(FORMERLY SIOBHAN  
MCGEE)

### ROLE

To increase the number of VWL members, to generate awareness of VWL's role, purpose and offerings to women in law, to maintain existing members, to generate and increase membership in suburban, regional and rural areas, and to generate and increase the diversity of members.

### 2019 ACHIEVEMENTS

- A highly successful event in March 2019 in collaboration with Criminal Law Mums, called 'How did you do it' (a panel session on juggling parenting and a career in law), aimed at lawyers practising in criminal law.
- An event in Dandenong called 'New Law in the Suburbs', aimed at eastern suburban lawyers and raising awareness of 'new law' in the suburbs.
- Recruitment of 10 new proactive membership committee members.

### SPECIAL MENTIONS

- Siobhan McGee, a dedicated co-chair and VWL member, who stepped down from her role as co-chair in August 2019.
- Abbey Mason joining Lauren Cassimatis as co-chair to rebrand the Membership Committee and recruit fresh, enthusiastic committee members.

### REFLECTION

It has been a busy year and we feel motivated and excited by the involvement of new members of the committee. Many great ideas and plans have been shared in order to achieve the objectives of VWL and the Membership Committee. The Membership Committee is determined to generate interest from a diverse legal community including law students. We have developed a number of exciting and fresh ideas that we will be implementing in 2020. We are also working on an alumni event and hope to feature some wonderful and esteemed special guests to speak at our event.

## DIVERSITY AND INCLUSION

JOANNA ABRAHAM  
& ORIANA TORCASIO  
(FORMERLY NAOMI  
HICKEY-HUMBLE)

### ROLE

Championing the rights of, and working to promote equality and opportunities for:

- culturally and linguistically diverse women;
- Aboriginal and Torres Strait Islander women;
- women with disabilities; and
- the LGBTQI+ community.

### 2019 ACHIEVEMENTS

In March, the former 'Cultural Diversity Committee' ran an engaging panel discussion on the recent *Modern Slavery Act 2018* and its impact on slavery and domestic servitude in Australia today. The event was hosted by Maurice Blackburn Lawyers and featured some of the leading academics and advocates in the field.

Soon after this event, the Committee broadened its ambit to include, and promote the rights of, Aboriginal & Torres Strait Islander women, women with disabilities and the LGBTQI+ community. The newly established Diversity & Inclusion Committee has since been working on a series of events for 2020, which will cover a range of pertinent topics addressing diversity in the legal profession.

### SPECIAL MENTIONS

We would like to thank our guest speakers at our Modern Slavery Act event and Maurice Blackburn Lawyers for generously hosting the event. We also thank former co-chair, Naomi Hickey-Humble, for her significant role in working to establish the Diversity & Inclusion Committee.

### REFLECTION

We look forward to launching the Diversity Series in 2020.

## WORK PRACTICES

SANISHYA FERNANDO  
& KIRSTY MASTORES

(FORMERLY EMILY CREAK  
& CLAIRE DE KOEYER)

### ROLE

To examine the impact of employment practices on women lawyers, with a particular focus on flexibility, discrimination in the workplace, pay equity and transparency, parental leave policies, part time work, and the career progression of women lawyers, including into leadership positions.

### 2019 ACHIEVEMENTS

This year the Committee has re-focussed and refreshed its agenda and membership. We look forward to the launch of a parental leave guide, debuting a workshop series addressing a range of issues relating to sexual harassment and discrimination, continuing VWL's work on the gender pay gap and continuing to build on the positive momentum of the inaugural Professional Mentoring Program launched in 2018.

### SPECIAL MENTIONS

The Victorian legal profession is taking action to tackle sexual harassment and bullying in the legal profession. We look forward to seeing the results of the Legal Services Board survey and working with the profession to eliminate these behaviours.

### REFLECTION

There is no doubt that women continue to face challenges resulting from the structure of the legal profession. Our Committee confronts and embraces these challenges by seeking to address and improve the obstacles faced by women. Through the Committee, we see trailblazers – passionate, active, and strong women who are making a difference.



Image: Ann Cape, *Working Late in the Studio* (Sophie Cape, Artist) (SH Ervin Gallery)



Image: Leigha White, *Dr Poelina* (Reports from the Battle of Lower Fitzroy River) (Dr Anne Poelina, Managing Director of Madjulla Incorporated, Environmental Champion) (SH Ervin Gallery)



# 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; and
  - 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; and
  - achieving justice and equality for all women.



Image: Deborah Walker, *The Celebration (Compass Tragedy)* (Georgia Gibbs, Arts Student/Writer) (SH Ervin 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 [vwl@vwl.asn.au](mailto:vwl@vwl.asn.au)

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