



portia²⁰²⁰

THE ANNUAL JOURNAL AND REPORT
OF VICTORIAN WOMEN LAWYERS

ABOUT THIS EDITION OF PORTIA

THE THEME FOR PORTIA 2020 IS 'COURAGE', INSPIRED BY CONVERSATIONS IN EARLY FEBRUARY ABOUT THE HORROR SUMMER BUSHFIRES AND THE COURAGE SHOWN BY THOSE AFFECTED. THIS THEME HAS RESONATED EVEN MORE AS THE YEAR UNFOLDED.

Courage is often treated as synonymous with bravery and stoicism, measured by the ability to appear fearless or grand acts of valour (perhaps remnant from outdated notions of masculinity). There are, however, countless ways in which all people can be called on to be courageous in life. *Portia's* focus is on the power of courage as a virtue. It is an attitude that can be cultivated and drawn upon when we are thrust into the unknown. When thought of as an attitude, courage is in everyone's reach.

In her book *Forgiveness and Other Acts of Love*, which followed a conversation series on the 'Humane Virtues' (including courage) broadcast by ABC's Radio National, Dr Stephanie Dowrick wrote that '[i]t is courage that is needed when a crisis has long ceased to be exciting and has become instead a new version of your old life to which you must adjust... Courage is what allows you to learn that even when life has apparently betrayed you *life itself is still present*.'

Following the bushfires, the global coronavirus pandemic took hold in Australia and Melbourne became the epicentre of the second wave. In addition to those who have died or have become ill from this virus, it has had an enormous impact on our way of life, our mental health, all levels of politics and, of course, the economy. Failings in our systems have been exposed and many of the most vulnerable in our communities have, and continue to, suffer from heightened domestic abuse, loneliness, mental illness and financial distress. In this tumultuous time, some have experienced more hardship and pain than others but almost all of us have been thrust into the unknown. We have all been called on to be courageous.

There has been a truly collective courageous response – people have shown adaptability, creativity and resilience. We found new ways of connecting to our loved ones, friends, colleagues and community: virtually, over the phone, or sending cards, letters, care parcels and through acts of neighbourly kindness.

We have seen those less accustomed to the spotlight – healthcare workers, nurses and those who work in early childhood education – be applauded for their courage.

This has been a time for reflection, where we have been invited to look at our lives differently and perhaps challenge some of our underlying beliefs or assumptions. The Black Lives Matter movement, in which people showed courage by speaking out against systemic racism spread across the world, resonated deeply here in Australia for our First Nations peoples.

In this edition of *Portia* you will find a variety of articles which demonstrate and reflect different types of courage. These include a reflective piece from a Legal Aid lawyer in East Gippsland during the Black Summer bushfires and an analysis of the fallout from the High Court of Australia's investigation into allegations of sexual harassment and the role of bystanders to sexual harassment in the workplace. In the Arts section, we celebrate the courage of women including investigative journalist Jess Hill, whose powerful book *See What You Made Me Do – Power, Control and Domestic Abuse* won the Stella Prize this year, and *Portia's* first poem from Phoebe St John, titled *Fresh Air*.

We are continually grateful and delighted to publish the works of portraiture submitted by women artists as entries to the 2020 Portia Geach Memorial Award, which you can read more about on page 4.

Finally, VWL and its Publications Committee express a heartfelt thanks to the many who generously contributed to *Portia 2020*. We very much hope this edition will inspire our members to cultivate their own version of courage.

Editors

Georgia Dobbyn and Liz Main.

Editorial Team

Annaleise Vuilin, Brigid Arthur, Catherine Gloutnay, Greta Marks, Katherine Gough, Sonia Mackie and Jess Awad.

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Footnotes available upon request.

Cover: Jeska Valk, *Ghearra* (S.H. Ervin Gallery)



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Image: Jennifer Rosnell, *Nurse Jacqui* (S.H. Ervin Gallery)

MESSAGE FROM THE PRESIDENT

DEBORAH KLIGER



THIS YEAR HAS BEEN TRANSFORMATIVE FOR VWL AND ITS MEMBERS. I APPLAUD OUR MEMBERS, OUR SPONSORS AND COMMITTEES FOR SHOWING COURAGE AND RESILIENCE DURING THIS CHALLENGING YEAR.

Following the transition for so many of us to remote working, VWL delivered digital events and projects to reach a wider audience, including an Instagram Live interview series, online panel discussions and webinars.

Many of those events focused on adapting to workplace change, career development and well-being. VWL advocated for safety and respect at work, and the prevention and elimination of domestic violence.

In this regard, VWL endorsed the joint statement on safe and respectful workplaces by the Heads of Jurisdiction of Victoria's courts and tribunal and contributed to the Review of Sexual Harassment in Victorian Courts by participating in a Stakeholder Roundtable and providing a written submission for the Review.

We enhanced our online member engagement by recording events, making them accessible to all members, including those from regional and suburban areas and women with caring responsibilities or disabilities.

VWL pledged to model and promote diversity and inclusion in all its activities and developed a Diversity and Inclusion Statement for our Executive Charter.

Our 2020 Diversity Series explored the issues facing the LGBTIQ+ community in the era of marriage equality and strengthened the visibility of female lawyers with disabilities and chronic illnesses. To celebrate the courage, resilience and rich culture of our First Nations People, we invited Antoinette Braybrook, CEO of Djirra, to speak at our flagship Dame Roma Mitchell Memorial Lunch, and held an interactive damper making workshop with Mabu Mabu and guest Meriam Chef, Nornie Bero.

VWL strived to keep our members and sponsors connected and supported, especially amidst the COVID-19 lockdowns. We extended our Law Student Mentoring Program, matching 120 law students with practising lawyers, and held a coaching session on powerful mentoring techniques.

We were privileged to have our Program Patron, the Honourable Justice Rita Incerti, share words of inspiration with participants in our first digital launch of the Program.

Building on this success, VWL relaunched its Professional Mentoring Program, matching admitted lawyers with more senior practitioners. We found creative ways to support our members' well-being by delivering a Pilates series and digital care packages throughout the year through our newsletter, VWList, and social media. In recognition of the financial impacts of COVID-19 on our members, VWL elected to discount its 2020-2021 membership fees by 20%.

VWL also focused on supporting female law firm owners to navigate rapid changes to their personal and professional lives. VWL held a panel discussion on riding out the pandemic from the perspective of the employer, and an interview with 'The Remote Expert', Emma Heuston, on integrating work and home life.

I am especially proud of our annual Warren Moot, named in honour of our Patron, the Honourable Professor Marilyn Warren AC QC, which continued into its sixth year. In a VWL first, we presented our 2020 Warren Moot Launch and Advocacy Training, and held all competition rounds digitally. I extend my deepest gratitude to our Patron, the Honourable Professor Marilyn Warren AC QC, for continually inspiring and supporting VWL.

For their ongoing and generous support, I sincerely thank VWL's sponsors: Allens Linklaters, Clayton Utz, Coulter Roache, Justitia Lawyers & Consultants, K&L Gates, KHQ Lawyers, Maddocks, Maurice Blackburn, MinterEllison, Nicholes Family Lawyers and Svenson Barristers. I also thank Gatehouse Legal Recruitment for sponsoring our flagship events and the Law Institute of Victoria for hosting our Annual General Meeting.

VWL's achievements this year would not have been possible without the dedicated efforts of our Voting Executive members and our subcommittee Co-Chairs. I extend my heartfelt thanks to them for realising my vision for 2020 and helping VWL evolve in these extraordinary times.

It has been an honour and privilege to serve as President of VWL. I commend this edition of Portia to you as a record of our strength and successes this year. I hope this journal is a source of inspiration and courage, as we move towards re-emergence and renewal in 2021.

MESSAGE FROM OUR PATRON

THE HONOURABLE MARILYN WARREN AC QC



AS WE SIT AT OUR WORKING AREA OR PERHAPS WHEN GOING FOR A RUN OR WALK WE MAY FIND OURSELVES REFLECTING ON HOW DIFFICULT A YEAR 2020 HAS BEEN. IN MY WORK AND LIFE I HAVE LISTENED TO WOMEN WHO ARE IN THE LAW WHETHER THEY BE LAWYERS, BARRISTERS, STUDENTS AND ACADEMICS, JUDGES AND COURT STAFF AND OTHERS.

There have been daunting struggles for them in managing working remotely, sometimes in trying conditions keeping families and relationships calm and managing home schooling. For some women lawyers there has been the isolation of living and working alone during pandemic restrictions.

Almost entirely through the internet and mobile phones, women lawyers have progressed their academic and graduate years, been admitted to practice, advised clients through firms, government and corporate offices and community legal centres, participated as members of legal teams and appeared and instructed before courts, tribunals, royal commissions and inquiries, mediations and arbitrations.

I have been struck by the way women lawyers have faced the demands of working in the law this year. Their striking qualities have been resilience, quiet determination and courage. I have been inspired by them.

I congratulate VWL for putting the quality of courage 'on the page' in *Portia*. The courage of women lawyers should be celebrated with immense sisterly pride. To work and study in the law in 2020 has taken courage both in the workplace and professionally.

There have been the women lawyers who worked through devastating national disasters especially bushfires. Others have confronted the personal horror of sexual harassment in the legal workplace. Many have experienced the cruelty of family violence and conflict. Shockingly, some have encountered discrimination based on race, culture, gender, gender identity and religious belief. Again others have seen first-hand the tragic circumstances of many of the indigenous peoples across the justice system.

In the 2020 setting of the COVID-19 pandemic, while managing their own challenges, women lawyers have applied their legal skills to help others who have turned to the law for help, protection, freedom, compensation and justice. There have been times when the power of the problems confronted by women lawyers has called for levels of personal courage never called upon before.

Each woman lawyer might pause and reflect on all she has survived and achieved in 2020 and appreciate how courageous she has been both personally and professionally. Perhaps each woman lawyer might make a point of directly acknowledging the commitment and courage of a legal colleague, student, teacher or friend and say 'well done'. Each of us as women in the law might pay tribute to all women lawyers and acknowledge their courage.

Yet I expect the typical resilient woman lawyer will not want to pause too long to reflect on 2020. The new year of 2021 awaits. There will be an inevitable desire to leave the last year behind. However, it will be important to take the growth and maturity achieved in 2020 into 2021.

The new year will be a time to leverage from the experiences of the pandemic year: to hold on to flexible working practices including working remotely, especially for parents; to persuade governments to provide expanded financial support for childcare; to firmly entrench recognition of the importance of well-being and physical and mental health in the legal workplace; to recognise and eradicate sexual harassment in the legal profession; to achieve equality in remuneration and professional opportunity for women lawyers in all sectors and at all levels of the law; and, as always, to keep gender on the agenda.

Congratulations to VWL and women lawyers on an extraordinary year past and an exciting year to come.

ABOUT THE PORTIA GEACH MEMORIAL AWARD

S.H. ERVIN GALLERY

NOW THE MOST RECOGNISED PORTRAITURE AWARD FOR WOMEN IN AUSTRALIA, THE PORTIA GEACH MEMORIAL AWARD WAS ESTABLISHED BY THE BEQUEST OF (FLORENCE) KATE GEACH TO HONOUR HER SISTER, ARTIST PORTIA GEACH.

Born in Melbourne in 1873, Portia Geach studied design and painting at the National Gallery School in Melbourne and later at the Royal Academy of Arts in London. Portia painted murals for buildings in New York, exhibited art at the Societe Nationale des Beaux Arts in Paris and enjoyed a rich career. Disillusioned by the lack of support from the male dominated art world, however, Portia directed her energies to fighting for women's rights in Australia. Portia assisted the suffragette movement in 1905 by painting a banner. She 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.

Armed with a strong personality, she campaigned against the closed front that had faced her when she tried to exhibit her paintings. It 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 2020 judging panel: Anita Belgiornio-Nettis AM, Trustee of the Art Galley of New South Wales, Natalie Wilson, Curator of Australian and Pacific Art at the Art Gallery of New South Wales and Jane Watters, Director of S.H. Ervin Gallery, commented that finalists for the Award demonstrated that contemporary Australian portraiture has a vibrant future despite the challenges faced this year, and the resilience demonstrated by the artists is humbling. The winner of this year's Award, selected from 397 entries, is Caroline Zilinsky for her oil on linen painting *Anthea May or May Not* (Anthea Pilko, dancer). The judging panel were attracted to the painting's unique style and meticulous attention to detail – 'This bold and penetrating work sensitively portrays the sitter, naked yet proud.'

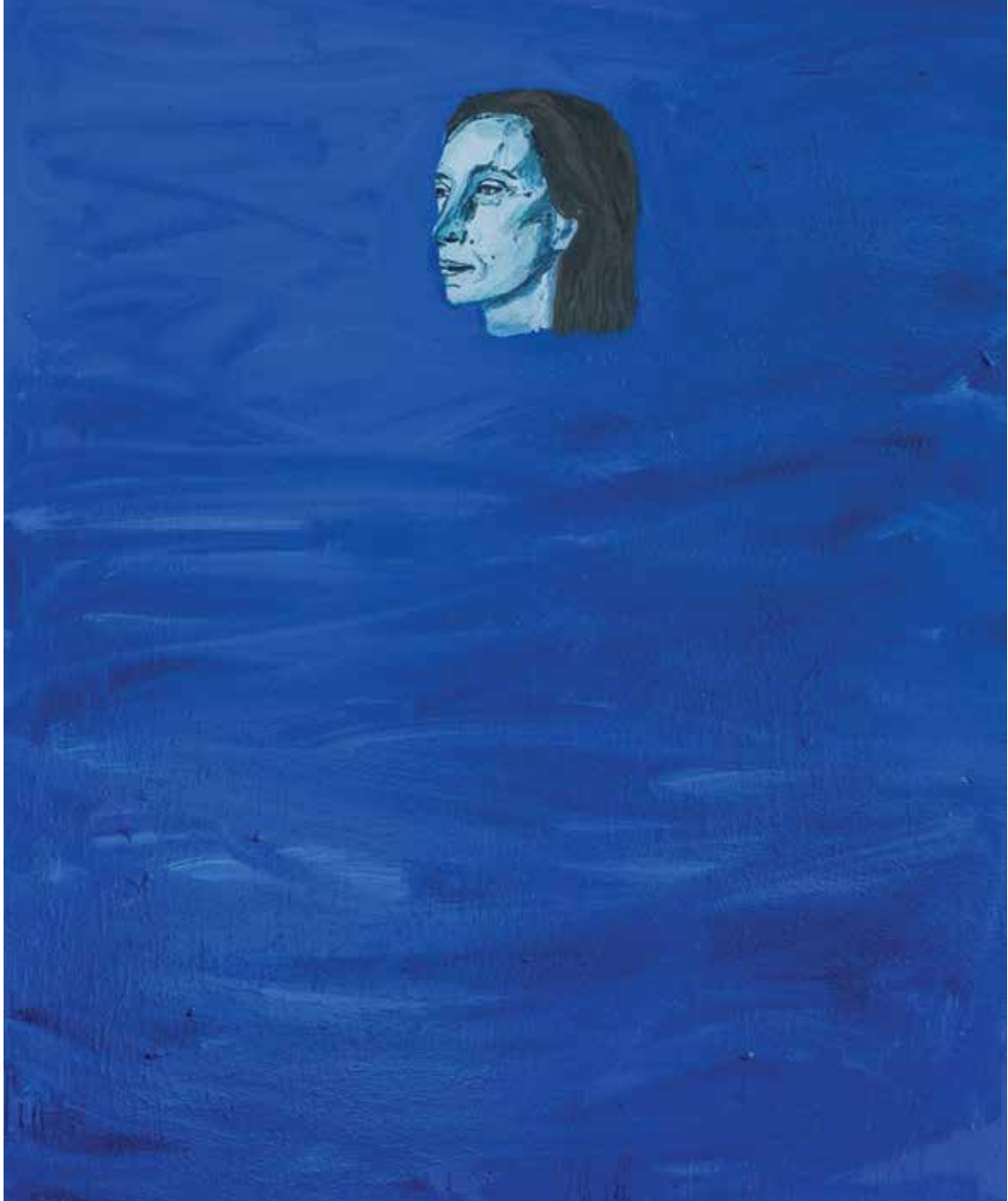


Image: *Anthea May or May Not*, Caroline Zilinsky oil on linen 112x97cm

The artist has successfully navigated the line between the absurd and the profound in a distinctive personal and imaginative manner that is disarmingly honest.'

The judging panel also selected two highly commended art works, Natasha Walsh for her self-portrait on marble titled 'Doppelganger' and Susan O'Doherty for her portrait 'Myfanwey Gullifer in olive green coat', which are featured on pages 46 and 33, respectively. The People's Choice Award was Ann Cape for her painting 'Sophie and Scout', which is featured on page 43.

VWL is proud to promote the Portia Geach Memorial Award and pay homage to Portia Geach as a pioneering woman in her field and feminist. VWL thanks the S.H. Ervin Gallery and the finalists, for allowing us to reproduce their works in *Portia*. Finally, VWL congratulates Caroline Zilinsky on her striking portrait.



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Image: Sally Anderson, *Claude Swimming* (S.H. Ervin Gallery)

WHAT TO DO WHEN A COLLEAGUE TELLS YOU THEY HAVE BEEN SEXUALLY HARASSED

LIZ MAIN

AN INDEPENDENT INVESTIGATION CONDUCTED BY THE HIGH COURT OF AUSTRALIA WHICH FOUND FORMER JUSTICE DYSON HEYDON SEXUALLY HARASSED SIX FEMALE ASSOCIATES DURING HIS TIME ON THE BENCH SENT SHOCKWAVES THROUGH THE LEGAL PROFESSION THIS YEAR.

As more details surrounding the alleged harassment began to surface, *The Sydney Morning Herald* reported that in 2005 one of Mr Heydon's associates told then-Justice Michael McHugh's associate that Mr Heydon tried to kiss her.

Mr McHugh's associate then told Mr McHugh, who then told then-Chief Justice Murray Gleeson, according to the media report. Whether any further steps were taken within the court is unknown, according to the news article.

Solicitors for Mr Heydon did not respond to *Portia's* request for comment. However, media outlets have previously reported that Mr Heydon has denied the allegations. A High Court spokesperson told *Portia* that Mr Gleeson did not wish to comment on the allegations. Mr McHugh did not respond to a request for comment.

The Heydon scandal has raised important questions about the role of bystanders to workplace sexual harassment.

Sexual harassment is widespread in the legal profession, according to a 2019 study of more 2300 lawyers conducted by the Victorian Legal Services Board and Commissioner (VLSBC). One in three lawyers said they had been sexually harassed in their legal career. More than half said it had occurred in the last five years and a quarter said it had occurred in the past 12 months.

More than half of respondents to the VLSBC's study said they had witnessed sexual harassment or had been told about it directly from someone affected by it. However, 90% of bystanders did not report what they saw or were told.

So, what should you do when a colleague confides in you that they have been sexually harassed?

FIRST AID

Maurice Blackburn Principal Josh Bornstein acts for the three women who launched compensation claims against Mr Heydon and the Commonwealth. Maurice Blackburn is a sponsor of VWL.

Josh told *Portia* when a colleague tells you they have been sexually harassed, the first thing you should consider is her mental health.

'The first thing to understand about those who suffer sexual harassment is that it harms mental health. Often that harm is not recognised by the victim for some time,' he said.

'Therefore, if your colleague advises you that she has been sexually harassed, you should ensure that she consults a GP and gets a referral to a psychologist.'

You could also suggest that she speaks to a union representative, a lawyer or mentor.

'Where a woman has been sexually harassed it is critical that she is able to discuss the situation with someone that she can trust – a friend, colleague, union representative, psychologist or lawyer,' Josh said.

'She should not be left to deal with it on her own. You should try and ensure that this happens.'

The steps you should take become more complex if she does not want to pursue the matter further.

'Whether you report the matter contrary to her wishes is a vexed question. There isn't an easy answer to this question,' Josh said.

'Much depends on your own role and responsibilities, your judgment, ethics and the context of the situation.'

'If you are a senior employee with managerial responsibilities you may be required to report the sexual harassment to the CEO or other management.'

'Your employment contract may compel you to report it, contrary to the victim's wishes. If you make that decision, you should be open with the victim and explain your decision.'

Josh acknowledged that bystanders to sexual harassment may want to help, but fear being labelled a 'troublemaker' at work.



Image: Sophia Hewson, *Untitled* (S.H. Ervin Gallery)

'The fear of being called a troublemaker if you call out sexual harassment is a well-founded fear,' he said.

'Although there are many now arguing to treat sexual harassment as an occupational health and safety issue, I have strong reservations about doing so.'

Josh said bystanders who call out sexual harassment face the same challenges as whistleblowers.

'By definition, whistleblowers usually disturb the dominant culture and are punished for doing so, usually by expulsion from the organisation. Australian culture condemns and punishes whistleblowers.

'If a woman is likely to lose her career for calling out sexual harassment in the same way as many a whistleblower does, the same will often apply to a bystander. There is no point in reiterating bystander obligations or conducting bystander training if the cost of doing the right thing is losing a job or career.'

Instead, Josh said the responsibility fell squarely with senior manager and directors to quash sexual harassment.

'If they make clear that sexual harassment isn't going to be tolerated, the whole bystander discourse falls away.'

'A MANIFESTATION OF GENDER EQUALITY'

The VLSBC's survey also confirmed that women are more exposed to sexual harassment than men, with 61% of women experiencing sexual harassment compared to 12% of men.

'Sexual harassment is a manifestation of gender inequality,' Josh said.

The study found 90% of harassers were male, 72% were in a more senior role than the victim and two-thirds were more than 40 years old. In almost half of all incidents, the perpetrator fell into all three categories.

Junior women lawyers were most likely to be sexually harassed, with 59% of respondents reporting they had less than six years of experience in the legal profession when they were most recently sexually harassed. A further 29% held junior solicitor roles and 21% had not finished their period of supervised legal practice.

Most incidents were not reported, with 81% of respondents saying they did not report the incident. Reasons for not reporting included that it was 'easier to keep quiet' (80%), they 'believed it was a minor incident' (66%) and they 'lacked confidence in the system in place to address the incident' (59%).

Although one in three lawyers reported being sexually harassed, those in management positions in the legal sector believed sexual harassment in their workplace was rare. The survey found 73% thought sexual harassment was 'very rare', 10% thought it was rare. Just 5% believed sexual harassment occurred at their organisation 'sometimes' and 1% thought it was commonplace.

VICTORIAN COURTS UNDER THE MICROSCOPE

In response to the allegations of sexual harassment within the High Court, in July Victoria's Attorney-General Jill Hennessy and the Honourable Chief Justice of Supreme Court of Victoria and Chair of the Courts Council Anne Ferguson launched the Review of Sexual Harassment in Victorian Courts.

Former Commissioner of the Victorian Equal Opportunity and Human Rights Commission, Dr Helen Szoke AO, will lead the review.

'A workplace that is not free from sexual harassment is an unsafe workplace – these reviews will identify the changes the justice and legal sectors need to make to improve workplace culture and enforce compliance,' Ms Hennessy said in a joint statement with Chief Justice Ferguson.

'I want to thank the women who have bravely stood up and shared their stories, as well as acknowledge the commitment from our heads of jurisdiction to ensuring their workplaces are safe, healthy and respectful.'

Chief Justice Ferguson said Victoria's courts and tribunals were committed to building a culture of respect in the workplace.

'Improper and unethical conduct will not be tolerated under any circumstances and we look forward to working with Dr Szoke's review,' Chief Justice Ferguson said.

After collecting submissions from individuals who have experienced or witnessed sexual harassment within Victoria's court system and submissions from organisations, a report of the review's findings is expected to be published in February or March 2021.

The report will suggest measures to prevent sexual harassment, increase reporting and support for those who experience sexual harassment, and improve workplace accountability. Josh said reform to laws applied to sexual harassment would go some way, such as allowing complainants to go straight to the Federal Court of Australia without needing to attend a conference at the Australian Human Rights Commission and allowing complainants to sue for victimisation.

'However, we should also recognise the limits of law reform. Unless we address the root causes of gender inequality, we will not seriously reduce the incidence of sexual harassment in the workplace.'

WOMEN LAWYERS UNITE ACROSS THE COUNTRY

In the wake of the Heydon scandal, VWL and its overarching body, Australian Women Lawyers (AWL), joined hundreds of women in 2020 signing an open letter to the Commonwealth Attorney-General, Christian Porter, which was copied to the High Court's Chief Justice Susan Kiefel. The signatories called for the establishment of an independent judicial complaints and oversight body and the introduction of a transparent judicial appointments process.

In a joint statement, VWL President Deborah Kliger and Vice President Vanessa Shambrook called for swift action to be taken to protect those who work in our justice system.

'In addition to these formal measures, members of the profession must actively call out inappropriate and sexist behaviours,' Deborah and Vanessa said.

'To promote respect and safety at work, we must address and prevent as a primary focus, the attitudes which allow gender discrimination, workplace sexual harassment and the culture of silence to thrive.'

If you wish to confidentially discuss an incident of sexual harassment by a lawyer or make a complaint, contact the VLSBC by calling (03) 9679 8001 or emailing harassmentcomplaints@lsbc.vic.gov.au.

Liz Main is a judge's associate in the County Court of Victoria. The views expressed in this article are the views of the author.

SPONSOR

CLAYTON UTZ



Courage at Clayton Utz means staying true to your values, not being afraid to challenge traditional ways of doing things, and passionately advocating for the rights of others to access our justice system. We understand our privileged position of being able to give a voice to people who might not otherwise be heard. We take that privilege seriously.

Encouraging courageousness requires a culture of respect, acceptance, and appreciation of different perspectives. We are proud of our down-to-earth culture and that we attract people with diverse backgrounds and experiences, with more to offer than just their legal skills. At Clayton Utz, one of our mottos is 'Stay True'. We want our people to stay true to themselves and their values to carve out their own unique paths.

Our pro bono practice is an important part of our culture at Clayton Utz. We provided over 46,000 hours of pro bono legal services in FY20, involving 89% of our lawyers and 85% of our partners. Our lawyers used their skills to stand up against injustice, including by: obtaining \$648,098 in compensation for domestic violence and sexual assault survivors; recovering \$960,119 for victims of wage theft, unfair dismissal, discrimination and/or sexual harassment; spending 462 hours assisting five LGBTIQA+ organisations; acting for 102 First Nations people and organisations; and preventing 85 people from becoming homeless.

Clayton Utz is proud to have averaged over 50 pro bono hours per lawyer for each of the last five years. In Victoria, our lawyers averaged more than 70 hours each last year.

Through our diversity and inclusion program (called Momentum) we strive to be an inclusive workplace. Courageous leadership underpins this vision. We're proud of our strong LGBTIQA+ network (over 35% of our people are LGBTIQA+ Allies) and our growing Cultural Diversity network.

The firm also prioritises health and well-being and invests in a range of support for our people. Clayton Utz: holds a Gold Accreditation from Mental Health First Aid Australia as a mentally skilled workplace; was the first Australian law firm to appoint a dedicated National Mental Health Manager in 2019; has 213 trained Mental Health First Aiders and Champions; and is one of 15 founding members of the Corporate Mental Health Alliance Australia, which launched in October 2020.

Clayton Utz also supports our people to be courageous in their careers: whether it be undertaking further study, completing secondments with our clients or with firms overseas, or taking a leave of absence to pursue other interests, such as starting a business.

Lucy Terracall, Partner, and Lucy Cornford, Lawyer

A REFLECTION: COURAGE, RESILIENCE AND GROWTH AFTER THE BUSHFIRES

HENRIETTA DE CRESPIGNY

WHEN I REFLECT ON LIVING IN EAST GIPPSLAND DURING WHAT IS COLLOQUIALLY KNOWN AS THE BLACK SUMMER FIRES, IT IS HARD TO DISSECT IT FROM THE CATASTROPHIC YEAR THIS REGION HAS EXPERIENCED. TWO STATES OF DISASTER IN ONE YEAR. A BIBLICAL PHENOMENON OF FIRE, FLOOD AND PLAGUE.

For all Australians, 2020 will have strong memories attached to it; memories and hopefully lessons that we will all carry into the future.

The combined catastrophes of the summer bushfires and the COVID-19 pandemic have demonstrated how adaptive, supportive and resilient our immediate communities can be in the face of the perceived inadequacies of larger systems responses.

Working as a community lawyer in East Gippsland's central town of Bairnsdale, I observed the legal and other social systems responding to a period of great change and disaster. What emerges from the flames is a sense of bated hopefulness given to us by the unsung heroes, our local community actors.

I vividly remember the sight of the plume of smoke billowing into the sky on 30 December 2019. I stared, somewhat transfixed, down my street in the small township of Nicholson, 10 kilometers away from Bairnsdale.

That view cemented the decision my partner and I had just come to. It was time to leave our house and take refuge in Bairnsdale. A slightly humorous moment – we laughed – as just days earlier we had shifted our worldly possessions from storage in Bairnsdale to our rental property much closer to the fire front. With a couple of paintings, hard drives and letters in the car, we left.

That was mid-morning and by the afternoon, the Princes Highway leading east from Bairnsdale to Mallacoota was closed with a police road-block firmly installed. By the following morning, the fire had burnt to within five kilometers from our house, and 10km from Bairnsdale.

The town was thrumming with people preparing their houses for ember attacks, which many feared would occur.

The local hardware store was cleared of hoses, gutter blockers, and buckets, and the shelves were soon empty of sprinklers and all watering systems – panic buying – but we didn't have a name for it back then.

The sky was an ominous red-grey, before a choking darkness fell at sunset. People gathered on the edge of town, possessed by perverse fascination with horror. We watched quietly, as the fire front approached the nearby cleared farmland. It was visible in the distance, the red glow lighting up the horizon.

My mind was stuck on the image of a close mate whom I knew would be battling the flames to protect his off-grid bush property as I watched. With no phone reception, we all wondered how he and the countless others in the nearby Clifton Creek community were faring.

My mind was far from legal work during this period. In addition to it being the New Year break, it seemed of little importance when faced with the gargantuan catastrophe unfolding around us. Working for Victoria Legal Aid at the time, the organisation promptly recognised the need for staff to be at home, and we were granted open-ended emergency leave. Nobody asked when we would return to work, we just accepted the uncertainty of it all. Sound familiar?

True to form, Maslow's hierarchy of needs dictated that we be primarily concerned with our direct physiological needs, then those of others close to us in our community. Legal advice certainly seemed to be ranking low on the ladder of things people needed during this period. Our community's needs were rapidly distilled into the necessities of shelter, food and water, so frequently taken for granted in the comfort of our ordinary lives.

The military rolled on in, businesses transformed into fire relief services and the local library opened their doors to provide shelter (and air conditioning). An elderly, isolated woman from Bairnsdale left her house, seeking refuge in the library, so great was her fear of the fires possibly reaching town.

Comfort and distraction were provided in the most unexpected ways, exemplified by Fijian soldiers performing their traditional welcoming dance to children at story time at the library. A massage therapist provided free services to fire fighters and emergency workers, and signs of gratitude were spray painted on bed sheets and hung from trees by the roadside.

The local football oval was transformed into the emergency relief center, with around the clock volunteers providing food, water and a place to camp for the fire-affected people of East Gippsland. On New Year's Eve, we walked down to the oval and through the adjoining cattle sale yards, which were full of animals that had been evacuated from threatened properties in the area. The allegorical Noah's Arc emerged in my mind in these surreal environs.

The legal system at this stage had all but shut down. Ordinarily, 1 January would have brought with it the first Mentions List at the Bairnsdale Magistrates' Court and all its associated services in tow. With the court closing its doors for the week, all services shut down in kind, and emergency, custodial hearings relocated to Sale, 100 kilometers west of Bairnsdale and out of direct line of the fire front. It would stay that way for several weeks until the fire was declared 'contained'.

Many would miss court dates as the travel proved too big an obstacle, so justice was further delayed. Long ex parte adjournments were granted on non-urgent matters. Services switched to phone-only, and people facing criminal charges were put on extended periods of bail as they waited for clarity on when their matters would finally be heard. Many of those cases are still yet to be heard, given the events that unfolded in the months afterwards as the COVID-19 pandemic further impeded on the justice system.

After a week of being shut down, we returned slowly to work. The flames had subsided, and a semblance of normality returned, albeit with P2 masks mandatory at work, due to the toxic levels of smoke shrouding the town. It was during this period that the community took stock of the havoc the fires had wreaked. The sheer destruction of wildlife, habitat, forest and properties was indigestible.

Predictably, it emerged that the disadvantaged members of our community had been more severely affected. As one man from Orbost told to me, he couldn't afford to leave his home because he didn't have the money to pay for a hotel and didn't own any camping gear. Another person explained to me that they were stuck visiting family on the NSW border for Christmas when the public transport system ground to a halt, a taxi fare home being hundreds of dollars and out of the question. They were separated from their immediate family for weeks.

State-based services like Corrections Victoria and the Department of Health and Human Services seemed slow to respond to the very quickly shifting situation they found themselves in. People living with disabilities were cut off from support and children in need of social services support were given a phone number to call, in case of emergency.

As we have seen during the pandemic, working from home takes time to approach anything near a replacement service for face-to-face, and institutional response to the bushfires fell far below the standard we saw develop as COVID-19 took hold.

This was in direct contrast to the actions I was seeing from informal community groups in the area. Out of survival mode and into recovery, troves of volunteers got to work and quickly. People with land that could be home to wildlife distributed food and water for animals that had survived the blaze. People donated clothing and food for anyone who needed it. The Sikh community in Melbourne made free food for weeks out of their van at the recovery center. Individuals offered up caravans for donation and rooms in houses were advertised on an online system based at the East Gippsland Shire Council buckling under the weight of such generosity. There were thousands of logged donations on the database at the Shire, demonstrating the powerful generosity of individuals.

In the justice sector, local lawyers volunteered at the recovery center under the banner of Victoria Legal Aid's Disaster Legal Help. Lawyers gave insurance, contract and property law advice, and the system relied on the generosity of locals putting up their hand to help out. Lawyers' local knowledge was key to the service functioning meaningfully. They knew how to pronounce the quaint small town names, which mattered greatly when you were faced with someone whose house had just burnt down and they were trying to grapple with the fine print of their contract terms with their insurer. The same applied for all kinds of services, fencing contractors, waste removal services, food agencies – all of which were made stronger by the locals helping out who knew which roads were blocked to which towns and where the nearest IGA was that was distributing donated food.

It became apparent to me that the strength in our collective response was made up of the individuals that brought their ideas, generosity and spirit to the team.



Image: Michelle Zuccolo,
Becky, Fire Crew
(S.H. Ervin Gallery)

Scratch the surface of what seemed like an institutional response – such as the Shire’s relief center, and many other government-funded agencies, and you soon realised that these services were only as good as the people who staffed them. One thoughtful Magistrate, when the court reopened its doors, emailed me asking for local fire relief charities that could be the beneficiaries for fines imposed by the court. Another signal that our systems are only as meaningful as the people who operate in them.

Just as land and environmental experts are learning from the residual scars left on our forests, and observing the ways in which we can mitigate the impact of such disasters, in the social services sector we too must take stock of our response to such catastrophes.

A natural or human disaster puts a magnifying glass on the fissures that exist just beneath the surface of our social systems. We see the ways in which privilege dictates how you are affected by catastrophe. In the midst of the pandemic, it is hard to not be dismayed at the inequality that still exists in our society. The Melbourne public housing tower lockdowns provided a very clear and distressing example of systems failing to address equality, resulting in the unfair treatment of vulnerable Victorians. We fail as a society when these horrors are not used as an opportunity for change.

Fast-forward a few months to March and the Bairnsdale community was in lockdown mode again, but this time, the whole world was with it. There is a sense of familiarity in the air, a strength from adversity perhaps, a subtle acceptance that we have no control over the future, but only our response to the present circumstances we find ourselves in.

We can’t rally together to volunteer for local grass roots movements but we can totally slow down, reflect and reset. We can observe the kindness that exists in us all; the farmer from Western Victoria donating her hay crop to starving fire-affected animals in the east, the heart-rending moments of human resilience on balconies in Spain as people sang together at sunset or people dressing up to put their bins out and applaud frontline workers at the end of each day.

Whilst our institutional responses to catastrophes may not fill us with hope, you don’t have to look far to see the inspiring individual actions that are all around us. Observing the resilient Eucalypts re-sprouting in the forest on my daily permitted exercise brings me hope for the future, for the new normal that will come after this upheaval. After a fire, the ground is fertile for growth. I wait with anticipation to see what we will learn from this inferno.

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

COULTER ROACHE



2020 may very well become the year in which leadership characteristics were redefined. Working our way through a global pandemic and economic shutdown, creating a particularly difficult environment for women, has shown that empathy, compassion and courage will be key leadership capabilities in the future.

At Coulter Roache, our courage initially came in the form of making proactive decisions around working from home shortly before the formal direction came through from the Government in March.

With our focus solely on our people, and the courage to shift almost our entire business to an online environment, we took the plunge, and it has paid off. With a leadership team made up of 50% women and 50% men, and a firm of 75% women, the ability to work flexibly at home over the past seven months has been crucial. Many of the women in our firm also took on the remote learning responsibilities for their children, and I think it's safe to say that in itself has taken an enormous amount of courage!

We support our people to be courageous by encouraging the conversations we think need to be had, in order to grow and develop, both as a firm, and as an individual. One of our key values is 'create the environment for success'. To be able to do that, we need to encourage people to own their needs, and their dreams, and to speak openly about those, so that the leaders of the firm can support and encourage, and create that environment where our people, and then naturally our clients, can succeed.

Courage is about making mistakes, trying various iterations of an innovation project until we get it right, and encouraging each other to learn from those processes. Often we find success in those small changes, those quiet moments of reflection enabling us to see situations in a different light.

Courage may not always come easily, but that's exactly why we do it together, because that is the way we bring our values to life and we create change for those that will follow us.

Belinda Perisic, General Manager, Coulter Roache

FOLEY'S LIST



Foley's List are proud pioneers of gender equality; being the first List to openly commit to gender equality and subsequently introducing an Equal opportunity policy in 1999.

We are honoured to represent an inclusive and diverse List. Foley's recognise the value and importance of diversity, as well as giving women opportunities to advance their careers and leadership positions at the Victorian Bar. We acknowledge the importance of inclusive leadership capability as a key tool in ensuring a progressive voice, particularly when it comes to decision making and strategic objectives of our great List. Our committee members are reflective of this with 60% being women. Overall, 139 women call Foley's home. We represent 20% of all women at the Victorian Bar, 39% of our members are female and 65% of our staff are women.

Courage at Foley's means being fearless. For us, courage is key to accelerate gender equality. This is transcendent in our brand and our strong commitment to continue to progress gender equality, whilst breaking down the barriers women face. We encourage feedback and always strive for opportunities for improvement in our pursuit to ensure an equal voice at our List.

We support our members to be courageous through our 'Women @ Foleys' initiative, a mentoring and leadership program empowering women to accelerate their careers and provide an equal platform to share ideas. We recognise the importance of family, and support our members to adopt work life balance into their practice. After all, behind every great barrister we understand that our women take on multitude of roles as mothers, daughters, carers, friends, mentors and so much more.

Millicent Fawcett, leader for 50 years of the movement for woman suffrage in England sums this up perfectly 'Courage calls to courage everywhere'.

On a personal note I am proud to be one of the first men to support VWL for many years. My goal is to continue to help pave the way for a more just future for all individuals. This pursuit has only strengthened since recently becoming a very proud father to my daughter, Sofia.

Andrew Turner, Deputy Chief Clerk

RELIGIOUS DISCRIMINATION BILL: PROGRESSION OR REGRESSION?

JESS AWAD

AUSTRALIA IS A LARGELY SECULAR SOCIETY. FOR THIS REASON, WHEN *THE RELIGIOUS DISCRIMINATION BILL 2019* (THE BILL) WAS INTRODUCED INTO PARLIAMENT IN AUGUST 2019, MANY WERE CONCERNED ABOUT ITS POTENTIAL IMPLICATIONS. THE CRUX OF THE CONCERN IS THAT IT APPEARS TO ENSHRINE A LEVEL OF PRIVILEGE ALONG RELIGIOUS LINES, TO THE EXCLUSION AND POTENTIAL DETRIMENT OF OTHERS.

The intention behind the Bill is to provide protection to those who hold a religious belief or carry out religious activity in certain situations. In other words, enabling them to exercise certain rights without being labelled discriminatory. These include:

- An individual or corporation can choose not to employ someone to carry out domestic duties on the basis of their religious belief or activity.

Example: Not hiring a cleaner if they do not share the same religious beliefs as the hirer.

- An individual or corporation can choose not to employ someone in a role, trade, profession or occupation if they believe the applicant is unable to perform the inherent requirements of the role.

Example: A religious school declining a teacher's job application if the teacher is not religious.

- An individual or corporation can preference those who hold the same religious beliefs when it comes to admitting them to hospitals, aged care facilities and accommodation.

Example: An aged care facility owned by the Catholic Church declining a resident if they are of a different religious belief.

These could be applied both when somebody holds a different religious belief or when somebody is not religious at all. For example, a teacher could be denied a position at a Catholic school if they do not subscribe to any religion at all.

WATERING DOWN OF REAL DISCRIMINATION

If this Bill becomes law, it risks masking other forms of discrimination. An individual or corporation could exclude someone and with this legislation in place, they are able to give a reasoning on the basis of religious belief or activity. This conceals what may lie beneath such exclusion: religious intolerance or prejudice. Further, it could also be used to veil other forms of intolerance, such as that of class, ethnicity, gender or sexuality.

An example would be a Catholic school refusing to hire a woman in a same sex relationship, arguing that it is not in line with their religious beliefs (when it is actually discrimination on the basis of sexuality, something currently protected against under federal law).

PERMITTING HARMFUL STATEMENTS

The Bill also applies to statements of religious belief, meaning that someone holding a religious belief could make a statement pertaining to that belief, and they would not be held responsible for any harm it causes to someone else.

'Statements of belief' are protected from being made the subject of a complaint under any federal, state or territory anti-discrimination law.

UPHOLDING ANGLO VALUES

The Bill is also unclear about whether it covers all religions, or a specific type. As the current Federal Government has proposed the Bill, it can be assumed that it is intended to represent the interests of their voter base, which appears to be largely those who follow Christianity.

It is unclear whether the Bill extends these 'protections' to other religions. More clarity is needed on whether someone of an Islamic or Orthodox faith could exercise the same rights under the Bill.

BEYOND A NATURAL PERSON

The Bill would also allow corporations to discriminate.

Where rights under the Victorian *Charter of Human Rights and Responsibilities Act 2006* (the Charter) as they currently stand are granted on the basis that no individual can discriminate against another, the Bill proposes that an individual or a corporation can discriminate.



Image: Josephine Pereira, *Self portrait* (S.H. Ervin Gallery)

This goes against, and appears incompatible with, section 6 of the Charter, where it notes that corporations do not have human rights and are therefore not protected under the legislation.

ROLLING BACK HARD-WON RIGHTS AND ENSHRINING POVERTY

This Bill would also disproportionately affect women.

Cleaners, teachers and carers are predominantly women, especially minorities and refugee women. The ABS reported in the 2018 census that 85% of primary school teachers, 57.4% of commercial cleaners and 95.1% of child carers were women.

It follows that the situations above may be unduly harsh on women and may lead to women having little to no legal recourse.

The Bill will also diminish women's reproductive rights. Currently, in Victoria a woman has the right to seek an abortion from a medical practitioner. Should that practitioner have a conscientious objection to the procedure, they must refer the woman out to a practitioner who does not. The Bill does not explain whether the same practice would apply. Given federal law usually prevails in the event of an inconsistency, this Bill may result in women not being able to obtain all the healthcare and information they need.

The Bill will affect a variety of women from upper-middle-class white heterosexual orientation to low income, refugee and migrant women living in a neighbourhood with access to much less opportunities for employment and healthcare.

Greater clarity is required on how the Bill will mitigate these potentially unacceptable risks to women.

The Parliament should strive to enshrine human rights into Australian law and to protect Australian people's freedom to live as they choose, regardless of their religious beliefs. Lawmakers must keep the message clear: 'you must not discriminate', without adding the qualifying statement, 'with some exceptions'.

GATEHOUSE LEGAL RECRUITMENT



WHAT DOES COURAGE MEAN AT GATEHOUSE LEGAL?

Courage is acting when no one else wants to.

Courage is speaking up about your beliefs.

Courage is standing up for those that might not necessarily have a voice.

Courage is trying new things regardless of whether you fail at it.

Courage is not letting fear get in your way.

Courage is believing and having confidence in yourself.

Courage is visualising the person you aspire to be and asking yourself how would that person handle the situation? What would they do? Then breathe and just do it.

Courage is about empowering others to shine, and allowing them to be who they really are.

HOW DOES GATEHOUSE LEGAL SUPPORT ITS PEOPLE TO BE COURAGEOUS?

We have fostered a culture at Gatehouse Legal Recruitment where we adopt a growth mindset, which allows people to continually grow and learn and try new things.

We have created an environment in which people feel comfortable to be courageous and try new things, but also be vulnerable and share their mistakes so that we can address it together. We see mistakes and taking calculated risks as an opportunity for our people to grow and learn from it.

We give our people space and time to be creative and to use their imagination to solve problems.

Everyone has a voice at Gatehouse Legal Recruitment, where advice and ideas from others internally (no matter what level of seniority) is encouraged and listened to, and after robust team discussion the best ideas (no matter who it comes from) are implemented.

Our team is very talented with so many good ideas and the only thing we all bring to our meetings and conversations is our judgment, experience and an open mind.

Louis Hvala, CEO at Gatehouse Legal Recruitment

JUSTITIA



WHAT DOES COURAGE MEAN AT JUSTITIA?

At Justitia, courage means being prepared to have difficult conversations and potentially revealing your own vulnerabilities in the process.

HOW DOES JUSTITIA SUPPORT ITS PEOPLE TO BE COURAGEOUS?

Justitia supports courage through its flexible, collaborative and sustainable work model. Regular and impromptu team meetings normalise trusting relationships which sometimes involve tough conversations.

Justitia is led by an all-female team who have worked hard to foster a culture where peers can have open discussions with egos set aside. Justitia's work model functions by investing time in developing each other's skills, in which each lawyer might have a hand. The priority is on achieving better outcomes for our clients, and ideally also providing staff with a sense of fulfilment. Our outcomes are linked to our courage to readily own our faults and mistakes. During one of my first team meetings, I witnessed a colleague discuss an error in front of the whole team. She didn't just own up to it, she owned it! I was amazed, she clearly articulated what had happened, why it happened and what she would do next time. The error was identified and addressed in a timely manner, and we all had the opportunity to learn from it. The admission took courage as did the reaction.

At Justitia, we are shown how to respectfully seek and receive feedback. The first time I was asked to review and provide feedback on the work of a partner, I was terrified. I assumed it was to test me on the law and my attention to detail. I was caught off guard by how earnestly the request came. I was asked if I had time to please 'take a look with a fresh set of eyes' and say if I had any changes. How my colleague asked made it sound like I would be doing her a favour. She showed me one is never too experienced to learn and grow. Whilst Justitia supports its people to be courageous, this is helped by creating a workplace where it is okay to be vulnerable and imperfect.

Madeleine Jones, Lawyer

HOW TO LEARN FROM INDIGENOUS PEOPLE ABOUT THE BLACK LIVES MATTER MOVEMENT IN AUSTRALIA

TAHNEE JASH

STORYTELLING IS A CENTRAL PART OF INDIGENOUS CULTURE AND HAS BEEN FOR MORE THAN 65,000 YEARS.

It's how knowledge and history is passed down and influences the way we see the world and how we care for country.

It helps maintain our connection to community. It helps us heal from the traumas of our past.

Wiradjuri and Wailwan woman Teela Reid is a NSW-based lawyer and co-founder of Blackfulla Bookclub.

Ms Reid explains Indigenous storytelling as 'honouring our ancestors and celebrating the fact we tell stories in different ways that don't necessarily comply with Western forms'.

For non-Indigenous Australians, it provides an avenue to learn about the deep-rooted history that is written into our landscape and learn about the language that intertwines with the country we're on.

It invites conversation and by engaging with Indigenous content, it unlocks the door to our silenced history and unearths our nation's dark past in order to step forward in the right direction.

It fosters the process of truth-telling.

'Our storytelling is intricately linked with the Black Lives Matter movement because it demonstrates our ways of expression, and it is a movement that tells the truth about our experiences,' Ms Reid says.

With access to a plethora of resources, it's no longer about raising awareness, but using these resources to create change.

The conversation around justice for Indigenous people has been going for more than two centuries, but it took the death of George Floyd in the United States for Australians to open their hearts and minds.

'Those looking to educate themselves on Australia's history and the truth of what has happened, [need to] start engaging with stories told by us in our own words,' says Merinda Dutton, a Gumbaynggirr and Barkindji woman who is also a lawyer and co-founder of Blackfulla Bookclub.

'We have been speaking out about violence, injustice and colonialism for a long time.'

'We have the solutions. We ask people to be reflective and think critically about their role in deconstructing systems of oppression.'

To showcase just some of the great Aboriginal and Torres Strait Islander content creators and storytellers in Australia, we've pulled together a collection of resources written, produced by and including the perspectives of Indigenous people from across the nation.

SO, WHAT CAN I READ?

Alongside donating, volunteering and mentoring, there are some practical resources you should access the following on the ABC's Walking Together website:

- If you're thinking about buying Indigenous art – there's a guide to ensure you're purchasing it ethically.
- With restrictions easing, there is information for how you can support Indigenous businesses at work and at home.
- In partnership with First Languages Australia, there's a guide you can use in combination with the Gambay languages map to learn the traditional language of where you live.
- Do you know the difference between a Welcome to and Acknowledgement of Country? There is an article where you can find out.
- If you have little ones, there is a great guide to help raise culturally aware children.
- For many Indigenous people, we're the only one in the room at school or at work. There is an article which provides a glimpse of what it's like.
- How much do you know about the 1967 referendum? There is an article which explains why it was one of Australia's most successful and important referendums to date.
- If you're a student, parent or teacher, explore the great library of resources to learn more about Indigenous history and culture.
- Support Indigenous storytelling by purchasing books by Indigenous authors and publishers, for which there is a list available.
- There are stories of Stolen Generations members and about the impact of past government policies.



Image: Renee Broders, *A place to call my own* (S.H. Ervin Gallery)

- There are sources to stay informed around Aboriginal deaths in custody.
- Get familiar with the Frontier Wars in the interactive map that shows how colonisation brought the beginning of genocide in Australia.
- Lastly, read about how non Indigenous Australians can be a good ally by putting in the work to avoiding any good intentions turning into emotional and intellectual labour.

WHAT CAN I LISTEN TO OR WATCH?

Ms Reid says there are many ways to support the Black Lives Matter movement.

'For us, it's really about making space for and hearing First Nations voices,' she says.

So, switch up your regular podcasts, movies or series, for some of these:

- Listen to the Curtain podcast, hosted by Amy McQuire and Martin Hodgson as they explore the issues of our justice system and beyond.
- Tune into Blacademia with host Amy Thunig, as she sits down with First Nations academics from across industries.
- Hosted by Marlee Silva, Always was, always will be our stories is a new podcast that shares the excellence of Indigenous Australia, introducing new guest each week.
- The Real podcast, hosted by Mayrah Sonter, brings together a collection of Indigenous trailblazers who share their experiences and journey to success.

- For pre-schoolers, Little Yarns hosted by Rudi Bremer is a great co-listening podcast that teaches words from Aboriginal and Torres Strait Islander language groups in a beautiful and engaging way.
- For adults, Word Up is a weekly podcast where you can learn the diverse languages of Indigenous Australia, correct pronunciations and the meaning behind those words.
- Hear the story about the unsolved case of 17-year-old Gomerioi teenager Mark Haines in the Blood on the Tracks podcast, hosted by Allan Clarke.
- Stay up-to-date with the latest in Aboriginal arts and culture from across the country with Daniel Browning on Away!
- If you're looking for the latest in politics and current affairs, including a range of Indigenous perspectives, tune into Speaking Out with Larissa Berendt.
- If you want to learn about the Uluru Statement from the Heart and why a formal truth-telling process is important, listen to Rachel Perkins's powerful 2019 Boyer Lecture.
- We've heard the story of James Cook arriving in Australia, but have you heard it from the perspective of those who were on the shore watching the boat sail in? Watch View from the Shore to learn what first contact was like for Aboriginal communities on the east coast of Australia.
- Watch the Australian Dream, which follows former AFL legend and Brownlow medallist Adam Goodes as he explores race and identity in Australia today.

- Watch the inspiring film *In My Blood It Runs*, premiering on ABC on July 5 at 9:30pm. It tells the story of 10-year-old Djuwan, an Arrrente/Garrwa boy from Alice Springs, and the challenges he faces of growing up Indigenous in Australia.
- Have you heard how the Maralinga people in South Australia survived aggressive colonisation, including dispossession, to enable atomic testing? Watch their story of strength and resilience in *Maralinga Tjarutja*.
- Lastly, re-watch classics like *Samson and Delilah*, *Mabo* and *Satellite Boy*.

If you're looking for more great movies, series and documentaries head over to the ABC's *Walking Together* website and *iview* collection, ABC Indigenous or NITV on demand.

HOW CAN I LEARN MORE?

It's important to keep up the momentum beyond the 'trend', in order to make long-lasting, impactful change.

For so long, Indigenous voices have been excluded from mainstream media.

'There is a critical need for spaces that are safe and for us, so that conversations aren't happening in a void and without us,' Ms Reid says.

Here are a few great platforms owned by Aboriginal and Torres Strait Islander people that you can follow to continue to learn and stay up to date:

- First Nations Media
- Indigenous X
- Blackfulla Bookclub
- Blak Business
- Tiddas4Tiddas
- Commonground Australia
- Trading Blak

Tahnee Jash is a Yuin/Kamilaroi woman who grew up across Tharawul and Darug country. Jash is a writer and marketing coordinator for the ABC, and Portia has published this article with permission from both Tahnee Jash and the ABC, with slight amendments for print publication.

SPONSOR

KHQ LAWYERS



WHAT DOES COURAGE MEAN AT KHQ LAWYERS?

I always think of courage as referring to both spirit and conduct. In the legal industry this can be a drive to do things differently, or to tackle difficult cases or areas of law with ingenuity. This interpretation of courage is embodied at KHQ Lawyers. The culture of our firm is what makes it special – underpinning that is the 'KHQ Way', the central tenet of which is 'passionate about being the best'. We embody that core truth via our commitment to do things differently, to 'live' the relationship with our clients and to deliver creative legal solutions.

In my experience many law firms can be driven by tradition and the requirement to do things as they have always been done. In many ways KHQ is the opposite. Our culture is such that our people are provided a safe place in which to experiment, and to push themselves outside of their comfort zone. With young lawyers, we deliberately stretch and push them into areas where they are not comfortable. We do it in a supportive way, by creating a safe environment for them to engage in trial and error, in the knowledge that they will learn and grow into well rounded practitioners. We encourage our team members to learn from the past but not to blindly follow it, to take calculated risks, try new things, and most importantly always ask 'why'.

Whilst for many legal firms, a 'work from home' concept driving by the COVID-19 pandemic has been challenging, for us it has been largely seamless. We have always had the systems in place to ensure that working from home was available to all our people so that those with families, work/life/family balance is attainable.

For me personally as a working mother, KHQ has given me the courage to build my career path to equity within the firm, whilst still having genuine work flexibility to accommodate my family commitments.

Monica Blizzard, Director and Accredited Family Law Specialist

PAID PARENTAL LEAVE AMENDMENTS AND CHILDCARE POLICY: A UNIQUE OPPORTUNITY TO GET IT RIGHT

ELSPETH MCCONAGHY AND GEORGIA DOBBYN

PARENTS OF NEWBORN OR ADOPTED CHILDREN WILL HAVE GREATER FLEXIBILITY IN HOW THEY CAN ACCESS PAID PARENTAL LEAVE (PPL) ENTITLEMENTS, FOLLOWING THE *PAID PARENTAL LEAVE AMENDMENT (FLEXIBILITY MEASURES) ACT 2020* (CTH) (**THE ACT**) WHICH CAME INTO FORCE ON 1 JULY 2020.

Families can choose to transfer all or part of their flexible PPL days from the primary carer (which is still generally a woman) to an eligible partner. These changes are designed to encourage more equal sharing of childcare responsibilities between both parents, and better support parents in their transition back to the workforce – particularly those who are small business owners, self-employed or otherwise unable to be absent from their business or place of work for a period of 18 consecutive weeks.

This increased flexibility is achieved by dividing the statutory parental leave pay entitlement into two periods. The first period, which must be taken as a 12-week block immediately following the birth or adoption of a child; and the second period of a further 6 weeks, which may be used any time before the child turns two years old (flexible PPL days).

Amendments to the PPL scheme followed an inquiry by the Senate Community Affairs Legislation Committee earlier this year in respect of the Paid Parental Leave Amendment (Flexibility Measures) Bill 2020 (**the Bill**).

VWL was one of 22 entities who made submissions on the Bill and its submission was specifically referred to in the final report recommending the Bill's passage. In its submission, VWL supported the introduction of greater flexibility measures in accessing PPL entitlements and the Bill's objectives to improve women's workforce participation, economic independence and earning potential.

RETAINING WOMEN LAWYERS

VWL's submission noted that flexible access to PPL entitlements is particularly important in the legal industry where women outnumber men yet remain underrepresented at the leadership level.

VWL identified that this gender disparity stems partly from the difficulties in returning to work following having children, which can have long term effects on their promotion and salary trajectories. In its report to the Senate, the Committee referenced VWL's submission that the introduction of new flexible PPL arrangements would help attract and retain women working as barristers in Victoria (who are self-employed and currently make up less than half of all barristers in Victoria) as they will have the option of taking paid leave at times that suit their practice.

Notwithstanding the benefits presented by the amended legislation, VWL considers further improvements to the PPL scheme should be made in order to fully address gender disparity in primary caregiving roles and the challenges that parents face in returning to the workforce following the birth or adoption of children. As noted in VWL's submission, VWL remains concerned about a number of key components of the underlying PPL legislation, including that the total PPL entitlement remains capped at 18 weeks (whether taken flexibly or not).

This is insufficient in VWL's view and falls short of entitlements provided by other OECD countries. The PPL is also only available to birth mothers earning \$150,000 per annum or less. In circumstances where a woman who earns, for example, \$160,000, wishes to have children with their partner who earns, for example, \$60,000, the family will be ineligible for any PPL. However, in the reverse situation, a birth mother earning \$60,000 is entitled to PPL and is eligible, if she wishes, to transfer part of that entitlement to their partner earning \$160,000. VWL condemns this approach, which can operate as a disincentive to birth mothers from pursuing salary increases prior to childbirth or adoption, and may contribute to the gender pay gap.

For those reasons, while VWL welcomes the flexibility measures introduced by the Act, further improvements to the PPL scheme are needed to address the underlying structural impediments preventing equal workforce participation and the sharing of childcare responsibilities between parents. VWL will continue to raise awareness about these issues and continue in its efforts to protect women's employment and financial security more broadly. Fundamental to achieving these outcomes are efforts



Image: Victoria Reichelt, *Interior* (S.H. Ervin Gallery)

across society, particularly by those who are empowered to make real and significant improvements to women's economic and employment positions such as employers and government.

TEMPORARY RELIEF DURING COVID

In response to the coronavirus pandemic in April this year, the federal government put in place an emergency relief package for the early childhood sector making childcare effectively free for Australian families. This period of free childcare came to an end by mid-July, despite the fact that the economic impacts of the pandemic were still in full force and Victoria was facing what appeared (and indeed, was) an imminent 'Lockdown 2.0'.

At the same time, childcare centre employees (some 97% of whom are women) were the first to see the end of their entitlement to the JobKeeper subsidy scheme. Writer, social commentator and fierce advocate for women, Jane Caro perceived this to be 'an attack on working women'.

The educational and developmental benefits of early childhood education are increasingly recognised to be highly advantageous for children due to strong evidence that early childhood education improves cognitive development and that children who go to early education perform far better in school. This is especially the case for children from socio-economically disadvantaged families. In addition to this are the broader economic and social benefits.

ECONOMIC BOOST

Increasing female workforce participation was identified to be one of the biggest economic opportunities for governments in the Grattan Institute's report published in August this year, *Cheaper childcare: a practical plan to boost female workforce participation*.

If the recommendations identified in that report were rolled out immediately, it was also contended that it would help the economic recovery in the wake of the coronavirus pandemic.

In light of the above, the decisions to end free childcare and to cut JobKeeper to that sector appear difficult to defend. Many have identified that the recovery from COVID presents an opportunity for a reset with respect to some of our failing or strained social infrastructure – including childcare. However, these decisions indicate that political will is lacking for any such reset with respect to childcare.

The key recommendation of the Grattan Institute's report is to boost the childcare subsidy and improve its design so that second-earners take home more pay from additional hours of work.

In its background, it explains how a combination of tax, welfare setting and childcare costs can be so punishing for the fourth and fifth day of work from the primary carer that an additional day at work translates to virtually no take home pay after childcare costs.

The Grattan Institute's Report estimates that a 95% subsidy for low-income households, gradually tapering for families with incomes above \$68,000 would be a major economic reform that would boost GDP by about \$11 billion per year. It also notes that this would be an important stepping stone to any 'bolder, universal scheme'.

Another recently published report by the Australia Institute made recommendations for such a bolder, universal scheme and that was free, universal childcare. The Australia Institute's Report titled *Participating in growth – Free childcare and increased participation* contends that '... not only would free childcare [be] a form of fiscal stimulus, but in the long run, it will significantly grow Gross Domestic Product (GDP) and make Australia a far more equitable country.'

Given its importance to the capacity of parents to work (not just women) and the manifold benefits to our economy and society, a bolder universal scheme has much to recommend it. Caro is a strong proponent for free and universal childcare – in the same way schooling is for all children.

It was on the 17th December 1872 when Victoria led the way by passing the *Education Act 1872*, which ushered in free, compulsory and secular education for all children. Few now question the benefits of what was for its time, a revolutionary social policy.

VWL's full submission to the Committee is available on VWL's website.

SPONSOR

MAURICE BLACKBURN



When we think of courage we start with our clients, who have endured pain, injustice and suffering, yet who still speak out in pursuit of justice.

Our clients bravely share their traumatic experiences before the law – and the broader community – in an incredibly personal and powerful way to try and right a wrong.

In the context of promoting gender equality, our firm has worked with some of these courageous individuals to champion women's reproductive choices.

We supported a Victorian woman who bared intimate details of her personal and reproductive life before a court to access IVF treatment using her own eggs and donor sperm.

The case challenged a flaw in Victorian law at the time, which required her to gain the consent of her estranged husband, from whom she is separated, to access IVF.

She won her case, paving the way for other Victorian women in similar circumstances to not have a former partner control their reproductive choices. The Victorian Government later amended its laws to remove this requirement.

Our firm has also long advocated for safe access zones around abortion clinics so that women can access health services free from harassment or intimidation.

This work started some years ago when we stood alongside staff at Melbourne's Fertility Control Clinic to take action against the anti-abortion groups outside their clinic.

Every morning for many years, clinic staff had to run a gauntlet of anti-abortionists just to get to work. Yet they still went to work, every day.

Maurice Blackburn also acts for women speaking out against sexual harassment and bullying experienced at work – too often at the hands of those in greater positions of power.

It is the courage of women like this that inspires us to do the best lawyering we can to help them get the justice they deserve.

We support our people to be courageous and to take on hard matters like these. We encourage them to advocate with tenacity and passion for the best possible outcome rather than settling for less.

We want our courageous clients to be front and centre of everything we do.

Jennifer Kanis is a principal lawyer at Maurice Blackburn, and head of the firm's social justice practice.

HOW COVID SHAPED THE LEGAL WORLD

BRIGID ARTHUR, ANNALEISE VULIN AND KATHERINE GOUGH

COVID-19 HAS CHANGED THE LEGAL INDUSTRY IN WAYS WE COULD NOT HAVE IMAGINED.

'UNPRECEDENTED', 'SOCIAL DISTANCING', 'STAY-AT-HOME' AND 'NEW NORMAL' HAVE BECOME A DOMINANT PART OF THE 2020 LEXICON.

Portia spoke with nine women who live in Victoria about their experiences working and studying in 2020. We reflect on the challenges faced and the lessons learned.

WORKING AND STUDYING REMOTELY

As part of the Victorian government's stay-at-home directions in response to COVID-19, most lawyers and students have been working from home since March this year, whether it be from a study, a bedroom, or the kitchen table. From video meetings and live stream workplace updates, to virtual court hearings and online lectures, the legal industry has relied heavily on technology and the ability to work and study remotely.

For Kathryn Bertram, Partner at Johnson Winter & Slattery, face-to-face discussions with her team have been replaced with phone calls and video calls.

'I make myself available for calls throughout the day to keep tasks moving and to provide guidance and support,' Kathryn told *Portia*.

She noted that Johnson Winter & Slattery moved to remote working with relative ease, and that weekly calls improved transparency and ensured everyone in the team was aware of what the other team members were working on.

Monash University Juris Doctor student Annalise Farina completed her final year of university online. Annalise appreciated quality internet, technology, and quiet study spaces that were once readily available to her on campus. 'Transforming my bedroom into a workspace and sharing resources with my housemates has been an adjustment,' Annalise told *Portia*.

Principal Lawyer Ella Thompson of Ella Thompson Legal in Shepparton said that having the technical capability to work remotely may be par for the course for lawyers of large city firms, but this is not necessarily the case for regional lawyers.

Ella noted that the pandemic forced practitioners to embrace technology, and that many regional practitioners have found that doing so allows them to work far more efficiently.

When Barrister Priya Wakhlu undertook her readers course entirely online in May, she found the biggest challenge was the lack of social interaction and networking with other barristers in a court room. However, the bar community was welcoming and maintained efforts to facilitate contact.

VIRTUAL COURT HEARINGS

The court has always, by nature and tradition, relied on *in personam* – in person appearances for people to plead their cases. This does not easily translate to a working from home environment. That said, courts have quickly and effectively adapted to the challenge.

In her role as Associate to the Honourable Justice Nichols of the Supreme Court of Victoria, Kathryn Browne saw the courts shift to working remotely. The courts faced the challenge of transferring the experience of being in the shared space of the court room, with all the control the judge has over the space, to a virtual environment. This was a massive shift, and one that Kathryn said involved incredible teamwork, particularly from the e-litigation team which expanded to accommodate the demand for virtual hearings. Like many changes this year, 'it gets easier once you get the hang of it', Kathryn said.

Priya considered the fast-tracked inclusion of technology into the court room had been effective in encouraging barristers to think creatively for the future. It also increased efficiency for the court system as 'courts have introduced set times for directions hearings which means barristers no longer have to attend court and wait for a matter to be called.'

However, Priya said she looked forward to a return to in-person hearings once restrictions ease.

'So much of litigation is the ability to follow body language to changes of particular lines of questioning in cross-examination,' Priya said.

Principal Solicitor of Fitzroy Legal Service, Hui Zhou, said that 'by staying in an online environment too much, we may become insular as a profession'.

Ella said that she hoped that virtual hearings would continue to be utilised in cases in the future, such as in family violence proceedings where clients may greatly benefit from having the option to appear in court remotely rather than in person.

IMPACT ON FLEXIBLE WORKING ARRANGEMENTS

'Flexible working' has been a buzzword in the legal industry for a number of years, but perhaps for many the true meaning of working flexibly has not been appreciated until this year. While some legal professionals have spent periods in the office or the court where necessary, working from home where possible has been a direction of the Victorian Government for a large portion of 2020.

Jazmine Elmolla, Lawyer at Allens said that going forward, working from home will 'probably be more a decision on where the best place to work is on any given day. It will be more accepted, without question or need to justify with a particular reason'.

This year has shown that lawyers can successfully work from home, according to Kathryn. She said having to work from home has required 'the courts, practitioners and clients to all be more agile in order to move cases forward'.

Ruby Anandajayasekeram, Senior Legal Counsel at Shell, commented that 2020 has shown that lawyers can successfully work flexibly and remotely.

'It has shown that lawyers can work in this way and deliver,' Ruby said.

Ruby has worked remotely since 2014. She said that for her, working remotely allows her to have a really interesting job, work with great people all over the world, and live in the city of her choice.

Ruby noted that the ability to work flexibly is not just a women's issue and she hoped that going forward, both men and women would feel more comfortable to ask for, and for employers to grant, flexible working arrangements.

Penny Chalke, Senior Associate at Shiff & Company has her hands full with a toddler and a six year old whilst working from home.

She commented that there are 'certain benefits working with colleagues face to face in the office' as young children can create 'constant interruptions' when working remotely.

To balance her workload, Penny found support through her workplace, her children's teachers and being open and transparent with clients.

'Everyone has their challenges during this time. This is mine but I am never lonely or bored. I am spending time with my children I wouldn't ordinarily have,' she told *Portia*.



Image: Marie Mansfield, *Charlie and Kate* (S.H. Ervin Gallery)

CHALLENGES FOR CLIENTS

The interruptions to the traditional ways we practise law has not only affected legal professionals. It has had an impact on the service clients receive and access to justice.

Hui said that access to justice has been a significant challenge in 2020.

'We work with the most vulnerable people in our community. The fact that we have closed our office and are working remotely with no outreach services, means we are no longer accessing clients we normally would.'

Having access to the newest, most effective technology should not be taken for granted. Hui noted that most of her clients at Fitzroy Legal Service are not well versed with technology or simply do not have access to it.

For clients of non-English speaking backgrounds it can be difficult to obtain instructions via telephone without speaking to the client or interpreter face-to-face.

'It has been a challenge communicating and ensuring whether those with cognitive or psycho-social disabilities are comprehending information given over telephone,' Hui said.

Ella specialises in family law and said one of the main challenges this year has been the mandatory adjournment of some matters before the courts. For some of her clients, 'it has been awful to tell them that there has been an adjournment'.

As a lawyer working in regional Victoria, she has also had clients impacted by state border closures, such as parents who are required to cross the border between New South Wales and Victoria to fulfil parenting arrangements.

She noted that while exemptions to lockdown measures allow these arrangements to continue, there may be situations where a client's employer precluded them from attending work because they have recently been in Victoria.

'This obviously has flow on effects financially.'

MAINTAINING RELATIONSHIPS

The long periods during which Victoria was under stay-at-home orders have changed the way we maintain our professional and personal relationships.

Kathryn said the 'court is a social and dynamic place. Having that taken away is difficult and irreplaceable by Zoom.'

Jazmine experienced the challenge of rotating into a new team at Allens two weeks before the shift to remote working. She said that building relationships in a virtual environment was a very different experience and required more effort to forge new connections with colleagues.

Ruby recommended being proactive in having 'water cooler' conversations. In an office environment, you can chat through an issue or ask a quick opinion of your colleagues with relative ease. She said it is essential to be proactive and to pick up the phone or use other platforms to have these conversations.

Hui found that she took for granted the benefits of a workplace. 'It's so pleasant to say hello to people walking through the door,' she said.

Whilst it initially felt quite formal, Hui said calling a colleague about their workload and well-being, rather than popping into their office, now happens organically. Fitzroy Legal Service adopted virtual morning coffees, book clubs and yoga to stay connected with staff outside of work.

Hui, Ruby and Kathryn all commented that this year they have learned more about their colleagues on a personal level. Hui said 'it has been nice to know people on a more personal level' and getting a glimpse into colleagues' home lives.

COURAGE AND RESILIENCE IN 2020 AND BEYOND

At the time of writing, Victoria was just beginning to emerge from some of the toughest lockdown measures in the world. As we face uncertainty as to if and when a vaccine for COVID-19 will be available our resilience as individuals and as a profession continues to be tested every day.

Ruby said that it is important to make resilience part of everyday conversations. We need to check in on the mental health of our colleagues, friends and family, and to also self-reflect and ask 'Am I OK?'

Looking forward, we hope that the legal industry can learn from the challenges faced and overcome in 2020.

Reflecting on this challenging period, Kathryn concluded that 'we are all capable of tolerating and making the best of a lot more change than we realise'.

Ella said that lawyers on either side of matters in regional Victoria have 'worked really cooperatively and have been collaborative in their approach'. The experiences this year have shown that the legal profession can cope and adapt.

Hui said she was impressed by how resilient everyone at Fitzroy Legal Service has been.

'Everyone is using initiative and being proactive,' Hui said.

'Our COVID-19 helplines for people issued with COVID fines was an idea from staff who wanted to do something.'

At the centre of the COVID-19 pandemic is the threat to our health. At the time of writing in November, the race for a vaccine continues and more than 52 million cases of the highly infectious virus have been reported globally. More than 1.2 million people worldwide have sadly passed away from COVID-19. The mental health impact of the pandemic is also undeniable. We are reminded now more than ever not to take our health and well-being for granted.

It is inspiring that women in the legal profession continue to have courage and resilience in the most challenging of times.

'Take care of your own health and well-being and that's when you can be the best lawyer you can be', Ella said.

Jazmine has viewed this challenging period as a chance to assess what is important.

'We all tend to move quite quickly and cram a lot into our days and weeks,' she said.

'I have learnt the art of quality not quantity. And that I don't sleep enough!'

NICHOLLES FAMILY LAWYERS

COURAGE: CLIENTS, COLLEAGUES, COMMUNITY

At Nicholes Family Lawyers, our practice is underpinned by a commitment to fostering courage in our clients. Those undergoing a separation or divorce are often confronted with the most daunting and challenging aspect of their personal life, and the myriad of obstacles that come with it. It is therefore vital that our dedicated staff work alongside our clients, providing support to maintain strength and courage and to develop resilience when dealing with such a potentially traumatic life event.

As an organisation, we are committed to ensuring our staff feel empowered to approach their matters with courage. Practising Family Law requires an astute ability to manage the most emotional and stressful of circumstances, while actively problem solving and sourcing solutions to the situation at hand. As clients often rely on their lawyers to navigate the complexity and uncertainty surrounding their situation, it is imperative that our people approach these matters with courage, by acknowledging and respecting different emotions and perspectives, while remaining objective, professional, and reasonable.

It is also vital to foster courage amongst those who may be the most vulnerable in our community. Our extensive pro-bono work, as well as our ongoing commitment to global organisations such as the World Congress on Family Law and Children's Rights, and Children's Rights International, allows Nicholes Family Lawyers to duly support those who require the most protection. Locally, we also work in collaboration with organisations that are committed to supporting women and children throughout periods that require the utmost courage, such as domestic violence. We are proud to collaborate with the Women's Information Referral Exchange (WIRE) and Domestic Violence Victoria (DVB), and greatly admire the courage displayed by these organisations and the people with whom they work.

Nicholes Family Lawyers believes that by providing exceptional legal services, underpinned by a commitment to the values of empathy, respect, and professionalism, we can support our clients to approach their circumstance with courage and empower them to navigate the path ahead.

Sally Nicholes, Managing Partner

ALLENS



WHAT DOES COURAGE MEAN AT ALLENS? HOW DOES ALLENS SUPPORT ITS PEOPLE TO BE COURAGEOUS?

'Courageous and creative' is one of our firm values. To us, it means being bold, looking at new angles and challenging conventional thinking. There are lots of ways we support our people to be courageous and creative, and here are just three.

1. BRING YOURSELF TO WORK.

When people feel included, they are more likely to be bold. Through our inclusion and diversity strategy, we foster a culture of genuine inclusion to support the success of all our people. Our strategy aims to implement the right structures and drive inclusive behaviours across everything we do. We want people to feel they can bring their whole self to work.

2. FIND NEW ANGLES.

We ask our lawyers to challenge conventional thinking and look at problems from new angles. We do this by encouraging a psychologically safe working environment so that people feel comfortable to speak up, take calculated risks and stretch themselves. For example, in Victoria in 2020, our partners and staff have worked remotely for the better part of a year. That has challenged us to connect with each other and with our clients in different ways.

3. RETURN TO WORK.

The transition from parental leave can be a challenging time. When we introduced our new parental leave framework, we wanted to support co-parenting and greater gender equality, so we removed primary and non-primary labels. All staff now receive 18 weeks paid parental leave, which can be taken at the same time as their (life) partner. We also introduced superannuation on unpaid parental leave and a temporary break from billable hours for parents returning to work after 3+ months parental leave. By supporting our staff who are new parents, we hope they can feel courageous about their careers when they return to work.

Rosannah Healy, Partner and Stephanie Pasharis, Associate

HAVING FAITH IN THE LEGAL PROFESSION: HOW EMPLOYERS CAN HELP

BY HAVVA NUR CELIK AND AMY PEREIRA

THE COVID-19 PANDEMIC HAS CAUSED A RAPID AND LARGE-SCALE SHIFT ACROSS MANY INDUSTRIES, INCLUDING THE LEGAL INDUSTRY, TO REMOTE WORKING. THE RESPONSE OF LAW FIRMS TO THIS CHALLENGE HAS BEEN WIDELY REPORTED WITH SOME OF AUSTRALIA'S LARGEST LAW FIRMS BUILDING FLEXIBLE WORKING INTO THEIR POLICIES PERMANENTLY. GIVEN THE LEGAL PROFESSION'S FOCUS ON CREATING FLEXIBLE WORKING POLICIES, FIRMS CAN USE THIS OPPORTUNITY TO CONSIDER HOW IT CAN CREATE A MORE INCLUSIVE WORKPLACE FOR THEIR EMPLOYEES OF VARIOUS RELIGIONS, FAITHS AND CULTURES.

The Diversity Council of Australia describes inclusion in terms of faith in the workplace as 'a higher aspiration than simply meeting the legal requirements to accommodate people of faith (or no faith) at work'. In a world where law firms ask their employees to 'bring their whole selves to work', we must ask: how can people of faith bring their whole selves to work when their workplace does not provide faith-based inclusion?

The 2019 Diversity Council of Australia report '*Creating inclusive multi-faith workplaces*' found that inclusion is important because it increases job satisfaction, performance, retention and well-being of employees. For those reasons, facilitating inclusivity at work also makes good business sense. All organisations, including law firms, can move beyond simply accommodating employees' religious beliefs and expressions and instead cultivate an inclusive culture where differences are embraced. This will also give comfort to job applicants who visibly belong to a faith to not feel concerned over their job prospects. But what does faith-based inclusion in the workplace look like?

Flexible working arrangements that allow employees to change hours, patterns or locations of work, in order to meet cultural and religious obligations is one part of the picture. For example, during Ramadan, a person eats before dawn and after sunset.



Image: Kirthana Selvaraj, *The green suit, a self portrait* (S.H. Ervin Gallery)

This does not always align with a 9 – 6 work day. Imagine how difficult it can be for a Muslim who has not had a drop of water when she has been in client conferences all day!

Cultural and ceremonial leave is another way that employers can create inclusive workplaces. There are several cultural and religious events or celebrations that employees may require time off to participate in, such as Diwali, Rosh Hashanah, and Vesak. As most workplaces base their hours and holidays on Christian observance, offering cultural and ceremonial leave can contribute to an inclusive workplace, and promote awareness of diversity in the workplace.

Where flexible working isn't possible, quiet rooms are another way that employers can support employees. A quiet room is a private area where staff can pray, meditate or simply take time to reflect without interruption. For people of faith, trying to find an empty conference room to lay down a prayer mat is a struggle, especially when one prays two to three times a day! It is of course, not feasible for some firms to have designated space in their office for a quiet room. However, firms can still facilitate their employees finding inclusive spaces by scheduling time in meeting rooms or spare offices, or identifying nearby places of worship or non-denominational spaces that might be suitable.

There are, of course, a host of law firms that embrace cultural and religious diversity and have inclusive policies and practices. There are also lawyers who actively discuss their beliefs, sharing their experiences and celebratory foods to educate their colleagues about the 'when's' and 'why's' of the event they are celebrating, or their ways of worship. These conversations are important for developing mutual respect and understanding.

COVID-19 has challenged and changed traditional working arrangements, with employees working from remote locations and taking time away from normal working hours to attend to caring responsibilities – proving that we can work flexibly and still perform. In light of this, the step towards creating truly inclusive workplaces through inclusive working policies is not a big step to take. All law firms must consider taking this step as employees who feel included will be happier and more productive.

SPONSOR

MADDOCKS LAWYERS

WHAT DOES COURAGE LOOK LIKE IN A CORPORATE LAW FIRM?

Rather than putting forward a firm view of what we think courage is, we asked two of our senior lawyers for their insight into what courage is as a practising lawyer.

Tamsin Webster is a Senior Associate in the firm's Employment, Safety & People team in Melbourne. Tamsin combines her work for clients dealing with a wide array of workplace issues with pro bono and volunteering work for the disadvantaged and the disenfranchised, particularly refugees.

To Tamsin, courage at Maddocks is about feeling the fear and doing it anyway.

'It is about perseverance and stepping outside your comfort zone, including in delivering client outcomes and in mentoring others at the firm,' she said.

'Personally, the partners and other senior staff at Maddocks have supported me to be courageous by providing me with training, resources, encouragement and opportunities to step outside my comfort zone.'

Stepping outside of Tamsin's comfort zone ranges from appearing in court, training her clients and her colleagues, through to appearing at conciliations and having difficult performance conversations.

Jacqueline Picone is a Senior Associate in our Commercial team in Melbourne. Jacqueline advises Australian corporates, subsidiaries of global companies and founder owned businesses on mergers, acquisitions and disposals, as well as due diligence, regulatory approvals and compliance and drafting and reviewing contracts. She also advises on directors' duties, conflicts of interest, corporate governance and corporations law.

She says courage as a lawyer comes in many forms.

'It is the courage to follow your beliefs, to challenge the status quo, to stand up and fight for your client's best interests, and the courage to ask of your client "what can we do better to help you?"'

Jacqueline said that Maddocks fosters a supportive and trusted culture, to arm its people with the tools to be courageous in all aspects of professional practice.

'Through a variety of both formal and informal training, people are encouraged to say no to discrimination, to ask the difficult questions, to embrace innovation and to challenge current processes and practices when something is clearly not working.'

A YEAR OF LOSS

TESS MCGUIRE

IT WAS A BEAUTIFUL SEPTEMBER MORNING AND THE FIRST SATURDAY WE WERE ABLE TO HAVE A PICNIC WITH A FRIEND IN A LONG TIME. I BOUNDED INTO THE KITCHEN READY TO DELIVER THE GOOD NEWS TO MY HOUSEMATES: 'ONLY 21 NEW CASES TODAY, WHICH IS LESS THAN WHAT THE TEMPERATURE IS MEANT TO BE. HOW SUBLIME.'

Ten minutes later a raft of notifications flooded my phone: 'US Supreme Court Justice Ruth Bader Ginsburg dies aged 87.'

In a strange coincidence, we had watched the RBG documentary a week earlier. It felt like we had just sat down with her and seen her in action.

We had observed her determination to overcome structural obstacles, channel her tenacity into advocating on behalf of those staring down discrimination and her ability to reimagine how the law could better protect instead of punish.

Really, 2020? Another loss?

This year began with a natural disaster, no less.

It seems as if it was so long ago – a distant nightmare. The skies turned red and whole communities were destroyed. Families sat in boats on the shores of beaches waiting to be rescued and people ran into the flames to wrap towels around koalas and bring them to safety.

The community rallied together, donating food, supplies and services. The damage was catastrophic and would take months to rebuild, repair and heal.

When the fires were put out, we sighed collective relief. The worst was behind us.

It sounds ridiculously dystopian to write, 'and then the virus hit' but it was our unfortunate reality. After a moment of reprieve, we were plunged into a pandemic.

It felt trivial and novel at first to be working from home.

The losses seemed small. We had no Friday night drinks and only saw our colleagues through the screen. There were subtle benefits in not having to commute, and those with kids, pets or housemates were home more to see them. Things were flexible. People baked bread and went for walks.

But the losses beyond our 'WFH' bubbles started to grow and compound. Millions of people were out of jobs, industries shut down one by one, and case numbers went up.

It felt like an alternative reality, and was easier to be disassociated than attuned, at risk of being overwhelmed.

The feeling of isolation grew and existing mental health issues were exacerbated.

Surveys over the past few years have shown how severe and common mental health issues are within the legal profession. The prevalence of mental health conditions is higher in the legal profession than the general population, according to a report published by the Victorian Legal Services Board and Commissioner in July 2020. Some studies have found rates of self-reported depression to be as high as one in two law students, solicitors and barristers, according to the report.

The reasons as to why the legal industry, and community more broadly, should be doing as much as humanly possible to address the mental health crisis have been articulated through numerous reports. But to many, they are also personal.

My heart was broken the afternoon in June, when I received the phone call that our good friend Tilly Houghton had taken her own life. The devastating news hit me like a wave that swallows you up and churns you around. Where you have no idea when you're going to come up for air.

Tilly was a formidable queer advocate who craved justice and truly lamented the historical wrongs that have contributed to systemic inequality. We studied together at Melbourne Law School – an institution that she made a more equal and inclusive space through shining a light on the plight of refugees, and the discrimination faced by people with disabilities, the LGBTIQ+ community and Indigenous Australians.



Image: Lorna Grear, *Lockdown in the bath* (S.H. Ervin Gallery)

So many people have lost loved ones during a crisis where there was already a sense of collective grief. We mourned the way we were used to living our lives, and then we grieved those to whom we had to say goodbye.

Loss that was felt when the flames of bushfires raged and as many fell ill during the pandemic.

Just over a month after Tilly passed away – just when I came up for air – my beautiful grandma, Bridie McGuire also left us.

Thankfully, this time I was able to say a proper goodbye and express my gratitude for her sacrifices that allowed me to be where I am today. Bridie was born in Ireland and taken out of school at 12 to work on the farm and help her family survive. She taught me to value my education and each opportunity that has come my way.

Bridie lived through the Great Depression and times of war. She not only survived those tough times but made the most from a life where she was given nothing at all.

We stayed home during this pandemic in large part to protect the elderly and vulnerable within our community. Although it has been incredibly challenging, it has demonstrated how capable we are as a collective of making sacrifices for others and leading with empathy.

The final stage of grief is acceptance and hope. It's certainly not easy, but after the second wave has crashed over all of us and we come up gasping for air, we will breathe again.

In my mind, Ruth Bader Ginsburg, Tilly and my grandma Bridie, left behind legacies that each in their own way depict incredible strength, courage, and kindness.

The inspiring words of RBG have been shared widely in the wake of her death. My personal favourite is, 'I ask no favour for my sex. All I ask of our brethren is that they take their feet off our necks.'

What is particularly poignant is that those words were first uttered by Sarah Grimké, a feminist abolitionist of the 1800s who desired to study law but was not afforded the opportunity.

Tilly also wrote many staunchly passionate words over the years that I could share. But in this time, her most powerful message is a personal one: 'Tell the people you love that you love them, as best you know how. If you don't know how, ask them how they want to be loved.'

If you or someone you know needs support, call Lifeline on 13 11 14, or beyondblue on 1300 22 4636. The Law Institute of Victoria also provides confidential, 24-hour well-being services for LIV members on 1300 687 327.

MINTERELLISON

WHAT DOES COURAGE MEAN FOR MINTERELLISON?

MinterEllison is undergoing a purpose led transformation – a journey which, commencing in 2018, required the deep engagement of our people at all levels, many months of consultation and collaboration in order to distil and refine our shared purpose: 'We create lasting impacts with our clients, our people and our communities'.

Our Purpose helps to guide us as an organisation in both the decisions we make and the way we behave. The beacon for our behavioural aspirations is a statement known now internally as 'The MinterEllison Way'. We create lasting impacts when we consistently live and work in the MinterEllison Way. The MinterEllison Way is defined by 5 cultural ambitions:

- We build authentic and enduring relationships.
- We deliver excellence without attitude.
- We are curious and innovative.
- We make diversity, in all its forms, central to collaboration.
- We support sustainable ways of working.

To give effect to Our Purpose and cultural ambitions, the Firm recognises diversity and inclusive leadership as core strategic capabilities. This creates a culture where diversity is central to collaboration but also to innovation, excellence and partnering with clients and communities to create lasting impacts. When we do this every person at MinterEllison can feel they belong and bring their best selves – including everything that makes them unique – to work every day. Bringing a diversity of thinking, skills, experience, gender, backgrounds and orientations helps our Firm achieve better results for our clients and ourselves.

We need to all commit to play our part and listen, learn and evolve as individuals and organisations, in order to build a truly inclusive profession for all of us who comprise the profession today and for all those who will follow us in the years ahead.

Amanda Watt is a Partner, Chair Board Diversity & Inclusion Committee and member of Victorian Women Lawyers, and Rebecca Bedford is also a Partner and member of Victorian Women Lawyers

K&L GATES



COURAGE AT K&L GATES

For an industry where collaboration and connection with people is the foundation of serving our community, this year has thrown up many challenges. As a law firm leader, I am inspired by the courage of our clients who have experienced unprecedented challenges in their lives and businesses this year, and the courage of the legal community which has adapted quickly and with good grace, commitment and positivity to provide much needed client and colleague support.

For many years, flexible working, balancing work and lifestyle and working from anywhere have been priority matters for the retention of lawyers, improvement of well-being and business sustainability. Victorian Women Lawyers has courageously advocated for change for many years and the legal profession would not have been able to adapt this year without the courage of past and present members of this Association who have persistently spoken up and influenced leaders (including me) to lead our firms to adapt.

Courage is also displayed in the actions people take that demonstrate empathy for others. For some, it has been a very difficult year. I have witnessed examples of people reaching out to others and driving initiatives to connect groups of people so as to maintain the strong community that we have always enjoyed.

As a proud sponsor of Victorian Women Lawyers, I acknowledge the efforts of the volunteers who support this Association, particularly in this challenging year.

As we enter into what I hope and believe will be a 'better normal', I am very positive that the experience we have faced this year will create an even better, more human, more connected legal industry.

Nick Nichola is managing partner, Australia for K&L Gates.

VALE, THE NOTORIOUS RBG

GRETA MARKS

ON 19 SEPTEMBER 2020 AUSTRALIA WOKE TO THE NEWS THAT AMERICAN SUPREME COURT JUSTICE RUTH BADER GINSBERG HAD PASSED AWAY. AFTER AN INITIAL SHOCK AND AN OUTPOUR OF SADNESS FOR THE LOSS OF AN INCREDIBLE LEGAL MIND, THE POLITICAL IMPACT OF HER DEATH BECAME APPARENT.

With the American presidential election little more than six weeks away, focus moved quickly to the replacement of the irreplaceable woman. Her 'most fervent wish' before her passing was that she not be replaced until a new President was installed. At age 87, and having worked through several bouts of cancer (barely missing a sitting), it seemed she had lasted as long as she could, and had she been able to stay longer, she would have.

Ruth Bader Ginsberg, (or 'the Notorious RBG,' as she had become affectionately known over the past decade) was a lot of things.

She was the first Jewish woman, and second woman to serve on the Supreme Court of the United States. She was the Supreme Court's great dissenter. She was a trailblazing feminist. She was a fan of art, opera and literature. She was a radical. She was tactical. She worked tirelessly. She was a cancer survivor. She was a wife, a mother, a lawyer, and of course a Supreme Court Justice. She was also one of the most influential people in the United States, and was admired all over the world.

Ginsburg attended both Harvard and Columbia Law Schools. During her law degree, she raised her daughter, served on both law reviews, cared for her husband, Martin, who had testicular cancer, and helped him through his law degree.

Despite finishing first in her class, Ginsburg faced difficulty in finding a job due to discrimination on the basis of the combination of her gender, motherhood, and religion. Finally becoming a law clerk, she then moved to Sweden to research for a book on Swedish civil procedure. From 1963 to 1965 she was a professor at Rutgers University Law School, before accepting an offer to teach at Columbia in 1972.

At Columbia, she directed the Women's Rights Project, leading the fight against gender discrimination. She became known for her strategic litigation, running cases designed to illustrate to the then predominantly male benches that gender discrimination against women could also harm men. She successfully argued six landmark cases before the Supreme Court.

In 1980 President Carter appointed her to the District of Columbia Circuit Court of Appeals, and she was appointed to the Supreme Court by President Clinton 13 years later.

The replacement of Justice Sandra Day O'Connor with Justice Samuel Alito in 2006 pushed the Supreme Court further to the right. Left in the ideological minority, Ginsberg continued to fight against gender discrimination, fighting uphill to convince the Court's conservative justices to venture to the left where possible, and fiercely dissenting when she could not.

These dissents and her characteristic wry humour ultimately gained her a cult following, and elevated her to becoming Notorious RBG, idolised worldwide by law students, lawyers and women from all walks of life alike.

RBG notoriously said that there would be enough women on the court 'when there are nine'.

In October 2020, US Senate confirmed President Trump's nominee, Amy Coney Barrett as Ginsberg's successor and her swearing-in was held immediately afterwards, just days before the election. While much may be said about the political differences between Ginsberg and Barrett, one could imagine Ginsberg might have derived some small satisfaction from the advancement of another woman to a seat at that bench. After all, politics aside, more women in such positions was something her Honour spent a lifetime fighting for.



Image: Yvette Coppersmith, *Chanel earrings* (S.H. Ervin Gallery)

SPONSOR

SVENSON BARRISTERS



COURAGE IN THIS COVID WORLD

Courage is something that each of us have had to reach deep within to find this year. 2020 has been a year that has tested even the steeliest of nerve.

As the Director of Svenson Barristers, I have seen barristers tackle the inevitable challenges of 2020 head on. I would like to celebrate some of the courage that I have witnessed in them this year.

Keeping on: To stay steady and focused to one's goals and aspirations when the world around us feels unstable, really does take strong character. It has been particularly impressive to see our 2020 readers press on with their positive attitudes. Jumping into a new career chapter is daunting at the best of times, but to do this in a once in a generation pandemic really takes guts and I have been so enamoured with our nine readers this year.

Supporting others: It takes great courage to 'keep it all together' sometimes – for partners, for kids, and for clients. This is especially the case when, individually, each of us might not have felt like our own 'best selves'. For the barristers who are carers of children and elderly parents, I have been so in awe of how they have provided so much to others, while still maintaining high work performance, social (zoom!) lives and important self care.

Adapting and adjusting: For some people, change and new experiences tickle their souls. For others, change can be extremely daunting. When your professional reputation is based on how you perform in court, moving this onto new technology platforms and removing the human element of appearing is significant. Barristers who thought that they would never learn new tricks stepped up to learn how to embrace (and ace!) the digitised world of court appearances and mediations.

But despite the unique 2020 challenges, something I find really courageous is the confidence to remain independent in thought and opinion. Courage means standing true to your conviction, your goal or your belief, even when you know people will disagree with you. This courage is something barristers confidently hold, every year in and year out.

Anna Svenson



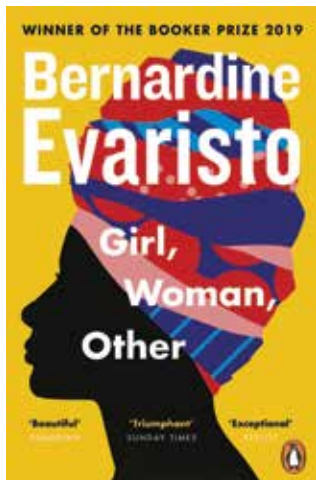
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Image: Susan O'Doherty, *Mfanwey Fullifer in olive green coat* (S.H. Ervin Gallery)

GIRL, WOMAN, OTHER REVIEW

BRIGID ARTHUR



WINNER OF THE 2019 BOOKER PRIZE, *GIRL, WOMAN, OTHER* IS A VIBRANT AND LAYERED REPRESENTATION OF TWELVE PEOPLE'S STORIES, ALL OF DIFFERENT AGES, IDENTITIES AND WALKS OF LIFE BUT MOST OF WHOM SHARE THE COMMON GROUND OF GROWING UP AS A WOMAN OF COLOUR IN BRITAIN.

Bernardine Evaristo carries these inter-connected stories effortlessly, each with its own distinctive voice and character. Evaristo's narrative style is punchy and fun to follow, and somehow adds an element of intimacy with the characters. Though all of them incredibly diverse, Evaristo's characters are all real and at times, inexplicably relatable. Evaristo's ability to graciously bring her characters and all of their flaws and strengths into such vivid focus draws you in.

There is nuanced social commentary throughout the book (sometimes witty, sometimes tongue in cheek and sometimes direct), which may challenge or expose any underlying assumptions about feminism and identities that readers may have.

However more than the questions around intersectional feminism that are so ripe for examination in this book, this is a book about resilience, love, joy and the richness and messiness of human relationships and the different shapes they take. All of the characters bring these themes to life, each of them in unique and endearing ways. You are bound to recognise elements of yourself in each of them, which is what makes this book so powerful.

A must read!



Image: Jill Talbot, *The keeper* (S.H. Ervin Gallery)

SEE WHAT YOU MADE ME DO REVIEW

GEORGIA DOBBYN

WINNER OF THE 2020
STELLAR PRIZE, INVESTIGATIVE
JOURNALIST JESS HILL'S *SEE
WHAT YOU MADE ME DO* IS
A GRIPPING AND POWERFUL
BOOK ABOUT LOVE, ABUSE
AND POWER.

Hill has been commended for her incisive perspective on the deeply complex issue of domestic abuse – being through the eyes of survivors as well as perpetrators. This perspective helps to stop us asking the wrong question: 'Why didn't she leave?', and ask instead, 'Why do these men, who seem to have such hatred for their partners, not only stay, but do everything they can to stop their partner from leaving? Why do they even do it in the first place?'

Hill describes domestic abuse as one of the most urgent issues of our time. Globally, of the 87,000 women killed in 2017, more than a third were killed by an intimate partner and another 20,000 by a family member. Every week in Australia, one woman is killed by a man she's been intimate with.

The word abuse instead of violence however, is a deliberate choice because domestic violence can hide 'a brutal reality', which is that 'the worst of it cannot be captured on a charge sheet'. Instead, it is the repetitive infliction of minor assaults and humiliations which act to oppress and control. This may not involve physical violence. And yet, it is this type of behaviour that can be a red flag for domestic homicide.

Whilst the book focuses mostly on men's abuse of women due to its scale, severity and it being the most dangerous kind, it does touch on other types of abuse in recognition that domestic abuse is a pattern of power and control.

Power imbalances are not limited to any one kind of relationship.

Hill compellingly explains how society remains enthralled to ideas of 'types' of victims, survivors and perpetrators that are unhelpful and even damaging. We insist on believing that domestic abuse only happens to some – 'the poor, the vulnerable, the mentally ill or those with victim mentalities' and that the perpetrators are solely driven by a desire for power and control, and are disordered or mentally ill. While Hill concedes that '[s]ome women are overrepresented: those who are Indigenous, disabled or on insecure visas, those who grew up with domestic abuse, the young, and women who live in the outback...' she maintains that '...when police and victim advocates say that domestic abuse can affect anyone, they're not making it up.

In all reputable studies of domestic abuse victims – and there have been thousands – not one researcher has been able to find a victim 'type.' As for perpetrators, Hill cites a study that took place over decades in which men who had killed their intimate partners were profiled. The one recurrent element found was not disorders or mental illness. It was shame.

Hill also explains how our resistance to understand domestic abuse is 'deep and instinctive'. If we can frame those that this happens to as 'them', not 'us', we can avoid confronting what domestic abuse tells us about ourselves. Hill describes domestic abuse as deeply disturbing but also 'endlessly fascinating for what it tells us about ourselves – how we relate, how we love and how we govern' and that this is why she has 'spent the past four years obsessing over it.' Hill's



Image: Jenny Rogerson, *Solitary figure* (S.H. Ervin Gallery)

fascination and obsessive research leaps off the pages of this book. It had me completely engrossed by *See What You Made Me Do*.

In spite of the devastating subject matter, this book is inspiring rather than horrifying. An example of this is perhaps the most devastating story in this book, of Tamica Mullaley and her son Charlie. Hill writes 'I'd never heard the name Tamica Mullaley, but I should have.' I had similarly not heard this name before and while it haunts me, the courage and resilience shown by Mullaley and her family in their ongoing quest for justice is also inspiring.

While solutions to domestic abuse can feel futile, it was also inspiring that '[f]or the first time in history, we have summoned the courage to confront domestic abuse'. Hill's final chapter draws the book to an astute and clear-headed close with its focus on solutions. For a country that is famous for its courageous responses to public health problems 'from thwarting the tobacco industry to criminalising drink-driving', Hill identifies that solutions so far, such as the National Plan To Reduce Domestic Abuse Against Women and their Children, are critically missing clear targets. 'Outcomes like 'Communities are safe and free from violence' and 'Relationships are respectful' don't read like serious goals for reducing violence; they read like a wish list for a feminist utopia. And yet, as the plan sets out, all governments are to deliver the six National Outcomes by 2022.'

I wholeheartedly echo Jenna Price's praise for this book when she called for this to be 'compulsory reading for politicians at every level.' I recommend this book to everyone so that we all can play a role in confronting and overturning the prejudices that underpin gender inequality that is necessary to end domestic abuse. I agree with Hill that this would be 'one of the greatest nation-building exercises in Australia's history.'



Image: Janne Kearney, *Power flower* (S.H. Ervin Gallery)

LADIES WE NEED TO TALK

CATHERINE GLOUTNAY

'LADIES WE NEED TO TALK'
HOSTED BY YUMI STYNES IN
CONNECTION WITH ABC RADIO
IS A PODCAST BY WOMEN,
FOR WOMEN, THAT DOESN'T
SHY AWAY FROM TOPICS WE
OFTEN AVOID TALKING ABOUT
IN REAL LIFE.

Now in its fourth season, this podcast tackles everything from the mental load women carry in their daily lives to the gender beauty gap faced by women in their personal and professional lives. Every episode Yumi covers a different topic discussing her own personal experiences amongst the stories of others featured on the show, along with featuring the views of experts on that topic.

The podcast has created a frank and open dialogue in which women have been able to freely discuss topics that are often seen as taboo in everyday society and gives great insight to the various topics it covers. If you aren't sure where to start with this podcast my recommendation would be 'The gender beauty gap' episode. This episode discusses the focus society generally places on women's appearance and the disparity between the genders when it comes to people's focus on appearance. It goes beyond merely women worrying about how they look and delves into the disparity of financial expenditure between genders in light of conforming to society's standards, amongst many other factors.

This podcast remains in touch with the current zeitgeist, discussing issues that are highly relevant in present society.

As such a more recent episode discussed the unexpected side effects of the current COVID-19 pandemic on women's lives and tips for how to get through this unprecedented event.

With the ability to go from serious to fun and light hearted, 'Ladies We Need To Talk' is the kind of engaging and thought provoking content we need in the year that is 2020. If you enjoy 'Ladies We Need to Talk' then I also recommend listening to 'Shameless' hosted by Zara McDonald and Michelle Andrews. This podcast focuses on providing female focused content that may not necessarily be found in male dominated mainstream media. With a pop culture focus it is another great podcast for the tough times we find ourselves currently experiencing.



Image: Wendy Sharpe *Self portrait - walking home* (S.H. Ervin Gallery)

UNBELIEVABLE: TV SERIES REVIEW

JESSICA TAVCAR

'NO ONE EVER ACCUSES A ROBBERY VICTIM OF LYING', POINTS OUT ONE LAWYER IN *UNBELIEVABLE*, AN EIGHT-PART NETFLIX DRAMA THAT CASTS A REVEALING LIGHT ON AN INCONSISTENT CRIMINAL JUSTICE SYSTEM IN THE UNITED STATES. SEXUAL ASSAULT ON THE OTHER HAND, THE LAWYER IMPLIES, TRIGGERS A MYRIAD OF DOUBTS ABOUT THE CREDIBILITY OF THE VICTIM.

Poignant and discerning, *Unbelievable* is a fiercely feminist analysis of ways in which rape investigations are undertaken. The series is based on a true-story and begins with the heartbreaking narrative of Marie Adler (Kaitlyn Dever), an 18-year-old from Washington who suffers unrelenting questioning and suspicion at the hands of police after reporting that she had been raped in her home. After mounting pressure from the police, a confused and distressed Adler eventually retracts her report and the case is put to bed as a false allegation.

This narrative is interweaved with the contrasting account of Karen Duvell (Merritt Wever) and Grace Rasmussen (Toni Collette), two detectives running an investigation into a series of sexual assaults three years later in Colorado; an investigation in which the victims' stories are not only heard and believed but treated with compassion.

Whilst set in the United States, it is relevant across our world where women remain the target of sexual assault and discrimination.

Unbelievable is a powerful drama which stays with you long after watching. It transcends typical crime shows by examining the various manifestations of trauma among victims of sexual assault, and by posing the critical question for wider society and that is whose stories get to be heard and whose stories are ignored.



Image: Zoe Young, *The scarf knitter* (S.H. Ervin Gallery)

MIIESHA: ALBUM REVIEW

STEPH MCLEAN

THE SIGN OF A GREAT ALBUM IS ONE WHERE THE MUSIC GETS UNDER YOUR SKIN AND STAYS THERE.

I listened to Miiesha's album '*Nyaaringu*' again, and again and each time I discovered another song, until I could no longer decide which one was my favourite. *Nyaaringu* is the debut album from 21-year-old Miiesha (pronounced My-ee-sha).

It is a collection of nine songs about her life, her community and her raw experiences of living in this country as a proud Pitjantjatjara/Torres Strait Islander woman. *Nyaaringu* means 'what happened' in Pitjantjatjara language.

It's a blend of neo-soul, RnB and electro-pop, woven together with incredible storytelling and a voice that is so heart-rending it can bring you to tears. Songs like *Caged Bird* draw on Miiesha's Gospel roots, whilst *Black Privilege*, an instant hit when it was uploaded onto Triple J last year, is full of catchy beats and searing lyrics about Miiesha's experiences of discrimination and strength in survival.

It's impossible not to bop along to *Broken Tongues*, with its didgeridoo backing and soulful lyrics and *Twisting Words* is another uplifting track, full of energy and just the remedy in our current state of lockdown.

The album's songs are interspersed with tracks of spoken word, mainly from Miiesha's late grandmother, sharing snippets of wisdom like, 'I think for we who've been trodden on, not given a lot of freedom...you got to believe in yourself and you've gotta say you're no man's property'. If Miiesha is the sound of the future of Australian music, then the future is incredibly rich. Miiesha's sound is fearless, fiercely authentic, powerful, and a sound and voice to be amplified loudly in 2020.



THE VIRTUAL SHOW MUST GO ON

ANNALEISE VUILIN

AN INSIGHT INTO THE ARTS AND ENTERTAINMENT INDUSTRY WITH JULIA ADAMS DURING COVID-19.

COVID-19 SIGNIFICANTLY IMPACTED THE ARTS AND ENTERTAINMENT INDUSTRY THROUGHOUT AUSTRALIA IN 2020.

Curtains have closed, galleries are empty and production sets have been abandoned with uncertainty of when we can enjoy the arts and entertainment industry the way we used to. A morning with Media & Entertainment Partner, Julia Adams of Shiff & Company Lawyers evidenced that with its setbacks, the industry is continuing to persevere, finding innovative ways to adapt to the new norm.

FILM, TELEVISION AND THEATRE PRODUCTION

Initially, all forms of production came to a standstill due to governmental restrictions. Julia stated that some commercial production and documentaries continued through the first lockdown as they had smaller crews. 'Smaller productions are able to socially distance whereas for bigger productions, they can't do that.' Gradually the industry adjusted through creating COVID-19 safe plans, using PPE and utilising insurance protocols. 'Neighbours for example, had all cast refrain from wearing makeup.'

When I asked Julia if there were any particular areas of focus for her practice, she mentioned insurance. 'Insurance has always been a major part of production. All productions are insured against someone key feeling unwell.' Since the second lockdown in July, insurance 'only now covers those who are actually unwell, not if companies make the choice to shut down to prevent the virus spreading. The problem facing the industry going forward is that insurance is no longer available at all to cover COVID-19.'

By July, film and production resumed throughout most of Australia. For Victoria, live action that already started was able to continue, however no new production could commence. Julia's clients have found it difficult to plan ahead with the uncertainty around Victoria and were filming in other states before the second lockdown. One positive is that foreign actors are able to enter other areas of Australia and quarantine. Due to the border restrictions, no Australian productions are able to shoot overseas which has affected the timeline for completion of projects.

I spoke with Julia about the increased usage of subscription video online streaming services such as Netflix and Stan and how the film and television industry may be better equipped to adapt to COVID-19 compared to other arts and entertainment sectors. She agreed that film and television has other outlets and can continue with limitations. However, the industry is still working through how to support cinema and live theatre where income is predominately generated through audience members and carries a substantial burden for those in the industry.

ANIMATION

Julia's work is both national and international and she has found animation and post production has continued with minimal disruption throughout the world.

Unlike in other areas there are tools available in animation to work under restrictions as it requires minimal necessary human interaction. It is uplifting that some areas of arts and entertainment are able to continue to ensure the industry is able to produce content for viewers as well as carry on their business.

TECHNOLOGY AND ARTS

Those who are able to continue working are using e-platforms such as Microsoft Teams, Zoom and WebEx for virtual premieres and festivals. Clients have transformed live action and theatre by utilising apps, social media and livestreaming content to stay connected with audiences. One of Julia's clients organised remote cameras focused on production set. Cast and crew were able log in from home and see what was being shot as though on set.

Legal work that has arisen from the increased use of online interfaces has consisted of drafting and interpreting terms and conditions. Converting to virtual platforms has been a completely new process for some clients who seek advice as to how to protect themselves from liability.

Julia predicts that the television market will likely slow down towards the end of this year. However, production is able to be delayed rather than ceased until a clearer pathway for recovery becomes certain. While this time has been difficult for arts and entertainment, Julia stated that everything is still evolving and to be hopeful that the end of the year may provide opportunities for other areas such as live theatre and art to resume alongside film and television.

FRESH AIR

PHOEBE ST JOHN

We will never again have fresh air
So don't tell me that
There is a future to fight for
Love to cling on to, summers to chase
A life unstirred by disease
Remember what lies ahead
Confined to four white walls, we must
Crumple on the hardwood floors
Sing farewells to a hollowed room
For in this plague we cannot
See rainbows outside windowpanes
Slurp ice-cream off a sweaty hand
Kiss lovers by broken candlelight
Dance wild in technicolour dens
Clink glasses held by best of friends
Pulse to the throb of a football crowd
Coo at babies on a crowded train
As each day passes, we will again
Strap masks across our hungry mouths
Hang from windows to clap the carers
Run metres away from the nearest heart
Find eggs as if scoring bars of gold
Touch loved ones through a screen
Wait to hear from the top
It's all for nothing so
We cannot truly believe that
We are part of something more.

(now read from bottom to top)



Image: Matilda Michell *Self in an empty room* (S.H. Ervin Gallery)

NAMAS

RECIPE FROM NORNIE



Namas is a traditional Torres Strait Islander dish prepared in a similar style to ceviche. The mixture of Torres Strait Islander, Polynesian and Asian ingredients reflect the multicultural history of the Islands. It's always best to make this dish with fresh fish, straight out of the ocean. The raw fish will cure in the citrus and coconut to create a smooth, fragrant and refreshing starter that is perfect on a warm spring or summer day. In this recipe we have recommended snapper but you can use any non-oily white fish.

INGREDIENTS:

Fillet (~500g) of Snapper or white fish of your choice
 1/2 cup Coconut cream
 2 tbsp Mushroom Soy Sauce
 Fresh Lime Juice of 1 lime
 1 Red Long Chilli
 3/4 cup coriander, with some extra leaves to serve
 10-15 large corn chips such as tostadas, crispbread or lavosh
 Salt to taste

METHOD:

1. Dice the chillies and fresh coriander as finely as you can.
2. Use a sharp knife to dice the raw fish into small cubes, roughly .5cm on each side.
3. Add all ingredients into a bowl and mix together. Add salt to taste.
4. Marinate in refrigerator for 30 minutes before serving.
5. Use a teaspoon or shallow tablespoon to gently place the mixture on the corn chips / crispbread.
6. Top with extra coriander leaves and serve immediately.



ABOUT NORNIE AND MABU MABU

Nornie Bero is the head chef and business owner of Mabu Mabu. Originally from Mer Island in the Torres Strait, Nornie has been a professional chef for over 20 years. Her style of cooking is all about generosity and flavour. She has been creating dishes using native ingredients for much of her career, and is currently on a mission to make Indigenous herbs, spices, vegetables and fruits part of everyone's kitchen pantry.

Mabu Mabu is a Torres Strait Islander owned and run business with an emphasis on using fresh, seasonal and native ingredients to create beautiful dishes that bring people together. Mabu Mabu is a term from the Torres Strait that translates to 'help yourself.' Traditionally, a Mabu Mabu is a banquet, shared table or big family meal. It's how we like to enjoy food on the islands: surrounded by the people we love.

You can visit Mabu Mabu café at 13 Anderson Street, Yarraville (temporarily closed), book to have Mabu Mabu cater for your next event or just shop there or online for fabulous Indigenous ingredients to cook yourself!

There are also online recipe workshops on offer which are both entertaining and educational.



Committees

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Image: Ann Cape, *Sophie and Scout*, (S.H. Ervin Gallery)

SPECIAL REPORT AND 2020 UPDATE FROM SPONSORSHIP OFFICER

BONNIE PHILLIPS

VWL takes this opportunity to extend its sincere appreciation and gratitude to its loyal sponsors Allens Linklaters, Clayton Utz, Coulter Roache, Justitia Lawyers and Consultants, K&L Gates, KHQ Lawyers, Maddocks, Maurice Blackburn Lawyers, MinterEllison, Nicholes Family Lawyers, and Svenson Barristers, for their ongoing and generous support, throughout what has been a challenging and unique year.

Traditionally, VWL and its sponsors have enjoyed facilitating various events in person. However, this year, VWL embarked upon the new challenge of hosting almost all of its events, virtually. The enthusiasm and support demonstrated by VWL sponsors to enable our events and projects to be transitioned to a virtual format was overwhelming and greatly appreciated by VWL and its members.

In particular, VWL takes this opportunity to thank its sponsors for making the following events possible this year:

- Clayton Utz for hosting an online Clerkship and Graduate Masterclass panel discussion
- Justitia Lawyers and Consultants for hosting a panel discussion regarding Riding Out the Pandemic from the perspective of the employer, which included a panellist from Coulter Roache
- K&L Gates for hosting the digital launch of the Law Student Mentoring Program in partnership with the Women Barristers' Association, as well as the Powerful Mentoring Techniques workshop
- Maddocks for hosting the annual Warren Moot competition and Launch
- Maurice Blackburn Lawyers for hosting Beyond Graduation, legal careers in the suburbs
- Nicholes Family Lawyers for hosting a Diversity Series regarding the world post marriage equality, as well as a panel discussion regarding Family Violence and the Impact of COVID-19, and
- Svenson Barristers for hosting a damper making workshop with Mabu Mabu, as well as the Midweek Mat Moves online Pilates class series with Grounded Movement.



Image: Sharon Pincus-Jacobson, *Tony Taussig architect*
(S.H. Ervin Gallery)

In addition, VWL would also like to thank the Law Institute of Victoria for its ongoing support and for hosting the VWL Annual General Meeting virtually this year, as well as this years' specific event sponsors, Gatehouse Legal Recruitment for sponsoring the Dame Roma Mitchell Memorial Luncheon and the Alternative Legal Career Pathways 5-week Series on Instagram Live, and Foley's List for hosting Networking and Working Remotely how to survive and thrive from home.

This work and the ongoing projects of VWL would simply not be possible without the support of its sponsors. 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 and personal life, whatever their particular and personal definition of success might be.

SPECIAL REPORT FROM TREASURER

HANNAH FITZPATRICK

2019 – 2020 UPDATE

2019-20 saw VWL generate another surplus. Membership revenue and sponsorship stayed constant. Interest income reduced slightly with the national fall in banking deposit interest rates. Seminar revenue was lower, mainly due to the Lesbia Harford event not being held this year and holding less ticketed events in 2020 because of COVID-19 restrictions. As a result, function expenses were also significantly lower as VWL moved to digital events in the latter part of the 2019 – 2020 financial year. Expenditure on consultants also significantly reduced, making a large contribution to this year's surplus.

Administration expenses increased as VWL hired Two And Two to assist with book keeping and administration services on an hourly basis. This service was previously provided by the former Treasurer's assistant, without charge, and prior to that (until November 2018) a permanent employee of VWL. Website expenses increased as more changes were needed to the website to facilitate some of VWL's digital events. Most other costs remained constant or increased in line with CPI.

VWL has managed to maintain a strong financial position while delivering relevant, useful and popular events and transitioning to digital events in the last few months of the financial year.



Image: Filippa Buttitta, *Radiotherapy during Covid-19*,
(S.H. Ervin Gallery)

PUBLICATIONS COMMITTEE

GEORGIA DOBBYN AND LIZ MAIN

ROLE

To coordinate, prepare and publish the annual journal for VWL – *Portia*, to be enjoyed by VWL members and the wider community.

2020 ACHIEVEMENTS

We are immensely proud of our 2020 edition of *Portia*. Our committee has worked tirelessly behind the scenes throughout the year to produce this year's journal. We decided to refresh the journal's layout and have also rebranded as the Publications Committee, formerly the Communications Committee.

Portia is both a memento of VWL's fantastic events held throughout the year as well as containing thought-provoking feature articles which endeavour to capture the zeitgeist of the year from a feminist perspective.

We have also continued assisting with the production of our newsletter, VWList.

SPECIAL MENTIONS

Our heartfelt thanks goes to our members – Annaleise Vuilin, Brigid Arthur, Catherine Gloutnay, Greta Marks, Jess Awad, Katherine Gough, Katherine Johns, Sonia Mackie and Steph Pasharis, and thank all those who have contributed a feature to this year's edition. *Portia* continues to be a powerful platform for women lawyers to discuss important issues in the legal profession.



Image: Natasha Walsh, *Doppelgänger* (S.H. Ervin Gallery)

REFLECTION

When we selected the theme of 'courage' for this year's edition in January, we had no idea how apt that theme would become as the year progressed. Courage was a unifying theme in all our feature articles, which discuss topics including the unprecedented summer bushfires, coronavirus, sexual harassment in the legal profession and the Black Lives Matter movement.

Networking and career development events are the cornerstone of what VWL offers. As coronavirus took hold, these events seamlessly pivoted to being held online. We hope our VWL members enjoy reading the event recaps in *Portia* and reflect on the courage each and every one of us has shown this year.

NETWORKING COMMITTEE

CO-CHAIRS – LUCY PROWSE AND LINDA HART

ROLE

The Networking Committee's role 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 interesting and engaging networking events and panel discussions throughout the year, which aim to highlight the value of forging and maintaining networks for one's career development.

2020 ACHIEVEMENTS

The Networking Committee hosted its first ever series called *Alternative Legal Career Pathways* on Instagram Live which was a huge success! We were joined by a number of impressive and truly inspiring women including Kylie Kilgour, Anna Lozynski, Naomi Hickey-Humble, Elva Zhang and Astrid Haban-Beer who have all forged unique legal careers. By hosting the event on Instagram Live, listeners were able to engage with the speakers by asking questions and the event had a far greater reach than in previous years.

The Networking Committee also hosted its first ever webinar called *Networking and Working Remotely – How to Survive and Thrive from Home* which explored the challenges and opportunities of both networking and working remotely. Our panel consisted of Co-Chair Linda Hart and three female barristers including Elizabeth Ruddle, Ffiona Livingstone Clark and Felicity Fox who shared a number of tips and tricks about how to survive and thrive when working/networking from home.

SPECIAL MENTIONS

The Co-Chairs, Lucy and Linda, would like to say a HUGE thank you to our Committee members for their endless enthusiasm, diligence and creativity which allowed us to run two fantastic events during the 6 months of lockdown! Thank you to Louise Hvala, Rhiannon Zarro, Gemma Hannah, Jyoti Haikerwal, Hannah Dunai, Cat Moroney, Marissa Piazza, Ashley Brown, Mandy Di Miao, Georgia Whiteside, Jessica Buck, Jessica Samuel and Rani Donoghue. We would also like to extend a special thanks to Eleanor Weir and Hannah Dunai, the previous Co-Chairs for the Networking Committee who provided us with amazing advice and support.

REFLECTION

This year was unlike any other! With the state of Victoria in complete lockdown rendering all networking events an impossibility, our Committee was forced to think outside the box. The success of our online events demonstrates the ability of people to adapt and innovate during difficult times. While we are so accustomed to networking in person, this year has taught us that it is not the only way. Networking in the strictest sense is about building connections with others which we hope our Committee has been able to achieve.



Image: Lynn Savery, *In your dreams* (S.H. Ervin Gallery)

LAW REFORM COMMITTEE

VICTORIA MURAVCHENKOV AND ELSPETH MCCONAGHY

ROLE

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

2020 ACHIEVEMENTS

The Law Reform Committee is extremely proud of the work its members have contributed to law reform both in Victoria and nationally. Our committee has prepared six submissions on a broad range of legal and legislative issues, each in line with VWL's purpose and cognisant of the unique challenges many women and women lawyers have confronted over 2020. Our committee has prepared:

- 1 a submission to Senate Legal and Constitutional Affairs Committee into the Federal Circuit Court and Family Court of Australia Bill 2019 and the Federal Circuit Court and Family Court of Australia (Consequential Amendments and Transitional Provisions) Bill 2019;
- 2 a submission to Senate Community Affairs Legislation Committee into the Paid Parental Leave Amendment (Flexibility Measures) Bill 2020;
- 3 a submission to the Victorian Legal Services Board + Commission's (VLSB+C) Review of Victoria's Continuing Professional Development (CPD);
- 4 a submission to the Standing Committee on Social Policy and Legal Affairs Inquiry into Family, Domestic and Sexual Violence 2020 (submission prepared in partnership with Australian Women Lawyers);
- 5 a submission to the Parliament of Victoria's Inquiry into Homelessness in Victoria;
- 6 a submission to the Review of Sexual Harassment in Victorian Courts; and

Our committee has also contributed to the Law Institute of Victoria's 'According to Merit' column with an important piece by Hayley Chester 'In the midst of a pandemic: A reasonable excuse to contravene parenting orders'.

SPECIAL MENTIONS

We would like to thank our engaged and supportive committee members who have each participated greatly in the content produced by our committee as well as attending each of our meetings with enthusiasm and insight. Without the valued assistance and input of our committee members, VWL's commitment to law reform could not have been realised. The high regard with which VWL's contributions are received is reflected by VWL being specifically invited to contribute to law reform initiatives (including the VLSB+C's CPD review and the Review of Sexual Harassment in Victorian Courts) as well as VWL's submissions being referenced in final reports (including the Senate Community Affairs Legislation Committee's final report in relation to the paid parental leave amendments).

REFLECTION

While 2020 has been an unprecedented year full of challenges and adjustments, the Law Reform Committee has remained committed to VWL's objectives of bringing about positive change for women lawyers and women generally.



Image: Jane Aliendi Self portrait, *The instagramer after the sock knitter* (S.H. Ervin Gallery)

JUSTICE COMMITTEE

BRONWYN MONTGOMERY AND CHLOE TAYLOR

ROLE

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

2020 ACHIEVEMENTS

The COVID-19 pandemic increased women's vulnerability to all forms of gender-based violence. The isolation required to keep our community safe has also created new challenges for family violence survivors and service providers. VWL Justice Committee was pleased to partner with Nicholes Family Lawyers for two webinars exploring the topic of family violence during the COVID-19 pandemic in May 2020 (for Victoria Law Foundation Law Week) and in October 2020. During these webinars, Managing Partner of Nicholes Family Lawyers, Sally Nicholes, engaged with inspiring speakers from a variety of professional backgrounds which interact with the subject matter of family violence. Our panellists included Jessica Stott of Women's Information and Referral Exchange, Vincent Papaleo of Vincent Papaleo & Associates, Helen Matthews of Women's Legal Service Victoria, Tania Farha and Alison MacDonald both of Domestic Violence Victoria, and Adele Murdolo of the Multicultural Centre for Women's Health.

Together with lawyers and staff from Women's Legal Service Victoria, VWL's Justice and Executive Committee members volunteered at Impact for Women's Bags of Love packing day. The team packed bags of essential items and gifts for women and children experiencing and fleeing domestic violence. Impact for Women is a volunteer charity organisation committed to making a difference to Victorian women and children fleeing extreme violence at home.

SPECIAL MENTIONS

We would like to thank our panellists, moderators, sponsor firms and our committee members for their commitment to understanding, advocating and taking steps toward preventing family violence against women during the COVID-19 pandemic.

REFLECTION

We are proud of the work done this year and look forward to re-engaging in hands-on outreach and fundraising projects in 2021 to assist women in need. We will also continue to facilitate discussions with knowledgeable speakers on topics of importance to our members and the broader community.



Image: Sally Ryan, *Alone* (S.H. Ervin Gallery)

WOMEN IN THE PUBLIC SECTOR COMMITTEE

KATHLEEN BEIRNE AND STEPHANIE DESANTIS

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.

2020 ACHIEVEMENTS

The Committee traditionally hosts two events annually: a networking night and a panel event. Our panel event is still forthcoming (stay tuned for a late-November event and subsequent podcast!), however our networking night had to be postponed because of COVID-19. To adapt to the limits of the year, we have instead focused our efforts on outreach efforts, in particular on member and student engagement. To that end, we have recruited new Committee members and re-branded as the 'Women in the Public Sector' committee, to reflect the fact that our function is directed at women lawyers in all walks of public law and public sector work (including: associates at various courts and lawyers working for a range of public authorities at both the State and federal level). We have also contributed to multiple student publications to provide advice on and insights into public law work. We are also working directly with student representatives to create opportunities for engaging with Committee members in different fora.

SPECIAL MENTIONS

Special mentions go to our dedicated Committee members and to the VWL executive itself, in particular to Deborah and Vanessa, for providing brilliant leadership in a challenging time. From the outset, their adaptive ability to pivot to online events and initiatives and approach this year as an opportunity to engage with new cohorts of female lawyers has been inspiring and an energy we've tried to carry through to our own Committee.

REFLECTION

As above, we've been inspired and energised by the work of our Committee members and VWL members more broadly, for working tirelessly in difficult circumstances. That said, it has been a bizarre year, and we're really looking forward to connecting with our Committee and members of the profession more broadly in real life, hopefully in the not-too-distant future!



Image: Jane Guthleben, *Misha, the pole dancer* (S.H. Ervin Gallery)

THE OUTREACH COMMITTEE (FORMERLY MEMBERSHIP COMMITTEE)

ABBEY MASON AND BETHANY WILKINSON

ROLE

The Outreach Committee (formerly the Membership Committee) aims to strengthen VWL's engagement with regional, suburban and other members with limited access or connection to Melbourne CBD or the profession by tailoring events and projects to regional and suburban lawyers and law students. Since its rebrand this year, our committee has and will continue to focus on enhancing VWL's online offering to members to ensure that our events and projects are accessible to members regardless of where they work or study, their abilities, parental or carer responsibilities or other commitments.

ACHIEVEMENTS

The Outreach Committee hosted a panel event sponsored by Maurice Blackburn, Beyond Graduation: Legal Careers in the Suburbs. This event was targeted to students, graduates and early career lawyers, looking to pursue a career at a suburban law firm. The panellists included lawyers from national and boutique firms and a careers advisor from the College of Law.

Next year the Outreach Committee will hold a panel event on the benefits and opportunities of working in the community legal sector.

SPECIAL MENTIONS AND REFLECTIONS:

The focus for 2020 was on our rebrand and keeping regional and suburban lawyers connected and supported during this challenging year. Our committee's work will continue to be relevant to many members next year, as lawyers and law students return to the office or university in some capacity, with remote working and learning likely to continue for some well into 2021 and beyond. We would like to thank all of the Outreach Committee members for their hard work, perseverance and enthusiasm. Our committee looks forward to delivering events, projects and initiatives in the year ahead.



Image: Deborah Walker *Georgia (as Agatha Christie in Blue Mountains, NSW, 1922)* (S.H. Ervin Gallery)

DIVERSITY AND INCLUSION COMMITTEE

JOANNA ABRAHAM AND ORIANA TORCASIO

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 LGBTIQA+ community.

2020 ACHIEVEMENTS

In March 2020, the Diversity & Inclusion Committee launched the Diversity Series – a series of events intended to bring the profession together and create space for engaging conversations around diversity and inclusion. For each event, VWL partnered with a variety of leading community organisations, law firms, industry bodies and thought leaders who are committed advocates of diversity and inclusion in the legal community, or who focus on advancing the legal rights of diverse groups.

The first event of the Diversity Series focused on issues affecting rainbow families and the LGBTIQA+ community in Australia that have arisen following the Australian same-sex marriage postal survey in 2017. The event was hosted by Nicholes Family Lawyers and featured some of the leading advocates in the LGBTIQA+ community.

Our second event was an online damper-making workshop with Nornie Bero from indigenous café and caterer, Mabu Mabu. Nornie showed participants how they can incorporate indigenous Australian ingredients and flavours into their own home-cooking. In this interactive event, a variety of dampers were made Torres Strait Islander style – wrapped in banana leaves and baked with pumpkin, wattleseed and saltbush varieties.

SPECIAL MENTIONS

We would like to thank our guest speakers at our LGBTIQA+ event and Nicholes Family Lawyers for generously hosting the event, as well as the enthusiastic VWL members who got their hands dirty and cooked along with Nornie in the damper-making workshop!

REFLECTION

We look forward to continuing the Diversity Series in 2021 with some exciting events in the pipeline.

WORK PRACTICES COMMITTEE

MARY QUINN AND AUDREY CAPASSO
(FORMERLY SANISHYA FERNANDO)

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.

2020 ACHIEVEMENTS

Whilst 2020 has proven to be a difficult year due to COVID-19, the Committee has continued to advance a number of key projects. The Professional Mentoring Program returned for a second year, with applications currently open and a launch to occur in coming months. A Return to Work Guide is set to be released later in the year in conjunction with Maurice Blackburn. The Guide aims to better inform women lawyers on their workplace rights, particularly around parental leave. For 2021, the Committee intends to host an event on recognising and addressing sexual harassment in the legal profession.

SPECIAL MENTIONS

A review jointly initiated by the Victoria's Attorney-General and the Chief Justice of the Supreme Court of Victoria and Chair of Courts Council will consider measures to prevent sexual harassment, and improve accountability, across all courts and VCAT. The Committee looks forward to considering the review and any identified avenues of change to tackle the issue and assist in promoting safe work practices for women in the legal profession.

REFLECTION

The Committee acknowledges that the COVID-19 restrictions in Victoria have created unique challenges for women in the legal profession, with many juggling myriad responsibilities arising from working from home during a global pandemic. With school and childcare closures, those with children have been particularly affected. The Committee will continue to implement projects that assist women to be heard, feel supported and successfully navigate the particular challenges of this unprecedented time.



Events

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Image: Ildiko Hammond, *Self-Portrait IV – The recluse* (S.H. Ervin Gallery)

DAME ROMA MITCHELL MEMORIAL LUNCH 2020

4 MARCH 2020

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.

Over the years, the Dame Roma Mitchell Lunch has celebrated women with illustrious careers in law. We have had women share their memories of the difficulties faced in the early years of their careers and their successes achieved despite the barrier that gender can present.

In 2020, VWL and WBA decided on a different approach. Rather than inviting a guest speaker at the tail end of their career, we chose to invite a woman working hard to improve her community through law and through the power of female relationships. Antoinette Braybrook, CEO of Djirra and chairperson of the National Family Violence Prevention Legal Services Forum (NFVPLS) was invited to speak. Antoinette is an Aboriginal woman who was born in Victoria on Wurundjeri country. Antoinette's grandfather and mother's line is through the Kuku Yalanji, North Queensland. Her message: *change is needed in law and in policy to better enable Aboriginal and Torres Strait Islander communities to thrive.*

Djirra, is a holistic community legal centre where aboriginal cultures from across Victoria are celebrated and where practical legal support is given to Aboriginal and Torres Strait Islander (ATSI) women who are experiencing

family violence. Djirra provides programs like *Sisters Day Out*, *Dilly Bag* and *Young Luv* which provide women safe and happy spaces to reach out for help, learn about respectful relationships, and find support if they become victims of family violence or other crimes.

As Antoinette explained to attendees at the sold-out event, *'Djirra stands with the legal assistance sector to ensure that our most vulnerable, disadvantaged and marginalised people have a voice, access to culturally safe advice and representation and support, and to justice'*. Everything about Djirra is purposeful, down to the name 'Djirra' which is the Woiwurrung word for the reed used by Wurundjeri women for basket weaving. Traditionally, when women gathered to weave baskets, it was a time for important discussions and problem solving. As an organisation Djirra is a place for ATSI women to come together to share stories, support each other and find solutions.

Unlike many community legal centres, Djirra's focus is not solely on crime or negative experiences. Women don't only go to Djirra when they are in trouble, it is also a place they can come together to celebrate culture and build relationships. Antoinette explained Djirra as a positive environment where 'we refuse to see our women through a deficit lens that is so often given to us to view ourselves with - at school, at work and through the media and by the police, a lens clouded by white privilege'.

Despite the positive environment that Djirra strives to create, the reality for ATSI women in Victoria can be a harsh one. Antoinette spoke of her concern that as more prisons are built, disproportionately they will be filled with ATSI men and women. She told the heartbreaking story of one woman who had been denied bail after being charged with shoplifting and who had died 24 hours after being taken into custody.



Djirra and similar organisations are working to solve deep seated issues that exist within ATSI communities. They are working to have women who face domestic violence seek help rather than stay silent for fear their children will be removed and to ensure there are lawyers with an understanding of culture available to suspects of crime or victims of abuse. But, as Antoinette explained, without funding, these organisations cannot continue to carry out this important work.

Antoinette noted that much of Djirra's time is spent seeking funding, preventing their team from undertaking the important work on the ground. Reliant on federal and state funding as well as private donations, Djirra is an organisation fighting for survival.

Attendees of the event reflected afterwards that the experiences that Antoinette shared were difficult to hear but for that very reason, more awareness of such experiences is critically important. It was despairing to hear that for some of the most vulnerable in our community, their of experiences of the law and the justice system are so negative. However, the ultimate message was one of hope. Those same negative experiences often involved great courage and resilience. With better support and funding, organisations like Djirra can continue and be supported in their work to address these inequalities in our systems and improve the lives of ATSI women.

WORLD POST-MARRIAGE EQUALITY PANEL EVENT

11 MARCH 2020

VWL AND NICHOLAS FAMILY LAWYERS WERE PROUD TO PRESENT THE FIRST EVENT IN OUR DIVERSITY SERIES 2020, THE WORLD POST-MARRIAGE EQUALITY.

VWL were delighted to welcome a diverse range of panel members which included Anna Brown OAM, a lawyer, activist and CEO of Equality Australia; Michelle Sheppard, a highly respected advocate and trainer in the gender equality space; Dr Judy Tang, a neurologist and president of the Australian LGBTIQ Multicultural Council; and Jac Tomlins, a writer, trainer, speaker and advocate with more than 30 years' experience working in the LGBTIQ+ field.

An engaging and inspiring discussion was held on issues affecting rainbow families and the LGBTIQ+ community in Australia that have arisen following the Australian same-sex marriage postal survey in 2017.

Panel members drew the audience's attention to the next biggest threat following marriage equality, which is the backlash phase and the *Religious Discrimination Bill 2019*.

The panel also discussed how the fight for equality in our LGBTIQ+ community, and in particular our transgender community, is not over. The panellists all encouraged allies to continue to think of ways to bring our community together and keep the conversation going, especially with those who may disagree.



VWL would like to sincerely thank Nicholas Family Lawyers for hosting a fantastic event, our wonderful panel members for an informative and engaging discussion and to all our members for attending.

LAW AND YOU: FAMILY VIOLENCE

18 TO 24 MAY 2020

JOANNA FLETCHER, CEO OF WOMEN'S LEGAL SERVICE VICTORIA (WLSV), SPOKE ABOUT THE RISING RISK OF FAMILY VIOLENCE DURING COVID-19 LOCKDOWN WITH LYNNE HAULTAIN, EXECUTIVE DIRECTOR OF THE VICTORIA LAW FOUNDATION.

There were concerns about the increased risk for women and children in domestic environments when confined to their homes during lockdown.

Interestingly, Ms Fletcher reported that there was not a sharp rise in women themselves reporting violence to (WLSV). Rather, third party reports made by family, friends or neighbours increased.

Ms Fletcher suspected that women may not have the opportunities to reach out to seek help. She advised any woman who finds herself in an unsafe position to use the rare opportunities she may get to leave the house to make these important calls to an organisation such as WLSV.

Ms Fletcher also spoke about how COVID-19 led to more delays in the courts for women facing domestic abuse issues.

Most matters were adjourned, meaning there was a longer period of time when a woman may not receive legal advice from a duty lawyer. This could have implications on whether family violence court orders are understood and enforced.

It was an important conversation about the unintended effect of the safety measures taken to curb the spread of the virus.

VWL would like to thank and Ms Fletcher and Ms Haultain for such an important and interesting webinar.

WORK-LIFE INTEGRATION AND THE FUTURE OF WORK

5 JUNE 2020

IN JUNE, VWL HOSTED A LUNCHTIME WEBINAR ON INTEGRATING WORK AND HOME LIFE, ADDRESSING THE CHALLENGES OF BECOMING A BUSINESS OWNER AND THOUGHT LEADER IN ADDITION TO PARENTING AND THE LAW.

Thank you to special guest speakers Emma Heuston and Lauren Cassimatis who shared their experiences, insights and guidance on blending work and home life. In 2018 Emma wrote 'The Tracksuit Economy: how to work productively and effectively from home' and was also named as 'Thought leader of the Year' in 2018 by Lawyers Weekly at the Women in Law Awards for her work in the remote work space in the law. Lauren is a Director of Gallant Law and founder of Criminal Law Mums, a community group designed to help women in the law achieve and sustain their dual ambition of being a successful lawyer and mum.

VWL was pleased to hear that this event has inspired other women in the legal profession to 'go out on their own'. Thank you to both guest speakers for participating in this important discussion.

CLERKSHIP / GRADUATE MASTERCLASS

24 JUNE 2020

VWL HELD AN INFORMATIVE ONLINE PANEL DISCUSSION WITH SPONSOR FIRM CLAYTON UTZ ON MASTERING CLERKSHIPS, GRADUATE ROLES AND LIFE AS A JUNIOR LAWYER.

Three panellists from Clayton Utz shared their tips and tricks on clerkship applications, the clerkship experience, working as a graduate lawyer at a top tier law firm, and how to manage the pressure of working in an often challenging and fast-paced environment. The event concluded with a live Q&A.

Pip Mitchell, Public Sector Partner, discussed some of the important qualities that junior lawyers should develop and shared some strategies to manage working in a high-pressure work environment. Lawyer Annika McNerney shared what a 'typical' day as a graduate or junior lawyer entails and Alison Tassiou, Graduate Resourcing Consultant, discussed the clerkship application process and what makes an application stand out. The discussion was moderated by VWL's Executive Committee member, Stephanie Pasharis.

VWL thanks Clayton Utz for sponsoring this event and to the special guest speakers for their honest and insightful discussion.

NETWORKING AND WORKING REMOTELY – HOW TO SURVIVE AND THRIVE FROM HOME

8 JULY 2020

THIS YEAR AS MOST OF OUR MEMBERS FOUND OURSELVES WORKING FROM HOME, THE NETWORKING COMMITTEE ARRANGED A PANEL DISCUSSION (SPONSORED BY FOLEY'S LIST) THAT EXPLORED THE CHALLENGES AND OPPORTUNITIES OF NETWORKING AND WORKING REMOTELY.

The purpose of the webinar was to give our members tips and tricks on how we can not only survive from our home office, but truly thrive during this time.

The Committee arranged for five panellists who each brought their own unique experiences to the discussion, and their own strategies and lessons on how they have managed to balance the working from home experience

whilst maintaining their networking relationships with other aspects of their busy lives.

The speakers included:

- Elizabeth Ruddle, mother, barrister for 15 years and practises in commercial, criminal, regulatory law and proceeds of crime. Elizabeth was acutely aware of the challenges of finding balance for lawyers, particularly in these challenging times.
- Ffyona Livingstone Clark, barrister who sits on the Criminal Bar Association Committee, the Victorian Bar's LGBTI Working Group, and co-authors 2 chapters of Bourke's Criminal Law in Victoria. Ffyona reflected on the new working from home life and spoke about how we could stay connected from home.
- Linda Hart, a Senior Associate at Aitken Partners practising exclusively in Wills & Estates.

Linda discussed her experience as a solicitor working from home and the challenges she faced with balancing billable hours whilst still maintaining her network connections.

- Felicity Fox, barrister who practises predominantly in criminal and quasi-criminal matters. Felicity provided us with an insight into attending court hearings and mediations via video.

Our panellists were very engaging and provided useful tips and tricks to network remotely such as:

- 1 Get active on LinkedIn and update your profile;
- 2 Reach out via video conference;
- 3 Get involved in forums;
- 4 Contact clients you haven't heard from recently; and
- 5 Approach new contacts.

MABU MABU DAMPER-MAKING WORKSHOP WITH MERIAM CHEF, NORNIE BERO

1 SEPTEMBER 2020

ON 1 SEPTEMBER 2020, VWL HOSTED AN ONLINE DAMPER-MAKING WORKSHOP FOR ALL ITS MEMBERS, WHERE NORNIE BERO STEPPED ATTENDEES THROUGH THREE DIFFERENT DAMPER RECIPES. NORNIE IS A HEAD CHEF AND BUSINESS OWNER OF YARRAVILLE CAFÉ AND STORE MABU MABU, WITH OVER 20 YEARS' EXPERIENCE.

Participants all 'zoomed' into the damper making workshop. Some watched from their kitchens (with the Mabu Mabu kits pre-delivered) and while others took notes from their working from home stations. All guests were engrossed by Nornie who shared the recipes and know-how that go into what were three truly delicious types of damper.

Nornie also shared her love of Australian native ingredients and how we can all incorporate indigenous ingredients and flavours into our own home-cooking.

The three dampers were Torres Strait Islander style – wrapped in banana leaves and baked with pumpkin, wattle seed and saltbush varieties. Nornie made the whole experience a joy with her generosity of spirit, sense of humour and warmth, which leapt off the screen.

VWL WARREN MOOT

AUGUST – NOVEMBER 2020

THE ANNUAL WARREN MOOT, NAMED IN HONOUR OF VWL'S PATRON, THE HONOURABLE MARILYN WARREN AC QC, CONTINUED IN ITS SIXTH YEAR, AND FOR THE FIRST TIME, RAN DIGITALLY, WITH 16 TEAMS PARTICIPATING THIS YEAR.

The Warren Moot is designed to address the small number of women lawyers in advocacy roles, encourage women lawyers to participate in public speaking and provide them with an insight into a career at the Bar. This year's moot problems covered criminal law, judicial review and torts.

The 2020 Warren Moot was launched online, with the Honourable Marilyn Warren AC QC and the Honourable Justice Inceri participating in a panel discussion facilitated by VWL Executive Member Stephanie Pasharis. The Honourable Marilyn Warren and Justice Inceri reflected on memorable experiences during their careers as advocates and members of the bench, and also provided advice on effective advocacy. Unlike previous years, knowing the video conferencing software and stable internet were topics of discussion. However, participants were reminded that fundamental advocacy skills such as clear speech and courtroom etiquette were even more important in a virtual environment.

The launch event was then followed by a two part practical workshop: an effective legal research seminar presented by Alan Davis, Lecturer at the College of Law and sample problem and written submissions presented by the Convenor of Women Barristers' Association, Jennifer Batrouney AM QC. Jennifer Batrouney also provided insight into the interrelationship between oral and written submissions and what makes a good advocate. This was effective for participants as they were able to use the sample written submissions as guidance for their actual written submissions during the competition.

All 16 teams participated in the initial practice trial round adjudicated by practising barristers, who provided teams with constructive feedback and valuable tips before the first competitive, knock-out round. Each competitive round was adjudicated by women Judges of the County Court and Justices of the Supreme Court and Court of Appeal, with the Grand Final adjudicated by the Honourable Marilyn Warren. VWL congratulates this year's winners, Amelia French, Amelia Hunter, Olivia Smedley and Sarah Tucker who are 2020 Law Graduates at Maddocks.

VWL is grateful for the kind support of members of the Judiciary, as well as members of Women Barristers' Association for adjudicating the practice trial round and for also drafting this year's moot problems. VWL also extends its sincere thanks to Maddocks, who have sponsored the competition since its inception.



VWL LAW STUDENT MENTORING PROGRAM

3 SEPTEMBER 2020

VWL WELCOMED PARTICIPANTS OF THE LAW STUDENT MENTORING PROGRAM AT THE DIGITAL LAUNCH FOR THE EVENT IN CONJUNCTION WITH K&L GATES.

The Law Student Mentoring Program is a joint initiative by VWL and Women Barristers' Association (WBA) which connects women studying law with women working in law, to facilitate networking and genuine mentoring opportunities.

This year's digital event was graciously launched by the Program's patron, the Honourable Justice Incerti. Her Honour delivered an inspiring speech about resilience, adaptability and the opportunities which come from uncertainty. Her Honour was joined by panellists Wendy Li and Meg Aiken to share their experiences on mentoring, the importance of women supporting women, and adapting to our digital lives.

The Program also hosted the Powerful Mentoring Techniques seminar with Clare Monger of K&L Gates. Clare shared her techniques to structure mentoring sessions that inspire and facilitate thinking.

On behalf of the mentees, mentors and the broader VWL community VWL would like to thank Erin Meeking for coordinating this year's program and WBA for their ongoing partnership.

VWL ALTERNATIVE LEGAL CAREER PATHWAYS

5-WEEK SERIES HOSTED ON INSTAGRAM LIVE

7 OCTOBER 2020

WHEN DECIDING WHAT TO STUDY, A NUMBER OF PEOPLE CHOOSE LAW BECAUSE IT OPENS MANY DOORS, BUT WHAT DOORS ARE THERE?

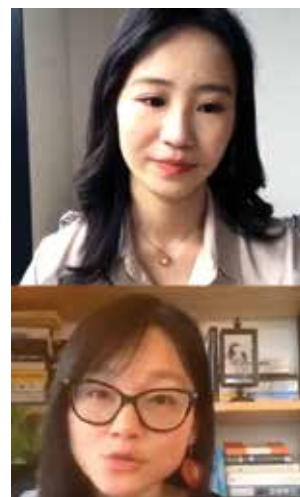
The 2020 VWL Alternative Legal Career Pathways event was a 5-part series providing valuable insight into finding a unique and rewarding career in the law. Over the course of five consecutive weeks, members of the VWL networking committee interviewed five incredible women on Instagram Live.

Kylie Kilgour, Anna Lozynski, Naomi Hickey-Humble, Elva Zhang and Astrid Haban-Beer not only shared their various experiences, specialities and knowledge with Instagram viewers, they provided some beneficial advice too.

Anna Lozynski reminded young lawyers that 'It's a marathon, not a sprint', words that surely resonate with many young lawyers.

One of the benefits of the series was the amount of traction we were able to reach, with each interview receiving between 300 and 800 viewers. It was a great outcome that we were able to reach so many people this year, as compared to other years.

The viewers included law students, professionals working long hours, those with family commitments or those lawyers who may not want their colleagues to know they are considering a change in career. Any interested person was able to tune in and listen to the interview at a click and a swipe! The event also empowered its viewers as it gave them a chance to submit questions at the end of the interview.



The event was a great success. Each of the women were genuine and inspiring in the way they shared their varied experience and insights.

BEYOND GRADUATION: LEGAL CAREERS IN THE SUBURBS – 8 OCTOBER 2020

THE OUTREACH COMMITTEE HELD A SUCCESSFUL ONLINE WEBINAR SPONSORED BY MAURICE BLACKBURN WHICH SOUGHT TO ASSIST BOTH STUDENTS AND GRADUATES BY HIGHLIGHTING THE DIVERSE CAREER PATHWAYS AVAILABLE IN SUBURBAN FIRMS AND THE BENEFITS OF PRACTISING IN THE SUBURBS.

The event heard from panellists with varied and invigorating experiences of working life in the suburbs. Panellists included Alistair Dunbar from Legalite, Annameik Van Loon of Doogue + George, Christina Villano of Maurice Blackburn and Susan Pincus from the College of Law.

The panellists brought their own unique experiences to the discussion, and shared strategies and lessons for securing legal roles in the suburbs and building a successful legal career.

The event was extremely successful and we would like to take a moment to thank our sponsor Maurice Blackburn and each of our panellists for sharing their advice and insights.

FAMILY VIOLENCE AND THE IMPACT OF COVID-19 – SUPPORT, PREVENTION AND REFORM POST-PANDEMIC – 22 OCTOBER 2020

ON 22 OCTOBER 2020 VWL JUSTICE COMMITTEE AND NICHOLAS FAMILY LAWYERS HOSTED A WEBINAR PANEL DISCUSSION WHICH FOCUSED ON THE NEW REALITIES OF THE INCREASING PREVALENCE OF FAMILY VIOLENCE DURING THE COVID-19 PANDEMIC AND WHERE TO FOCUS OUR REFORM EFFORTS POST-PANDEMIC.

The discussion was moderated by Sally Nicholes, Managing Partner of Nicholes Family Lawyers, and included panellists Tania Farha, CEO of the Domestic Violence Resource Centre Victoria and Domestic Violence Victoria, Adele Murdolo, Executive Director at the Multicultural Centre for Women's Health, and Jessica Stott, Service Delivery Manager at the Women's Information and Referral Service.

During the discussion, the panellists explored topics including whether the pandemic has influenced the way family violence has been perpetrated and reported and how service providers have adapted to address these matters.

Each panellist was able to speak to these points by drawing on observations from their front-line roles. The discussion highlighted the complexities of overlapping discrimination along race, sex or class lines, particularly in relation to migrant women experiencing family violence.

Despite the uncertainty created by the pandemic, the panel looked towards public policy and law reform priorities in the future and what roles individuals and groups, including legal services, have in managing perpetrator risk and survivor safety moving forward.

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.



Kathrin Longhurst, *Muddy waters* (S.H. Ervin Gallery)

GET INVOLVED!

JOIN A COMMITTEE

PLAN OR HOST AN EVENT

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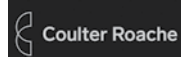
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