



2021 EDITION

# portia

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THE ANNUAL JOURNAL AND REPORT  
OF VICTORIAN WOMEN LAWYERS

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## ABOUT THIS EDITION OF PORTIA

THE THEME FOR *PORTIA* 2021 IS 'RISING', IN CELEBRATION OF THE GRIT AND GROWTH THAT THE YEAR HAS REQUIRED FROM EACH OF US.

Maya Angelou's poem, *Still I Rise*, published in 1978, wonderfully articulates the reserve of inner strength we have all had to draw upon this past year. Here's a brief excerpt from it:

*Just like moons and like suns,  
With the certainty of tides,  
Just like hopes springing high,  
Still I'll rise.*

In the poem, Angelou celebrates the power of her African American ancestry, her boldness and her femininity to rise above the subjugation she faces. We encourage you to read the poem in full and reflect on times when you have risen above obstacles.

This edition marks the 25th anniversary of Victorian Women Lawyers. In the following pages you will find an interview with VWL's past presidents, reflecting on our organisation's many achievements to date and what more they hope to see accomplished.

The eradication of sexual harassment and gender-based violence has been core to VWL since its inception. We feature a report on the investigation into sexual harassment in Victoria's courts, and an analysis into the implications of Victoria's *Gender Equality Act 2020*.

We also feature book reviews including Bri Lee's latest release, *Who Gets To Be Smart*, as well as *Sex, Lies and Question Time* by Kate Ellis, and *Sorrow and Bliss* by Meg Mason. We also have reviews and recommendations for you, including Julia Gillard's podcast, *A Podcast of One's Own*, the *See What You Made Me Do* documentary on SBS, and the TV series *Stateless*.

*Portia* is also a memento of the many popular events held by VWL in 2021, including the 2021 Warren Moot, the Diversity and Inclusion Committee's event, Women in Law with Diverse Abilities, and the launch of VWL's Run Club by the Networking Committee.

We are continually grateful to publish the finalist portraits of the 2021 Portia Geach Memorial Award, Australia's most prestigious portraiture award for female artists. Our front cover features Cynthia Breusch's portrait of singer and songwriter T.Wilds. The works of other finalists fill the following pages. You can read more about the Portia Geach Memorial Award on page 4.

VWL and its Publications Committee express a heartfelt thanks to the many generous contributors and interviewees you will find in these pages.

### Editors And Co-Chairs Of The Publications Committee

Georgia Dobbyn and Liz Main.

### Publications Committee

We extend our deep gratitude to our tireless and talented committee members who have all contributed to this edition of *Portia*. Thank you to Alana Morgante, Annaleise Vulin, Catherine Gloutnay, Greta Marks, Shi Jing (Jay) Wong, Madison Pondeljak, Neha Singh and Sonia Mackie.

### Executive Committee

Vanessa Shambrook, President

Stephanie Pasharis, Vice President

Deborah Kliger, Immediate Past President

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Bronwyn Montgomery, Ordinary Member – Sponsorship

Emma Sestito, Ordinary Member – Mooting

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Front Cover: Cynthia Breusch, *Portrait of singer/ songwriter T.Wilds* (Tania Bower aka T.Wilds)

Back Cover: Victoria Reichelt, *Self portrait as parent*

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Footnotes available upon request.





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Image: Lori Pensini, *My language of flowers* (self portrait)



## MESSAGE FROM THE PRESIDENT

VANESSA SHAMBROOK



IN OUR SECOND YEAR OF LOCKDOWN, REMOTE WORKING AND HOMESCHOOLING (WITH THE ADDITION OF AN EARTHQUAKE AND PROTESTS), MANY OF US ARE EXPERIENCING 'LOCKDOWN FATIGUE'. DESPITE THIS, I CONTINUE TO NOTICE REMARKABLE RESILIENCE FROM THOSE AROUND ME AND I AM PROUD OF THE COURAGE DEMONSTRATED BY ALL MEMBERS OF VICTORIAN WOMEN LAWYERS (VWL) TO KEEP RISING.

2021 marks VWL's 25th year. Although unable to hold an event to mark this anniversary, we were humbled to reflect on the 25 years through an inspirational video message delivered by the Honourable Professor Marilyn Warren AC QC, Chief Justice Anne Ferguson, our Law Student Mentoring Patron Justice Rita Incerti, our Professional Mentoring Program Patron, Justice Mary-Jane Ierodiaconou and some of VWL's past Presidents and founding members.

From its inception 25 years ago, VWL continues to address issues that are important to women in the legal profession, including promoting women's legal and human rights. Most recently, that has meant focusing on how we can use some of the social disruptions from the pandemic for improvement in gender equality.

In 2021, VWL has worked on and endorsed the launch of the Law Institute of Victoria's (LIV) Sexual Harassment Policy and Charter for the Advancement of Women. Alongside this, VWL ran an interactive workshop on the impact of sexual harassment for women, including prevention and support. VWL also appeared before the Senate Legal and Constitutional Affairs Committee to give evidence in relation to its submissions into the proposed Judges' Pension Amendment (Pension Not Payable for Misconduct) Bill 2020. VWL supported the reforms but advocated for a federal Code of Conduct and an establishment of a Judicial Commission to further prevent sexual harassment by members of our judiciary. The Committee took VWL's recommendations on notice and sought a supplementary submission/report prepared by VWL on these recommendations.

VWL sought to address domestic abuse and gendered violence through several State and Federal submissions in various other areas for women including for the Royal Commission into violence against people with disabilities and the establishment of federal family violence orders.

VWL ran an array of events for our members, including our Dame Roma Mitchell Memorial Event sponsored by Gatehouse Legal Recruitment, with keynote speaker Mary Delahunty GAICD speaking to the resilience of women throughout the pandemic and in leadership, which is detailed in this edition of Portia as are other events.

I am particularly proud of our annual Warren Moot, run digitally for the second year. The Moot was launched by our Patron, the Honourable Professor Warren AC QC, the Honourable Justice Mortimer, and the Honourable Justice Walker.

We were pleased to match law students with practising lawyers through our Law Student Mentoring, launched by our Mentoring Patron, her Honour Justice Incerti and re-opened our Professional Mentoring Program, which matched more than 75 admitted lawyers with senior practitioners.

VWL also employed creative ways to support our members through our newsletter, mental health and self-care workshops, workshops on challenging conversations and the launch of VWL Run Club.

VWL's 2021 achievements could not have been possible without our dedicated and passionate volunteers – our Voting Executive Committee Members and subcommittee co-chairs. I extend my heartfelt gratitude to them all. I extend special thanks to our Vice President, Stephanie Pasharis, for her unwavering dedication to VWL this past year. I am grateful for our Patron, the Honourable Professor Warren AC QC, for her continued guidance, words of inspiration and support of VWL.

I also sincerely thank VWL's sponsors: Allens, Clayton Utz, College of Law, Coulter Roache, Foley's List, Justitia Lawyers & Consultants, K&L Gates, KHQ Lawyers, Maddocks, Maurice Blackburn, MinterEllison, Nicholes Family Lawyers and Svenson Barristers.

It has been a great honour to serve as President in 2021. VWL has helped me 'rise up' by providing the inspiration and courage to fight for genuine equality. I hope that VWL and this edition of Portia helps each of you 'rise up'.

## MESSAGE FROM OUR PATRON

THE HONOURABLE MARILYN WARREN AC QC



### IT IS ALMOST 2022 – CAN WE FINALLY SIT BACK AND ENJOY HOW MUCH HAS BEEN ACHIEVED?

In 2002, when I was a Supreme Court Judge and before I was appointed as Chief Justice of Victoria, Victorian Women Lawyers asked me to speak at a special dinner event hosted by VWL in Queens Hall at the Victorian Parliament.

Around then I had been asked a couple of times to speak on public occasions about female lawyer topics. Whenever I spoke to women lawyers there was often disappointment expressed at what a struggle it was for women to enjoy success in the law. However, by contrast I had attended some events of VWL where a new policy of equal working practices for women in the law was promoted. The VWL leaders pressed for flexible working practices and recognition of the demands of parenting on women lawyers. I was struck by the optimism of VWL and the confidence and determination of the VWL leaders. I was also very impressed by their clever political skills. Their strategies included the involvement of significant male leaders (who we would now call “Male Champions of Change”) such as the then Executive Director of the Law Institute of Victoria, John Cain, as his Honour then was.



Image: Kirsty Neilson, *Ita after Whistler* (Ita Buttrose, chair, ABC and media icon)

They persuaded the LIV to fund publications that laid out the work equality policy. Then the VWL leaders approached the bigger firms and others to argue their case for better treatment and recognition of women in the legal workplace. With hindsight, those VWL leaders laid the groundwork for workplace reform which has been carried on by subsequent leaders. The resilience and determination of VWL has been outstanding. It has been an exemplar in workplace reform and advocacy for female opportunity. The tradition continues.

When I spoke at the VWL dinner in 2002 I spoke about “Promoting Difference” with the closing call to “keep gender on the agenda”. Looking back I was optimistic that we would all succeed and argued my case accordingly. I may have sounded like a bit of a Pollyanna because I spoke with hope and optimism. A while later, when I had become Chief Justice, the former Justice of the High Court of Australia, the Hon Mary Gaudron chided me for being so optimistic and urged a room of Australian Women Lawyers to take up the fight for equality for women.

This edition of Portia is proof that there is much to celebrate. Reading the stories of the VWL Convenors over a quarter of a century I believe my optimism was well-placed.

Women for decades have dominated the enrolments in law at the universities. Accordingly, women have dominated the admissions to practice as Australian lawyers. They are now a strong female presence “in the room” as partners, including as national managing partners, who appreciate their duty to cast a hand down and help other more junior women succeed in the legal hierarchy. I would not suggest that the struggle is over. However, the female component of the legal profession in 2021 is a strong, articulate presence.

However, what will be the position in 2022 and onwards? I maintain women have shown extraordinary adaptability through the Victorian Covid-19 lockdowns and restrictive work practices. Research by the Monash University Turner Institute reveals that women have suffered more than men in the workplace in the Covid-19 period because of the impact on their mental health mainly through the isolation of working at home and the demands of childcare and home schooling. I would add that working with technology has been another pressure point. At this time, as employers bring women lawyers back into the physical workplace, the challenge for VWL is greater than ever.

It is essential that women lawyers turn the time into their favour, to seize the opportunity that now presents itself. The needs of society will not have gone backwards with respect to legal practice. Apparently, there are challenging delays and backlogs in some of the court and tribunal sectors. That will provide an opportunity by creating demand for more lawyers. Courts and tribunals are shifting to more digital hearings and dispositions. That too will provide an opportunity for women lawyers to demonstrate the well-honed technological skills learned and practised over lockdown and restricted periods. Indeed, there will be opportunities to apply and manage those technical skills in artificial intelligence as it develops in legal practice.

At the same time as women lawyers skilfully adapt to meet the demands of society, that society will continue its activities necessitating the continued involvement of lawyers: the business sector is growing requiring contractual assistance, financial investment is expanding, people face financial stress even insolvency requiring legal assistance, criminal offending continues such that individuals must be prosecuted and defended, relationships change and break down requiring legal separation arrangements and people need wills and post death legal arrangements.

Commentators speculate that the workplace, generally speaking, will not be the same post lockdown. I suggest women lawyers have had months to consider how their legal position could be performed differently and how legal services may be delivered more effectively.

The year of 2022 will not be a time for women lawyers to relax. Rather, it will be significant for two main reasons. First, it will be a time for women lawyers to be vigilant and not permit any slipping back to unequal working arrangements. Hence, VWL will play a vital advocacy role as will all its members. Secondly, women lawyers will have an unprecedented opportunity to speak up and change legal practice for the betterment of women lawyers and thus the legal profession more generally.

I should add a third point of significance for this next era. Never has it been more relevant or timely for women lawyers to keep gender on the agenda. Let us see 2022 and beyond as an even greater era for Victorian Women Lawyers.



Image: Ann Cape, *Ann Thomson in her studio*



## 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, WHO DIED IN OCTOBER 1959.

Born in Melbourne in 1873, Portia Geach studied design and painting at the National Gallery School, Melbourne from 1893 to 1896, winning a prize for her nude painting. In 1896, she won the first travelling scholarship awarded to an Australian to study at the Royal Academy of Arts in London, where she remained for four years. In the early 1900s, Portia returned to Melbourne and began experimenting with her art. She eventually focused on figure studies, portraits and atmospheric landscapes, and later moved to Cremorne Point, Sydney in 1904. Portia painted murals for buildings in New York, and her art was exhibited at the Societe Nationale des Beaux Arts in Paris. Portia continued to travel widely, visiting New Guinea, Noumea, Tahiti and New Zealand. Disillusioned by the lack of support from the male dominated art world, Portia directed her energies to fighting for the rights of women in Australia. Portia assisted the suffragette movement in 1905 by painting a banner for the movement. She also founded and was President of the New South Wales Housewives' Association, which was later reorganised as the Housewives' Progressive Association. Portia was also the President of the Federated Association of Australian Housewives.

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



Image: Holly Greenwood, *Lockdown Laura* (Laura Jones, artist)

The 2021 winning portrait was a portrait of artist Matilda Michell by Marie Mansfield, titled *Tilly* and appears on page 23. The 2021 judging panel chose this based on its 'uplifting sense of honesty and energy, as well as an integrity of form and content'. The judging panel also noted that the work balances the skill of observation demanded by representation, with a painterly touch which is both suggestive and vigorous'.

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



Image: Hellie Mahony, *Cracking the egg* (self portrait)





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Image: Jo Bertini, *Anne - Remember me if I forget* (Anne Ferguson, artist)

## CELEBRATING 25 YEARS OF VICTORIAN WOMEN LAWYERS

BY LIZ MAIN, VWL PUBLICATIONS CO CHAIR, AND VANESSA SHAMBROOK, VWL PRESIDENT

VICTORIAN WOMEN LAWYERS' (VWL) PAST PRESIDENTS HAVE APPLAUDED THE ACHIEVEMENTS MADE OVER THE PAST 25 YEARS, INCLUDING NORMALISING FLEXIBLE WORKING PROTOCOLS, ADVOCATING EQUAL PAY, AND PROVIDING A SUPPORTIVE NETWORK OF FEMALE-IDENTIFYING LAWYERS AND BARRISTERS. OVER THE LAST QUARTER OF A CENTURY, VWL HAS SPEARHEADED MANY CAMPAIGNS AND EVENTS TO WOMEN IN LAW, AND THROUGH THE LAW, TO ACHIEVE TRUE EQUALITY FOR WOMEN.

But the Presidents also all agreed that true equality has not yet occurred for women in the law. They have insisted on bridging the gender pay gap, equality in leadership roles and the complete elimination of sexual harassment in the profession once and for all.

### 25 YEARS OF PROGRESS

Deanne Weir, VWL's inaugural President (1996-1997), told *Portia* that fighting for gender equality in the legal profession was the impetus for launching the organisation in 1996. Deanne is now a producer, investor and company director.

'We had originally rejected the idea of setting up a women's specific organisation. Surely the issue of equal treatment of practitioners, regardless of their gender, would be important to all lawyers? Surely the issue of flexible work practices would be as important to fathers as it was to mothers?'

'We didn't want to marginalise these critical issues by having them be seen as only of interest to women. However, after several years of pursuing the issues through the [LIV] Young Lawyers section, we weren't getting anywhere so we decided that we needed to act, and VWL was born.'

Immediate Past President Deborah Kliger (2020) said she was motivated to put her hand up to lead VWL because she wanted more representation for suburban and regional lawyers and those living with disabilities.

'I was eager to represent VWL as a suburban lawyer and diversify our membership to attract members from regional and suburban areas. As a lawyer living and working with a chronic illness, I felt a strong desire to put disability engagement on VWL's agenda. I am proud to see VWL build upon these initiatives in 2021.'

Deborah is a Senior Associate at Hicks Oakley Chessell Williams and the Victorian Director for Australian Women Lawyers.

### 'CONVINCING THE DOUBTERS'

Launching the *Part-Time Partnership Guide* was a highlight for Glenda Beecher's time as President in 2002. The guide provided solutions for common barriers which prevented women with children from accepting partnership positions unless they were on a full-time basis.

'This was a barrier for a significant number of women reaching partnership, as the time to become a partner in a career lifecycle commonly coincided with having and raising a child or children,' Glenda said.

'The challenge for the part-time partnership project was convincing the doubters. But through being respectful, professional and persuasive, we met with managing partners, we spoke with media, we profiled within the profession a model for change. This was one tool to help firms and women carve out a new future for aspiring talented women lawyers.'

Glenda is now the Manager of People and Workplace at Wodonga Council.

Christine Melis, President in 2008, said she was most proud of launching VWL's mentoring program with Justice Marcia Neave as patron.

'I am a fierce advocate of mentoring and believe 'you can't be what you can't see,' said Christine, who is now a barrister at the NSW Bar.

Michelle Berry, 2018 President, said she was proud of spearheading VWL's focus on pay disparity by encouraging firms and employers to conduct a pay gap analysis.

'Our key objective was to encourage firms and employers to conduct their own pay gap analysis so that they could: (a) understand if there was any pay gap; and (b) commit to action,' said Michelle, now a Senior Associate at Allens, a sponsor firm of VWL.

A highlight during Astrid Haban-Beer's time as President in 2010 was launching the landmark guide 'Do You Manage? A Guide' for managing lawyers with flexible work arrangements.

The guide 'became a law firm bible' which was launched and promoted by then-Sex Discrimination Commissioner Elizabeth Broderick AO.



Image: From left to right: Stephanie Milione, Deanne Weir, Verity Shepherdson, Astrid Haban-Beer, Virginia Jay, Kate Ashmor, Justine Lau, Deborah Kliger, Michelle Berry, Bianca Quan, Christine Melis, Kirsten Adams, Ella Van Der Schans, and Vanessa Shambrook.

Astrid is now a barrister at the Victorian Bar, Treasurer of Australian Women Lawyers, Deputy Chair of the Bar's Equality and Diversity Committee and Chair of the Race, Ethnicity and Cultural Diversity Working Group.

Verity Shepherdson, President in 2013 and 2014, said she was particularly proud of launching the Women Migrants Legal Information Project, which aimed to make legal information more accessible to women migrants, and to raise awareness of women's rights in relation to issues like family and domestic violence.

Kirsten Adams, President in 2015, said she was most proud of launching VWL's Flexible Work Protocols, a best practice guide for productive and engaged legal workplaces.

Kirsten is now Head of Legal for Provider Commercial & Operations, Legal, Governance & Regulatory Affairs Medibank.

Kirsten said that at that time, 'there was an almost insurmountable assumption – particularly within law firms – that work is best performed on a full-time basis in the office. Of course, the ability of many employers of lawyers, including law firms, to quickly and effectively adapt to other ways of working in response to the COVID-19 restrictions has shown just how wrong that assumption was.'

The Warren Moot, supported by former Chief Justice Marilyn Warren AC QC, was also launched during Kirsten's tenure.

'The Warren Moot, a mooting competition designed to give women lawyers speaking roles often denied them, has gone from strength to strength over the past six years.'

Bianca Quan, President in 2017, Partner at Cornwalls, said the pandemic has forced firms to adopt flexible work.

'The question I pose is: How do we capitalise on the changes to the work environment we have experienced and entrench the attitude and support of remote work and the flexibility it can bring for all employees?'

Stephanie Milione, President in 2016, said she was most proud of VWL taking an intersectional approach to feminist leadership by ensuring events included speakers from different cultural backgrounds, focused on justice issues affecting Aboriginal women and members from the LGBTIQ+ community, and hosted events in regional Victoria.

## OVERCOMING CHALLENGES

Rosemary Peavey, President in 2005, Senior Legal & Governance Consultant, said she was encouraged that flexible working has become the norm since she first joined the legal profession.

'I entered the legal profession as a second career and studied law while I had three young children as well as working part-time as a social worker in child protection. That was a very hectic period of my life.'

'As we know, the issue of being able to work flexibly in today's society is not just a woman's issue. It affects a large proportion of our community and will become a more significant issue as demographics and expectations continue to evolve along with the changes arising from digital and technological developments.'

Joanna Renkin, President in 2003, Partner in Pro Bono, Community & Environment at Lander & Rogers, said her greatest challenge while President was giving birth to her daughter.

'Being a new mum and stepping into the role was often overwhelming and a juggle. Whenever I lacked confidence, women in VWL who I respected would say they believed in me and give me courage.'



Kate Ashmor, President in 2011, Principal and Managing Director of Ashmor Legal, also juggled motherhood while President.

'Being pregnant with my first child [was challenging] but the show went on – she's now ten years old and almost taller than me!'

### MORE WORK TO DO

Georgina Frost, President in 1998, and one of VWL's Founding Members, is now a Case Manager with the Australian Financial Complaints Authority and in President and Director roles, said the most pressing issues for women in the legal profession are achieving equality in representation and remuneration, and 'to shine a light on systemic gender bias and bad behaviour, particularly sexual harassment.'

'I can see that we have had enormous gains in our profession over my 20 plus years as a lawyer (paid leave and flexibility are both better) but also that there is much still to be done,' said Jo Renkin.

Kate Ashmor, President in 2011, Principal and Managing Director of Ashmor Legal, called for affordable, accessible childcare.

'This vexed issue continues to cruelly hold back our brightest women from reaching their full potential. Let's just make childcare (including nannies/home-based care) tax deductible, and unleash a torrent of economic productivity that will deliver enormous benefits to the nation.'

Ella van der Schans, President in 2019, Associate Lawyer at Mourant Ozannes, said in her lifetime, she hoped to see further development on health and reproductive rights, improved paternity policies and consent laws adopting affirmative consent.

Kirsten Adams hoped to see 30% equitable briefing policies achieved and said it was 'astounding' this target had not yet been met.

'Many partners of commercial firms who regularly brief work out to barristers claim that they 'simply do not know' any highly regarded female barristers, particularly in the commercial space.'

Virginia Jay, President in 2006 said she hoped to see the gender pay gap eliminated within her lifetime.

'Given the various interrelated factors that contribute to the gender pay gap there will have to be developments on various fronts for this to occur, including reducing occupational and industrial gender segregation, increasing workplace flexibility to accommodate caring and other responsibilities, particularly in more senior roles and increasing men's share of unpaid caring and domestic work.'

Patricia Athanasiadis, President in 2012, envisaged more women (and men) taking up different opportunities throughout their careers.

'Having worked in legal and non-legal roles, working in a wide variety of areas has kept me excited and engaged within the profession,' Patricia said.

### THE IMPORTANCE OF WORKING TOGETHER

As our Presidents have reflected on 25 years of accomplishments for VWL, the importance of the tireless hours our volunteers, our sub-committees, Executive Committee Members, and the support of our sponsor organisations cannot be underestimated. We are endlessly grateful for their unwavering passion and commitment to gender equality for women in our profession.

Vanessa, our 2021 and 25th President (now President), Lawyer at Women's Legal Service Victoria, Board Member of Her Place, said 2021 has been one of the most challenging years VWL's members have faced to date.

'Yet the resilience shown by women has been admirable,' Vanessa reflected.

'VWL will continue to fight for equality throughout these times, and will use some of the social disruptions from the pandemic to achieve true equality for women, such as zero tolerance of sexual harassment, real flexible working, equal amounts of women in leadership positions, fostering healthy workplaces and supporting those women disproportionately affected by national crisis.'

Reflecting on her time as President in 2007, Justine Lau, partner at Mourant Ozannes, summed up the importance of VWL's work when she said:

'VWL showed me that almost nothing is insurmountable when you have the support and dedication of a group of likeminded people working together; one team, one dream. Corny but it rings true to me.'

VWL would also like to thank Dr Elizabeth Bishop, President in 1999, Angela Clelland, President in 2000, Wendy Kayler-Thomson, President in 2001, Sarah Coffey, President in 2004, and Jennifer Kanis, President in 2009, for their leadership.

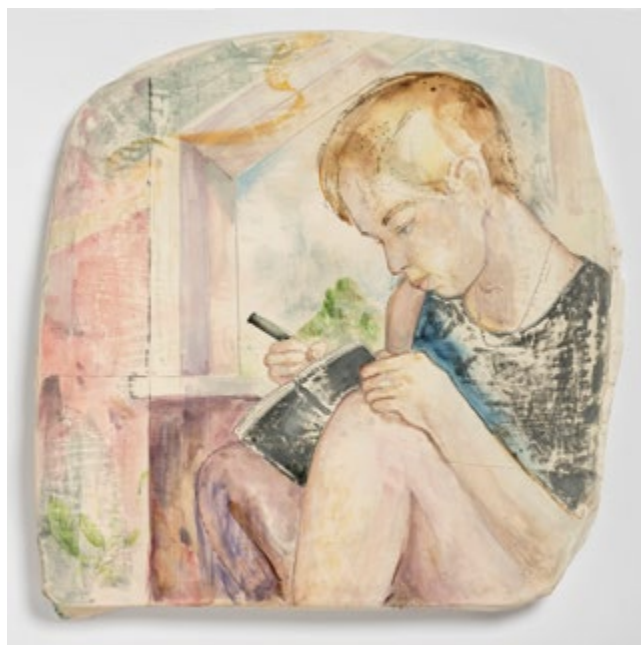


Image: Sassy Park, *Mara composing* (Mara Schwerdtfeger, musician and composer)

## ALLENS


**HOW DOES YOUR FIRM ENSURE WOMEN WHO WORK THERE CAN RISE UP AND REALISE THEIR FULL POTENTIAL?**

Allens is passionate about providing tangible support to help women reach their career goals and realise their potential. Allens encourages women at the firm to set career goals, and achieve them, through regular performance coaching, a strong emphasis on providing timely feedback and a genuine focus on mentorship of junior staff by more senior members of the firm.

These efforts are supported by our Women at Allens committee. The Committee's mission is to support all women at Allens to achieve their career goals and to foster a culture of gender equality and inclusion within the firm. It does this by providing opportunities for women at Allens to broaden their networks and progress their careers, by providing a forum for staff and clients to connect and discuss ideas for creating change, by championing firm initiatives that promote gender equality and by supporting firm initiatives that contribute to the advancement of gender equality in our communities.

The Committee hosts a number of events and runs initiatives aimed at promoting equality within the firm as well as in the wider community, e.g., campaigns supporting charities like Share the Dignity. For us, events such as our annual International Women's Day panel are not just one-off events, but a forum to have important and ongoing conversations around issues that are especially relevant to women at the firm, for example, career flexibility, gender equality in the legal profession and the importance of visible female leadership. We are extremely proud that Allens' efforts in this area have been recognised, with Allens having held the WGEA Employer of Choice citation for 17 years.

**HOW DOES YOUR FIRM ENSURE THAT ITS AWARENESS AND SUPPORT FOR DIVERSITY IS CONTINUALLY IMPROVING?**

Allens takes a proactive approach and we seek to ensure that our diversity initiatives reflect industry best practice. To this end, the firm undertakes regular reviews of our diversity policies, procedures and initiatives. Allens also recognises that gender equality initiatives must be developed in consultation with women at the firm. Allens provides numerous opportunities for staff to give feedback (both formally and informally) and suggest improvements to the firm's efforts and projects in this area. For example, Allens has an annual diversity and inclusion survey which is completed by a large majority of the firm. The results of this survey then inform the firm's ongoing diversity strategy.

*Natasha Dixon, Senior Associate and Anjali Iyer, Lawyer*

## COULTER ROACHE



At Coulter Roache, we are a firm of 75% women, with 50% equal representation at Leadership level.

"Rising" to us means supporting women to achieve their full potential and providing them with a work environment to support the work-life integration that suits them.

We are incredibly proud of the culture of our firm and we continue to focus on removing or reducing the barriers that exist for women in the legal profession.

In relation to gender equality, "rising" to us means ensuring that women and men have the same opportunity to grow and develop in their chosen profession. We support flexibility at every level of our business, acknowledging that by being outcomes focused, our flexibility enables us to attract and retain the best talent, women in particular.

We role model flexibility at the leadership level, with leaders working part time or varied hours to support their family responsibilities and other responsibilities they may have outside of their working lives. We encourage flexibility across the firm, with more than 35% of our team currently working part time and the majority of the remainder of our team working a variety of flexible options including compressed working weeks, working from home, working from offices that are closer to home and more convenient, and working a range of hours to suit their competing responsibilities.

We provide a mentor program that encourages our early career lawyers to seek guidance and support from our senior lawyers on career progression and strengths based development as well as providing role models on potential career trajectories.

We make our promotion decisions on the basis of the best person for the role, including promoting women on parental leave before they return to the office.

Women in senior roles across the firm demonstrates our focus, action and commitment to gender equality at Coulter Roache. Our women rise up, and by doing so, they encourage the next generation to rise up as well, creating a lasting positive impact for women in the legal profession into the future.

*Belinda Perisic, General Manager, Coulter Roache*

## THE VICTORIAN GENDER EQUALITY ACT 2020 – WHAT YOU NEED TO KNOW

BY MADISON PONDELJAK AND SHI JING (JAY) WONG

THE *GENDER EQUALITY ACT 2020* (VIC) (THE ACT), WHICH WAS PASSED BY THE VICTORIAN GOVERNMENT IN FEBRUARY 2021, AND COMMENCED ON 31 MARCH 2021, AIMS TO PROMOTE, ENCOURAGE AND FACILITATE THE ACHIEVEMENT OF GENDER EQUALITY WITHIN STATE WORKPLACES.

These aims are intended to be realised through the action plans, assessments, progress reports and other instruments required under the Act and is enforced by the office of the Public Sector Gender Equality Commissioner (Commissioner), which is established under the Act. The obligations placed on workplaces seek to ensure that systematic causes of gender inequality in policy, programs and the delivery of services are eliminated, and that other forms of disadvantage that compound gender inequality are recognised and addressed.

The Act was the culmination of extensive public consultation in 2018, during which, many, including Victorian Women Lawyers (VWL), published submissions in relation to what was then the Gender Equality Bill.

### WHO IS AFFECTED

The Act is designed to apply to 'Defined Entities'. These are public service bodies, public entities, councils, the Court Services Victoria, universities, the Office of Public Prosecutions, and other special bodies who have at least 50 employees. However, exemptions can apply.

The *Gender Equality Regulations 2020* (Vic), which also came into effect in March 2021, are the first stage of regulations relating to the Act and set out the applicable exemptions. For example, the Victorian Civil and Administrative Tribunal (VCAT) is exempt from the obligations of the Act due to a risk of conflict of interest as are school councils, as they do not have the necessary capacities or resources to comply with the obligations. However, school teachers are covered by the Act.

The Commissioner is tasked with ensuring Defined Entities comply with their obligations under the Act, and is equipped with the ability to use any powers necessary to perform its function. Part 6 of the Act lists the various (and escalating) powers the Commissioner has to enforce compliance, including the power to issue compliance notices where a Defined Entity has failed to comply with its

obligations under the Act without reasonable excuse. If a Defined Entity fails to comply with a compliance notice, the Commissioner may apply to VCAT for an order directing the organisation to comply.

### WHAT ARE THE OBLIGATIONS

#### *Gender Impact Assessments*

Each time a Defined Entity develops or reviews a policy, program, or service that has an impact on the public, it will need to complete a Gender Impact Assessment (GIA). This involves a critical analysis by the Defined Entity of how issues of gender, cultural identity, age, disability, sexual identity or preference, or religion might impact accessibility to an industry.

In the '*Guide to Conducting Gender Impact Analysis*', recently published by the Victorian Government, the night time economy (which encapsulates small businesses, arts and entertainment, and service industries operating at night), worth an estimated \$3.2 billion in Melbourne alone, was used as an example of a GIA in action. The GIA identified that women compared to men, are less likely to participate in or benefit from the night time economy and gendered experiences of public space and safety was one of the many reasons for this.

The GIA is a powerful tool that helps decision makers identify inequalities in industries and armed with this knowledge, develop policies, programs and service options which improve access to employment and economic opportunities to close the gaps between women, men and gender non-binary people.

#### *Gender Equality Action Plans*

Another obligation under the Act is that all Defined Entities must prepare a Gender Equality Action Plan (**GEAP**) which details the results of a workplace gender audit and strategies for promoting gender equality.

The first GEAPs were submitted to the Commissioner in October 2021. Additional GEAPs must be created and submitted every four years. GEAPs must also be published on the Defined Entity's website. Every second year after a GEAP has been submitted, a Defined Entity must submit a progress report to the Commissioner which includes information about the organisation's workplace gender equality indicators and the progress that has been achieved thus far.





Image: Liz Stute, *Foxy lady* - self portrait

Workplace gender equality indicators are defined under section 3 of the Act to include the gender composition of the workforce, equal employee remuneration across all levels of the workforce irrespective of gender, and the availability of conditions and practices that relate to family violence leave, flexible working arrangements, and arrangements that support employees with family or caring responsibilities.

#### **Workplace Gender Audit**

Defined Entities will also need to complete a Workplace Gender Audit (**WGA**) prior to completing a GEAP. A WGA will need to have regard to matters such as the state and nature of gender inequality that may exist in the workplace, any targets or quotas for the Defined Entity, and matters of discrimination.

#### **HOW IT FITS IN**

The Act takes its place in what is a growing area of legislation aimed at achieving gender equality.

The Commonwealth **Workplace Gender Equality Act 2012** (Cth) requires non-public sector employers with at least 100 staff to submit an annual report to the Workplace Gender Equality Agency about gender equality issues.

The Federal **Sex Discrimination Act 1984** (Cth) (**SDA**)

makes it unlawful to discriminate against a person because of characteristics, including sex, gender, identity and intersex status. The SDA also makes sexual harassment unlawful.

The **Australian Human Rights Commission Act 1986** (Cth) codifies the **Convention Concerning Discrimination in Respect of Employment and Occupation** (1958) which provides that member states are to undertake national policies aimed at eliminating employment based discrimination which includes gender discrimination.

#### **FINAL THOUGHTS**

While the Act aligns with the legislation mentioned above, it remains the first of its kind because it proactively targets gender equality through specific measures and transparency. Only time will tell how effectively the Act will achieve its desired social change, and its impact on creating a more gender-equal future in Victorian public sector workplaces, but it is a step in the right direction towards achieving long overdue cultural change.

VWL's full submission on the Gender Equality Bill is available on our website.



## NICHOLLES FAMILY LAWYERS

'RISING' REFLECTS THE ONGOING MOVEMENT TOWARDS A WORLD IN WHICH WOMEN, GIRLS AND GENDER DIVERSE PEOPLE CAN TAKE UP ALL OF LIFE'S OPPORTUNITIES WITH RESPECT, SAFETY AND DIGNITY.

### WHAT DOES 'RISING' MEAN TO YOU/YOUR FIRM IN RELATION TO GENDER EQUALITY?

It is undeniable that on both a local, national and global scale, we are moving towards a society in which women, girls and gender-diverse people can engage in opportunities with respect, safety and dignity.

However, given the competing priorities arising from the COVID-19 pandemic, there is a danger that this process may recede as industries, businesses and leadership focus too heavily on financial recovery. At Nicholes Family Lawyers, the concept of 'rising' involves an unwavering commitment to the continuation of the progress women, girls and gender-diverse people have achieved up until this point in history.

In these unprecedented pandemic-impacted times, society must 'rise' collectively by continuing to embrace, prioritise and champion the rights and wellbeing of women, girls and gender-diverse people. Governments must continue to implement better laws to protect women from domestic violence and remove barriers to employment. Policy reform must continue to occur to provide financial support for women and gender-diverse people in need. Incentives must be created for women's and gender-diverse people's education and entrepreneurship. Non-governmental organisations must also continue to be supported to influence attitudes and social norms. 'Rising' is a group effort which must be adopted throughout society to improve opportunities for women, girls and the gender-diverse community.

While the focus of this article is on women, girls and gender-diverse people, there can be no true equality and progress if we do not champion the needs and rights of all people at the same time. Nicholes Family Lawyers strongly believes that everyone has the right to 'rise' and that it is a hallmark of a good and healthy society where this is the common goal.

### HOW DOES YOUR FIRM ENSURE THAT ITS AWARENESS AND SUPPORT FOR DIVERSITY IS CONTINUALLY IMPROVING?

Having been in the industry since my university days, I have experienced first-hand the growth of female and gender-diverse representation in the legal sector. Since its establishment in 2005, Nicholes Family Lawyers has established a proud reputation regarding promulgating diversity through prioritising awareness and support.

Our firm has a longstanding passion for advocating for LGBTIQ+ matters. In response to the COVID-19 pandemic, we hosted a series of podcasts (<https://nicholeslaw.com.au/podcasts/>) exploring topics such as gender diversity and featuring guests from LGBTIQ+ - supporting non-governmental organisations, as well as from other bodies. We support several incredible initiatives such as the Equality Project and Rainbow Families, and we participate regularly in community Pride events. Nicholes Family Lawyers also has a longstanding and proud association with radio station JOY 94.9 including via our weekly legal issues segment on JOY Drive and our involvement with the station's Chicks Talking Footy program.

We recognise and promote personal pronouns and our staff receive regular presentations on gender identity from our many Rainbow partners. The firm also has a dedicated LGBTIQ+ Special Interest Group which meets regularly to review case law and educate our staff and the community about LGBTIQ+ law and related social justice issues. Through attending this group and other Nicholes Family Lawyers groups and events, our staff are constantly improving their awareness and support for diversity.

Nicholes Family Lawyers also run a pro bono clinic for the Women's Information Referral Exchange (WIRE) which provides free support, referrals and information on any issue for Victorian women, non-binary and gender-diverse people.

If we do not continue to work to ensure that women, girls and gender-diverse people continue to rise - bringing the rest of society along with them - then we run the risk of falling further behind. Nicholes Family Lawyers is committed to helping everyone rise.

*Sally Nicholes, Managing Partner*

## 'HAVE THEY TOLD YOU HOW MUCH OF A FLIRT I AM?' SEXUAL HARASSMENT IN VICTORIA'S COURTS

BY ANNALIESE VULIN

SEXUAL HARASSMENT IN THE LEGAL INDUSTRY IS NOT ONLY PREVALENT – IT'S UNAVOIDABLE AND NORMALISED.

In July 2021, *The Age* newspaper reported Judge Joe Harman of the Federal Circuit Court in NSW sexually harassed two young women in 2020. One would hope that recent reviews into the Courts would instigate change in the tolerance of sexual harassment. However, a victim was allegedly told by court staff 'there's not much you can do about it because he's a judge' when she reported the incident.

According to the Australian Human Rights Commission in 2018, for three in five women, sexual harassment occurs during their first five years of practice. Women with less than six years experience are more likely (61%) than those with six or more years' experience (36%) to encounter sexual harassment. As of February 2021, the majority of legal professionals who experience sexual harassment are women at 82%, compared to men at 15%, with 45% percent of women experiencing it for longer than 12 months at the same workplace.

I can't walk along William Street without thinking about these findings. Every time I hear another reported incident, my stomach sinks. I think about the women who endured it, the struggle in deciding whether to report it, and I wonder how they are doing now. I think of the irony in how the justice system is supposed to be the epitome of fairness, equality, and justice, when we as a profession can't abide by the moral standards we set as precedent for the rest of society.

### THE REPORT AND RECOMMENDATIONS ON THE REVIEW OF SEXUAL HARASSMENT IN THE VICTORIAN COURTS

#### Setting the scene

In the wake of a 2020 investigation which substantiated allegations that former High Court of Australia Justice Dyson Heydon sexually harassed six former associates, Victoria's Courts and VCAT conducted a review of sexual harassment (the **Review**). The 'open secret' of sexual harassment in the Courts was secret no more. The objective of the Review was to find measures for preventing sexual harassment, raise awareness and ensure accountability for its perpetrators.

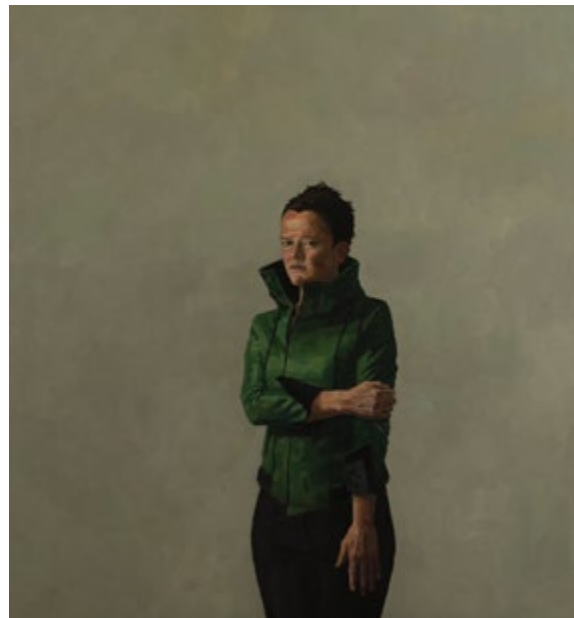


Image: Jenny Rodgers, *Standing in the green leather coat* (self portrait)

The review culminated in the Report and Recommendations Preventing and Addressing Sexual Harassment in Victorian Courts (the **Report**), published in March 2021.

As stated in the Report, 'When the justice system fails to meet expected standards of conduct, it is not just the individual victim-survivors who suffer. The community's confidence will suffer'.

*The Equal Opportunity Act 2010 (Vic)* defines sexual harassment as:

- (a) an unwelcome sexual advance, or an unwelcome request for sexual favours, to the other person; or
- (b) engages in any other unwelcome conduct of a sexual nature

in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated. Sexual nature is defined in section 92(2) of the Act.





Image: Nicolette Eisdell, *Susan Hamilton* (adult educator, psychotherapist and relationships counsellor)

As part of the Review, 36 people shared their experience through online submissions or interviewed with the Victorian Equal Opportunity Humans Rights Commission (VEOHRC). There were 26 roundtable discussions with 175 solicitors, barristers, judicial officers, VCAT members, Court Services Victoria staff, regional lawyers, Victoria Police, academics, regulators and Koori staff and services. There were 50 one-on-one interviews with experts in sexual harassment, VCAT members, the Victorian Bar, the Law Institute of Victoria and other regulatory bodies.

### Court staff share their stories

Several interviewees said there was a 'zero tolerance' approach for any disrespectful and unacceptable behaviour, including sexual harassment from a judicial officer. Many judges are alive to such issues and adopt open and transparent communication with their associates. However, many troubling instances of harassment were shared anonymously.

The following examples were submitted anonymously to the Review under pseudonyms.

### Min

On her first day working at a court, Min saw a judicial officer ask a colleague to have lunch with him. When she said nothing, he said, 'Oh you always say no to me'. A few days later he licked his lips and said to Min, 'Oh have they told you how much of a flirt I am?' She reported it the first time. She continued to experience sexual innuendos or being called 'gorgeous' by judicial officers.

'It made me question myself and I wish I presented myself in a different way so I wouldn't be a target...because I'd already reported that one incident, I was worried they'd think "she's a bit sensitive".'

### Nora

Nora was a judge's associate. She was sent inappropriate gifts, letters, experienced hugging and regular invitations for dinners or lunches from her judge. She couldn't speak up about it but many people witnessed it, and one associate wouldn't let her be alone with her judge.

'I started having panic attacks and sometimes would be so unwell that I couldn't go into work. I knew I had to get out of there, but I had nowhere to go. I eventually got a new job and began counting down the days that I had left to work at the Court. My anxiety was just through the roof.'

## WHY HASN'T IT BEEN REPORTED ENOUGH, SOONER?

### Culture of silence

As identified in VWL's submission to the Review in October 2020, the roots of sexual harassment stem from gender inequality and discrimination. In the legal profession specifically, the Review discusses the hierarchical power and reliance on personal relationships to succeed for referrals, briefs and appointments, leaving women disproportionately exposed to inequality and exploitation.

Features identified by VWL as to the challenges for Victorian Courts in preventing and addressing sexual harassment include:

1. the relative power imbalance between individuals;
2. the transitory nature of the Victorian Courts – people entering and exiting;
3. the diverse contexts of the Victorian Courts – access to justice and the physical locations;
4. the adversarial nature of court rooms and proceedings, in which poor professional behaviour by practitioners can go unchecked;
5. the formality of court which creates a context of secrecy; and
6. subject matter of proceedings which can be sensitive or emotional and evoke spontaneous behaviour.

Together these factors can implement a culture of silence or discouragement. In the Review, Chris witnessed multiple incidents of sexual harassment.

'It has made me feel disappointed in myself for not saying anything,' Chris said.

'I know it's no excuse whatsoever, but it comes down to power play...the main reason I haven't come forward is I don't trust the process.'

For Chloe, even where sexual harassment was reported, she said that 'the staff member is usually moved on and the judge stays in their role. Nothing is seen to happen, there are no repercussions. Then another young person will be brought in to replace them and the cycle repeats.'

### Lack of support

Those who participated in the Review said that there was nobody to report sexual harassment to.

'For example in the law firms, if it got bad enough HR could get involved and something could happen,' one participant told the Review.

'There is literally nothing you can do in the courts.'

Prior to the Review, there was no sexual harassment policy in place, or a confidential mechanism for reporting. The fundamental issue within the Courts system is that Court Services Victoria are not employers of Court staff to hold judicial officers accountable. The Heads of Jurisdiction, another main contact for employment related matters, also does not have the power to suspend, censure or otherwise penalise a judicial officer for misconduct.

The Review's prevalence data, a snapshot of surveys and projects on sexual harassment, revealed 81% of sexual harassment experiences went unreported. Four in five people (80%) said it was easier to keep quiet than report an incident, but it was common to discuss an incident with a colleague.

There was also confusion around what exactly constitutes sexual harassment.

For Anna, she said that people 'don't take what's happened seriously' and 'if someone doesn't actually come up and grab you, people may not realise that it was sexual harassment that they should potentially report'.

Outside of the court context, permissive culture in organisations such as everyday sexism, gendered bullying and disrespect tolerated or condoned also fosters sexual harassment.

Alcohol and consensual workplace relationships were also identified as drivers, with 36% of respondents in a Victorian Legal Services Board and Commissioner survey published in 2019 on Sexual Harassment in the Legal Sector reporting that they were sexually harassed at a work-related event involving alcohol.



Image: Joanna Braithwaite, *Aficionado* (Chloe Wolfson, independent arts writer, researcher and curator)

## TAKING ACTION

Across the entire Victorian Courts system, the Review identified seven common outcomes that need to be consistently adhered to implement institutional change. There were 20 recommendations were made under those outcomes.

Some recommendations are included below:

OUTCOME	RECOMMENDATION	RESPONSIBILITY
1. Strong and effective leadership, driving successful, long-term reform	<ul style="list-style-type: none"> <li>Publicly acknowledging victim survivors of sexual harassment.</li> </ul>	<ul style="list-style-type: none"> <li>Heads of Jurisdiction</li> <li>Courts Executive</li> <li>Judicial Officers and VCAT Members</li> </ul>
2. Positive workplace culture	Develop an effective sexual harassment policy; <ul style="list-style-type: none"> <li>Commission an independent review regarding those who have a primary relationship with judicial officers.</li> <li>Amend the appointment process for judicial officers with a requirement of good character, professional respect and courtesy towards colleagues.</li> <li>Amend the appointment of Senior Counsel to include: good character requirement, compulsory sexual harassment training 2 years prior.</li> </ul>	<ul style="list-style-type: none"> <li>Court Services Victoria Courts Executive</li> <li>The Attorney-General Heads of Jurisdiction</li> <li>Chief Justice</li> </ul>
3. Diversity and gender equality	<ul style="list-style-type: none"> <li>Understand issues in marginalised groups such as LGBTIQ groups. Expand the Judicial College of Victoria's Disability Access Bench Book into an Equality Bench Book.</li> </ul>	<ul style="list-style-type: none"> <li>Judicial College of Victoria</li> <li>Attorney General</li> </ul>
4. Victim-survivor-centred support, reporting and response	<ul style="list-style-type: none"> <li>Implement peer support officers who have specific training in responding to sexual harassment;</li> <li>Implement anonymous complaint mechanisms which are followed up after 12 months.</li> </ul>	<ul style="list-style-type: none"> <li>Courts Council</li> </ul>
5. Organisational capability and knowledge	<ul style="list-style-type: none"> <li>Training and education programs to CSV staff, newly appointed judicial officers and VCAT members.</li> <li>Appoint those with expertise in prevention of sexual harassment to the Human Resources Committee of the Courts Council.</li> </ul>	<ul style="list-style-type: none"> <li>Judicial College of Victoria</li> <li>Court Services Victoria</li> <li>Heads of Jurisdiction</li> <li>Courts Council</li> </ul>
6. Ensuring integrity and accountability	<ul style="list-style-type: none"> <li>Amending the Equal Opportunity Act 2010 and Occupational Health and Safety Act 2004 to protect and prohibit those working in the Courts from sexual harassment.</li> <li>Publishing a supplementary guideline for judicial officers and VCAT members dealing with sexual harassment and the standard of behaviour expected of them.</li> </ul>	<ul style="list-style-type: none"> <li>Judicial College of Victoria</li> <li>Court Services Victoria</li> <li>Heads of Jurisdiction</li> <li>Courts Council</li> <li>Attorney General</li> <li>Judicial Commission of Victoria.</li> </ul>
7. Monitoring and evaluation	<ul style="list-style-type: none"> <li>Anonymous surveys</li> <li>Performance metrics for managers and supervisors in relation to preventing, detecting and responding to sexual harassment.</li> <li>Independent audit within the next 2 year to evaluate effectiveness of the Review.</li> </ul>	<ul style="list-style-type: none"> <li>Courts Services Victoria</li> <li>Courts Council</li> </ul>

## JUDGES' PENSION UNDER SCRUTINY

One of the most important constitutional principles the executive and the judiciary are employed to uphold is the rule of law; no one is above it. However, currently, there are no legal consequences or repercussions for judges who committed sexual harassment during their tenure which is uncovered after retirement.

Albeit his reputation is tarnished as a former Justice of the High Court, Justice Heydon is still eligible to receive the retirement pension mandated under the *Judges Pensions Act 1968 (Cth)* (the **Pension**). High Court, Federal Court and Family Court Judges receive a 60% retirement pension

of their salary each year, provided they have 10 years of service and are over 60, which is around seven times the median salary in Australia.

To put that into perspective, according to the *Australian Financial Review* newspaper, Justice Heydon is entitled to an estimate of \$331,128 per year for each year of judicial service, paid for by the public.

One of the proposed reforms for preventing, deterring and holding judges accountable for sexual harassment during their tenure, is to remove their eligibility for the Pension.



In or around October 2020, the *Judges' Pensions Amendment (Pension Not Payable for Misconduct) Bill 2020 (Cth)* (the **Bill**) was introduced, seeking to amend the Judges' Pensions Act 1968 misconduct provisions to apply to retired judges.

The Senate Legal and Constitutional Affairs Committee (the **Committee**) welcomed VWL's fourfold submission. VWL recommended that:

- The Bill should apply retrospectively to include instances like former Justice Heydon. Retrospective application is appropriate given Judges' positions in our justice system, their perception in the public eye and the proposition that they should be held to a higher standard of moral culpability;
- Sexual harassment should be incorporated into the definition of misconduct in the Bill and for the implementation of a Judicial Code of Conduct (the **Code**);
- the Code should specifically identify gender-related integrity issues, and set out clear examples of sexual harassment for clarity and consistency across all Courts; and
- a Federal Judicial Commission should be established to keep checks and balances on Judges at the federal level, and to address the gaps currently in the NSW and Victoria Judicial Commission approaches to sexual harassment.

The Bill is yet to be enacted, and the Committee stopped accepting submissions around May 2021.

The issue was powerfully articulated by VWL in its submission on the Review:

'While women are disproportionately more likely to be the victims of sexual harassment perpetrated by men, sexual harassment is not a women's issue, nor is it something which women alone must bear the responsibility of solving.'

It is a societal issue that is still deeply entrenched within the legal profession. Despite the circumstances in which the Review came about, it presents a unique opportunity for the Courts to implement systemic change and create a culture of respect, diversity, inclusion, and equality.

*All participant names from the Report are pseudonyms.*

## SPONSOR

# SVENSON BARRISTERS



## WHAT DOES 'RISING' MEAN TO YOU AT SVENSON BARRISTERS IN RELATION TO GENDER EQUALITY?

Svenson Barristers is dedicated to seeing true gender equality on our List, as well as at the wider Victorian Bar. 'Rising' to us means being in a state of continued, upward improvement. We strive to always think about how we can do better. This is not just on seeing raw 50/50 gender split barrister numbers. We want to see fee equality, equal briefing on seniority and even splits across the nature of work being briefed. To achieve this, we look at how we can attract great female talent to the Bar, as well as how we can retain these women in the law for the duration of their careers. We are committed to developing junior barristers once at the Bar so that they attract the very best, most professionally rewarding work. We also frequently reflect on how we can best support female barristers at the Bar as they progress through the various stages of seniority, often alongside balancing a fulfilling albeit busy life beyond the law. We continue to rise. We have not hit our gender equality goals yet, but we are determined and eager to keep improving and keep 'rising' to the challenge.

## HOW HAS SVENSON BARRISTERS OVERCOME A SETBACK IN THE PAST 12 MONTHS AND CAN YOU GIVE AN EXAMPLE?

The COVID-19 pandemic has obviously challenged us all, in so many aspects of our lives. Some sections of profession, as well as the Bar, have more acutely felt this. Court closures and the subsequent inability to run some major matters throughout this time has been extremely difficult. Frustratingly, there is a lot that we cannot control or change during this time. One thing we have been able to do is provide opportunities for collaboration and engagement within our legal community. We rose to 2021 with a focus on community, fostering a keen interest in facilitating more wellness and social engagements for barristers and supporting solicitors online. We are so proud to celebrate our community rising to engage with these initiatives and opportunities in 2021.

Anna Svenson

## FROM THE ARCHIVES: GENDER ISSUES IN LAW FIRMS

BY JENNIFER BATROUNEY AM QC

WE HAVE SELECTED THE BELOW ARTICLE FROM THE 2004 EDITION PORTIA, WRITTEN BY JENNIFER BATROUNEY AM QC DURING HER TENURE AS PRESIDENT OF AUSTRALIAN WOMEN LAWYERS.

*Jennifer is also a past President of the Australian Bar Association, the Victorian Bar, the Tax Bar Association and a past Convenor of the Women Barristers Association. Jennifer was also the inaugural chair of the Law Council Not-for-Profit Practice and Charities committee, a director of the Charity Law Association of Australia and New Zealand and a member of the Melbourne Law School Advisory Council. She was elected to the Legal Services Board in 2018.*

*Jennifer was appointed a Member of the Order of Australia in 2020 for significant service to the law, to the legal profession, and to women lawyers.*

*We selected this article because Jennifer's suggestions for practical ways for workforce to implement practical working are as relevant and useful in 2021 as they were in 2004.*

Women have been graduating from law schools in equal or greater numbers as their male counterparts for over 10 years. In Victoria, since 1984, the number of female solicitors has risen by 377 per cent, while male numbers have grown by only 54 per cent. In NSW, since 1984, the number of female solicitors has risen by 607 per cent, while male numbers have grown by only 72 per cent. However, of all the partners in Victoria, women make up 14.26 per cent. Of all the principals in NSW, women represent 17.1 per cent. The old 'pipeline' or 'it's only a matter of time' theory is not borne out by the facts. Similarly, the calls to change work practices to address these issues have not changed in nearly 10 years. In 1995, the Keys Young report concluded:

Gender barriers in private law firms reflect a law firm culture that can emphasise loyalty, dedication and a degree of commitment to the firm often to the exclusion of family responsibilities, inflexible work conditions and practices, the generally poor awareness of and/or commitment to principles of equity and their practical implementation and integration into management practices, and differential treatment of men and women in terms of work allocation, access to clients, mentoring and remuneration.



Image: Susan O'Doherty, Margaret Ackland in chequered dress

However, despite this progress women solicitors are still hitting 'glass ceiling' or are experiencing 'sticky steps' on the career ladder. Instead of progressing upwards, women lawyers remain 'clustered at the entry and associate levels and are generally leaving law firms without becoming partners.' There is anecdotal evidence that women are often confined to less interesting work, and even that where female partners are to be found 'their authority is often more ostensible than real.'

However, what professional firms are realising is that losing women is costly. In fact, in 1998 the cost to a large firm of replacing a fourth year lawyer was estimated to be \$145,000. Law firms experience their largest attrition rates of lawyers at senior associate level. It seems that there are



Image: Zoe Young,  
*The beauty of resilience*  
(Kylie Moore-Gilbert,  
academic)

two main reasons for this exodus. The first is that this is the level where partnership and family aspirations collide. The second is that some senior associates observe what is going on in the corner office (inhuman working hours and relentless stress) and they do not want it. Neither of these are necessarily 'women's issues'. Increasingly men are taking on an equity partnership in the day-to-day raising of their children, or simply opting for a work life balance that will not accommodate partnership demands.

However, the pyramidal nature of women's participation in law firms indicates that law firms must do more to stem the flow of women from their middle ranks. The fact is that women bear children and, generally speaking, also bear the main responsibility of attending to their children's needs. These needs are obviously most intense when the child is newborn. However, it is important to bear in mind that there are only 181 school days in a year. Thus, the issue does not disappear when the children go to school.

In my opinion, what is required to address this issue is genuine cultural change. We hear this said so often, but what does it really mean? The best answer that I have yet seen comes (perhaps surprisingly) from McDonald's. Currently 43 per cent of senior managers at McDonald's Australia are women, with five women in key line management positions. CEO Guy Russo recently spoke

about the commercial benefits of making the workplace friendlier to women, and about the work/life balance generally. Mr. Russo said that he used to believe that once equal opportunity policies were in place 'it was simply up to individuals to make their own way in corporate life, as best they could.' He did not think that women or any other group faced any unique obstacles. After becoming CEO he said he looked at the numbers of women in senior places from a 'new perspective [and]...realised something was wrong.'

Mr. Russo responded by promoting women on maternity leave to top jobs, hiring women who were pregnant, assisting with childcare, providing flexible work arrangements, offering paid parental leave and by introducing mentoring more broadly. However, he found that 'men and women were reluctant to take advantage of the work/life programs already in place, because they felt guilty about being away from work.' He realised that role models were necessary for there to be a real cultural change. As CEO, he felt it was his duty to set the example. He said:

I signed up for tuckshop duty at my son's school and let everyone know about it...I've also taken to patrolling the office, looking for those in at the crack of dawn and/or burning the midnight oil - not with the aim of rewarding their dedication but with the aim of finding out if we have a problem with people working excessive hours.



Mr. Russo's experience underlines the fact that it is not enough simply to have EO Policies. The governing bodies of, and senior practitioners in, law firms must take responsibility for making these policies work. So long as a lawyer is meeting the clients' needs and the firm's financial imperatives, it does not matter when, how and where they work. This is particularly so when the internet, remote access email and call diversion means that the clients can be serviced (to a large extent) from home. According to Chief Justice Spigelman of the Supreme Court of NSW:

...these adverse affects arise because there is a paradigm of conduct which is regarded as 'normal'. That paradigm requires immediate and continuous availability in the form of physical propinquity. It is this aspect upon which contemporary technology impinges. Modern technology makes physical presence or propinquity optional in many circumstances...women have an interest in changing the paradigm of 'normal' conduct of workplace relations in a direction which creates an alternative paradigm that does not require physical propinquity.

Firms should also do more to acknowledge that all their lawyers, be they graduates or senior partners, have a life outside the firm and are part of a family. The firm's internal newsletter could contain a section devoted to celebrating achievements outside the firm. Thus, the graduate could mention when his basketball team made the finals, the senior partner could proudly announce the birth of his granddaughter and the associate could mention the fact that she had won a golf competition on the weekend. The banking and finance partner who steadfastly refuses to contribute to this section of the newsletter could be encouraged to do so. This can only stimulate firm networking. It might even encourage staff to 'work better not longer.' In short, the firm should actively cultivate a culture that respects that people have a life outside work.

1. Encourage acceptance of flexible work practices as 'the norm', not just as measures to assist certain staff in particular circumstances;
2. Allow staff to swap pay for leave;
3. Ensure that business development events are offered to all staff. Do not assume that some staff are not interested in the football or are only interested in fashion parades;
4. Do not patronise single sex clubs for staff or client functions - it is demeaning to those who are denied membership of that club on the basis of their gender;
5. Schedule training and staff meetings at lunchtime;
6. Ensure that those staff on parental leave still feel that they are a valued part of the firm -perhaps by having regular lunchtime meetings with them;
7. Ensure that those staff who have decided against taking up a partnership in favour of a 'special counsel' or a 'consultant' role are not denigrated (explicitly or implicitly) for making this choice. These individuals pay the financial price for this decision - they should not also have to pay an emotional price;
8. When evaluating staff on 'merit' - which is seen as an outcome of performance and potential, ask whether each candidate has had an equal opportunity to demonstrate their performance and potential. If one lawyer is always asked to accompany a partner to client entertainment events, to the exclusion of other lawyers, that partner will naturally be inclined to think that the lawyer he or she knows best will be better suited for promotion. However, other staff may simply not have had the same opportunity to demonstrate their performance and potential.

Undertaking such initiatives should not be viewed as wasted expenditure. On the contrary, it is an investment in the future of the firm. As Justice Kirby has said:

Research has shown that organisations that provide longer parental leave, greater flexibility in the location of work, and higher employee support generate greater job satisfaction throughout their workforce. Work/life programs do have a price tag, but employers should see them not as a cost but as an investment that provides bottom line returns.

As recently retired CEO of Middletons, John Chisholm recently said:

Have a good place to work, keep and attract the best possible people and the best possible people do great work. The dollars come after that, but it is put in that order.

Keep the best people and the dollars will follow. It is simply a matter of priorities.

## CLAYTON UTZ



### WHAT DOES 'RISING' MEAN TO YOU/YOUR FIRM IN RELATION TO GENDER EQUALITY?

At Clayton Utz, "rising" means continually striving towards gender equality and acknowledging that achieving gender equality remains difficult. It's recognising that real change comes with attitudinal and cultural shifts, so we enshrine our support for gender equality in our every day work. For example, in 2020 we provided pro bono assistance to survivors of domestic violence and sexual assault to recover over \$1.1 million, the overwhelming majority being female clients.

It means increasing awareness and understanding of sexual harassment in new and innovative ways. It means mobilising bystanders. We must adopt a victim-centric approach and increase confidence in the reporting of unacceptable behaviour. We see the benefits of "rising" alongside other large law firms and profession stakeholders, as well as learning from the efforts of other industries.

### HOW DOES YOUR FIRM ENSURE THAT ITS AWARENESS AND SUPPORT FOR DIVERSITY IS CONTINUALLY IMPROVING?

Internally, we've recently refreshed our gender equality strategy to modernise and energise our efforts. Priorities include leadership commitment, improved career navigation, enhanced support for those who are carers, and external engagement. Importantly, a safe and respectful workplace is a central goal. This means reflecting on, and responding to, the Sex Discrimination Commissioner's Respect@Work Report and the helpful dialogue that has evolved in recent years.

Continuous improvement in fostering diversity comes from a combination of data measurement and monitoring, consultation with our people, industry and community engagement, staying abreast of market developments, leadership commitment and good governance. For example:

1. We are a Workplace Gender Equality Agency Employer of Choice for Gender Equality. Maintaining this citation requires constant improvement across seven focus areas which we know are drivers of improved gender equality outcomes.
2. Our Board Chair and Chief Executive Partner ensure diversity and inclusion is on the agenda. They are committed to diversity and inclusion and have a strong understanding of our progress, the gaps, and market developments. This understanding is developed through leadership and committee roles (internal and external), but also through consistent hands-on involvement in strategy setting and activity under our "Momentum" program.
3. We endeavour to have a strong understanding of the diversity of our people through capturing demographics in surveys and our HR IT system. This offers us a baseline and regular data points on progress – be it around numbers or sustainable engagement. While gender is ordinarily easier to capture, the additional lens of cultural diversity and sexual orientation, for example, provides us with valuable insights.

*Alison Woolsey, Director, Diversity & Inclusion*  
*Lucy Cornford, Lawyer*



Image: Marie Mansfield, Tilly (Mathilda Michell, artist)

## RESPECT@WORK ACT PASSES BUT NO EXPRESS POSITIVE DUTY

BY MICHAELA MOLONEY, AMBER HARRINGTON AND GRETA MARKS

ON 2 SEPTEMBER 2021, THE AUSTRALIAN GOVERNMENT PASSED THE SEX DISCRIMINATION AND FAIR WORK (RESPECT AT WORK) AMENDMENT ACT 2021 (THE ACT). THE ACT RECEIVED ROYAL ASSENT ON 10 SEPTEMBER 2021, WHICH MEANS THE AMENDMENTS SET OUT IN THE ACT ARE NOW LAW.

### THE LONG JOURNEY TO GET HERE

It has been a long journey to bring the issue of sexual harassment in workplaces to the forefront of legislative change, commencing with the announcement of a National Inquiry into Sexual Harassment in Australian Workplaces in 2018. This culminated in the Respect@Work Report (the **Report**) being released by the Sex Discrimination Commission in March 2020.

The Report found that workplace sexual harassment in Australia is both prevalent and pervasive, and that the current legal and regulatory system is insufficient to effectively address sexual harassment in the workplace.

The Report, through 55 recommendations, proposed widespread changes to how sexual harassment is handled in the workplace including in relation to improving training, education and awareness in relation to respectful relationships, methods of reporting, and initiatives around support, advice and advocacy.

Some three years after the initial Inquiry was announced, we finally saw some of those recommendations brought to life through the Respect@Work Bill. While this was a step in the right direction, many were concerned that the changes proposed fell short of effectively addressing the issue. Indeed, some asked, "is the limited nature of the changes a missed opportunity to have significant impact, at least in terms of achieving a legal and regulatory system sufficient to effectively address this widespread workplace issue?"

### AMENDMENTS UNDER THE ACT

The proposed amendments, which are now law, include:

#### **Anti-Sexual-Harassment Orders**

There has been an expansion of the Fair Work Commission's (FWC) anti-bullying jurisdiction, which will allow it to also make orders to stop sexual harassment in the workplace.

In practice this means that workers who are sexually harassed at work may now apply to the FWC for an order to stop sexual harassment under section 789FF of the *Fair Work Act* (**FW Act**).

The FWC must be satisfied that the harassment has occurred to make an order, and orders will not be available in cases where there is no risk of harassment occurring again (for example, when the person who harassed the worker is no longer employed at the workplace).

Orders can include any terms the FWC considers appropriate to prevent workers from being bullied and/or sexually harassed at work. It is immaterial whether the sexual harassment at work occurred before or after commencement of the amendments. As is currently the case for bullying orders, the FWC does not have ability to award compensation.

#### **Definition of sexual harassment**

The Act inserts definitions of 'sexually harass', and 'sexually harassed at work' into section 12 of the FW Act, adopting the definition provided by section 28A of the *Sex Discrimination Act* (**SD Act**).

Sexual harassment is defined as unwelcome conduct of a sexual nature that occurs in circumstances where a reasonable person would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated by the conduct.

This amendment effectively broadens the scope of the FW Act to cover matters relating to sexual harassment that were more traditionally dealt with in anti-discrimination tribunals.

#### **Valid reason for dismissal**

The Act amends section 387 of the FW Act to clarify that sexual harassment in connection with a person's employment can be conduct amounting to a valid reason for dismissal in determining whether a dismissal was harsh, unjust or unreasonable.

The Fair Work Regulations have also been amended to broaden the definition of serious misconduct to include sexual harassment.





Image: Yuri Shimmyo,  
*Time management*  
(self portrait)

### **Amendments to the Sex Discrimination Act**

The Act also made various amendments the SD Act, including in particular:

- Expanding the objects of the SD Act have been updated 'to achieve, so far as practicable, equality of opportunity between women and men';
- Inserting a new provision expressly stating that it is unlawful to sexually harass, or harass, on the grounds of sex which is intended to codify the position at common law and address confusion identified by the Report in relation to the existing provisions;
- Clarifying that it is unlawful for a person to commit an act of victimisation against another person;
- Expanding the scope and coverage of the SD Act by adopting the broader terms 'worker' and 'person conducting a business or undertaking' to protect all workers from sexual harassment and sex-based harassment, including paid and unpaid workers, and those who are self-employed; and
- Removing the current exemption of state public servants.

### **Compassionate leave for miscarriages**

In addition to the Report's recommendations, the Act amends the FW Act to provide a definition for "miscarriage", and enables an employee to take paid compassionate leave if they, or their spouse or de facto partner, has a miscarriage before 20 weeks (noting that compassionate leave is already available where a child is stillborn at or after 20 weeks).

### **RESPONSE TO THE BILL AND THE ACT SO FAR**

Following its referral to the Senate Education and Employment Legislation Committee (the **Committee**), the Committee provided a report on the proposed amendments on August 2021. The Committee received 42 submissions from a range of unions, employer groups, legal centres, organisations and commissions.

While generally welcomed, the proposed amendments attracted criticism that they did not go far enough to address a number of the Report's recommendations.

One of the leading responses from key stakeholders to the proposed amendments was the need for a positive duty on employers under the SD Act to take reasonable measures to eliminate sex discrimination, sexual harassment and victimisation, in addition to existing work health and safety duties.

Other prevalent themes in submissions included:

- Allow the FWC to award compensation or penalties, and provide a mechanism for workers who have already left a workplace due to sexual harassment to access the regime;
- Give the Sex Discrimination Commissioner enhanced powers to commence investigations into problematic workplaces;
- Amend the FW Act to expressly prohibit sexual harassment; and
- Include provisions that permit unions and other representative bodies to bring a complainant's case before the FWC and the courts.

Unfortunately, none of these responses were addressed in the Act which has led to criticism of the Act as a missed opportunity.

However, even without an express positive duty existing in the FW Act, it is clear that the Act is a step in the right direction. Employer should also keep in mind that they still have an obligation under their existing WHS duties to ensure, insofar as reasonably practicable, the health and safety of workers. This includes in relation to sexual harassment and the risks to health and safety that it poses.

It will be interesting to monitor how effective the Respect@Work Act and its amendments are at addressing the issues raised by the Respect@Work Report, and how popular the FWC's new anti-sexual harassment jurisdiction will be in practice.

*This article has been republished with permission from K&L Gates.*



Image: Caroline Zilinsky, *The matriarch*  
(Emma van Haandel Williams)

## SPONSOR

# FOLEY'S LIST



The meaning of 'Rising' at Foley's List is much more than ensuring equal rights, opportunities, and responsibilities for all. It is engrained in our values to create a workplace that is gender equal, where differing viewpoints are encouraged and celebrated, as well as creating a List that fosters health & wellbeing.

Being Melbourne's largest barrister list and servicing the legal community in all areas of practice, fostering an inclusive culture to promote diverse talents and attributes is important to us and one that we are used to.

We support and raise awareness to our members through our 'Women @ Foleys' initiative, a mentoring and leadership program empowering women to accelerate their careers and provide an equal platform to share ideas. This is transcendent in our brand and our strong commitment to continue to progress gender equality, whilst breaking down the barriers and challenges facing women. We encourage feedback and always strive for opportunities for improvement in our pursuit to ensure an equal voice for all at our List.

Investing and partnering with VWL and other organisations is not only part of our strategic objective but also shows our strong commitment to raise awareness, supporting women at the bar and diversity more broadly. By creating a gender equal eco-system and connecting with our community in this way opens doors for dual dialogue, opportunity to receive honest and authentic feedback and insights to further support gender equality, whilst making opportunities more accessible at Foley's.

Personally, the best way for me to contribute to raising awareness and promoting gender diversity is to show my strong commitment by building an understanding through lasting relationships with our staff, barristers, and wider community. Creating these personal relationships not only provides personal satisfaction, but also enables individuals to find common ground, deepen the appreciation of differences and most importantly promote an inclusive and welcoming List.

*By Andrew Turner*

## A REFLECTION ON VACCINATION

GRETA MARKS

AFTER WEEKS OF AGONISING OVER THE DECISION AND HAVING MOMENTARY FREAK-OUTS ABOUT BLOOD CLOTS, I DECIDED TO GET THE ASTRAZENECA VACCINATION IN JULY 2021. AT THAT TIME, PFIZER WAS STILL MOSTLY UNAVAILABLE TO THOSE UNDER 40, AND THERE HAD BEEN MONTHS OF BAD PRESS FOR POOR OLD AZ.

For me, I had weighed the risks of having an adverse reaction to a vaccine versus the risk of getting COVID-19. I figured, even if I got a blood clot (which I would be vigilantly self-assessing for), I could go to the hospital and be treated. It wouldn't be the most fun I've had in an afternoon, but it would, in all likelihood, not kill me. COVID-19, on the other hand – instilled a little more fear.

I booked online, which was easy and painless. I had my choice of times, and the clinic was just up the road. I had to fill out a consent form the night before, and then showed up.

After sitting in a very tranquil waiting room for 10 minutes, the doctor invited me in. Thinking this was just a vaccine appointment and I'd already signed away my rights, I immediately whipped off my jumper and stuck my arm out. The very kind doctor asked me if I had any questions, and patiently answered several variations of "How would I know if I had a blood clot?" I had the jab, and returned to the waiting room to sit for 15 minutes with my lollipop, feeling increasingly pleased with myself having made a decision and taken action.

The side effects kicked in at about 3am. Chills. Muscle aches. Dizzy. Couldn't sleep. I took the next day off, feeling like I'd been bowled over with a nasty bug. I slept most of the next day, which in the grand scheme of things was probably long overdue.

Yesterday I had my second dose. Save for my arm feeling like lead, I feel fine. I am pleased to report the self-satisfaction (read: smugness) from the process has not subsided, and I am very much excited to see my parents in rural Victoria, have medium sized outdoor gatherings, to water my office plant, and have more than one person in my tiny apartment.

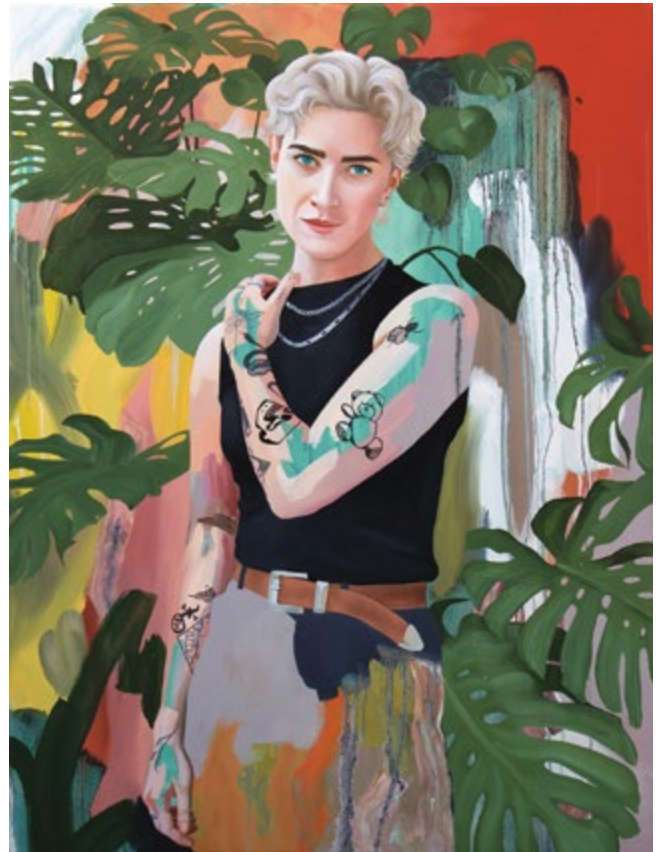
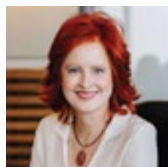


Image: Kim Leutwyler, *Rhi* (Rhi Venn, tattooist)

They have been saying for some time since the vaccination roll-out gained momentum that moving forward, this will be a pandemic of the unvaccinated. I am relieved and grateful to not be included among the unvaccinated. Here's to a summer full of good old vaccinated fun.



## JUSTITIA



"Rising" is something we should all feel capable of and supported to do in the workplace. Sadly, this is not always possible, with many of us feeling we are not seen, heard or afforded the opportunities we observe others receive. At Justitia we have the interests of our colleagues at heart in all our decision making, and we want them to learn and grow. Their success is the firm's success.

From the perspective of gender equality, that means ensuring that everyone has the same opportunities, to rise and thrive. It also means that the approaches taken to ensuring our colleagues prosper are adapted to the person. A rigid or template approach is not going to achieve the best outcome for everyone. It is sometimes the case that there are different requirements for coaching someone, due to their gender. For example, if one accepts that women can judge themselves harshly, second guess themselves too often, and not go for a job or a promotion as they don't believe they meet all requirements (and a man in the same position will go for it if he meets 60% of requirements), then a manager or organisation needs to be more direct in encouraging and helping staff. A nuanced approach and high EQ is key. Building confidence, rather than ripping it down, is something that legal working environments should aim for, but it is a work in progress for many.

At Justitia we firmly believe that we have to help everyone rise to the full extent of their potential. This may involve honest reflection, challenging conversations, and even a parting of ways, as individuals are encouraged to consider where their strengths and passions lie. All conversations are approached with empathy and curiosity, and differences celebrated – not everyone has the same measure of success. So if you find yourself in an environment or circumstance where you do not feel like you are rising in the way you would like, it is time to take stock. And if you are not sure, ask, if this was happening to my friend, what advice would I give her? The next step is rising to the challenge of changing it. Good luck!

*By Sarah Rey, Managing Partner of Justitia*

## COLLEGE OF LAW



### HOW DOES COLLEGE OF LAW ENSURE WOMEN WHO WORK THERE CAN RISE UP AND REALISE THEIR FULL POTENTIAL?

The workforce of the College of Law – Australasia's largest school of professional practice – comprises 70% women. Some are practising professionals; some pursue teaching, technical or management roles; many are doing both.

Our agile structure accommodates a variety of working arrangements including remote work; flexible hours; project work; and job sharing. Such arrangements enable a vibrant, inclusive community of people who may carry additional personal or professional commitments to flourish. These opportunities are not limited to junior roles. Most recently Western Australian Magistrate Michelle Harries was appointed having job shared her role as an Assistant Director of our Perth-based College.

There are countless examples within the College of women establishing start ups or careers at the Private Bar. Others combine College roles with quasi-judicial appointments. Through generous support for postgraduate study, attendance at industry conferences, membership of professional associations, and broader professional development initiatives, the College ensures our people may achieve their goals, aspirations and full potential. As a learning institution, this is a core value.

### HOW DOES COLLEGE OF LAW ENSURE THAT ITS AWARENESS AND SUPPORT FOR DIVERSITY IS CONTINUALLY IMPROVING?

At the College of Law we strive to demonstrate the type of culture our people, customers and communities expect. We are committed to recognising the importance of diversity and inclusion. We strive to review our systems and processes to identify bias in decision making and take action to address issues that will create barriers to achieving a diverse and inclusive workplace composition and learning environment.

The College remains informed about contemporary diversity policy through corporate memberships of Diversity Australia Council and the Australian Human Resource Institute. Many staff are active contributors to Australian and international professional associations which promote & foster diversity.

The College seeks to collaborate with industry groups which provide platforms to amplify the diverse voices of our community. We welcome guidance and to date our collaborations have extended to associations which support diversity, inclusion and equality in terms of age; gender; LGBTQI+; ethnicity and culture; ability and disability; and neurodiversity.

*By Ann-Maree David, Executive Director of College of Law*

## ARCHIVES: GENDER EQUALITY IN 2008

ELIZABETH BRODERICK AO

IN CELEBRATION OF VWL'S 25TH ANNIVERSARY, WE DOVE INTO PORTIA'S ARCHIVES AND DISCOVERED AN EXTRACT OF A SPEECH BY ELIZABETH BRODERICK AO, WRITTEN DURING HER TIME AS FEDERAL SEX DISCRIMINATION COMMISSIONER IN 2008. MS BRODERICK IS NOW CHAIR-RAPPORTEUR OF THE UN WORKING GROUP ON DISCRIMINATION AGAINST WOMEN AND GIRLS, AND IS THE FOUNDER OF CHAMPIONS OF CHANGE AND CONSULTANCY ELIZABETH BRODERICK & CO.

*We selected this piece because of the leaps and bounds it shows we have made in recognising the many facets of gender inequality since 2008, while also highlighting that there is still much work to be done. The year 2008 also marks the first time Portia became an annual publication of VWL.*

### **GENDER EQUALITY IN 2008: WHAT MATTERS TO AUSTRALIAN MEN AND WOMEN**

My Listening Tour was about finding out where we are at in our pursuit of gender equality and where we should focus our efforts in the future. I travelled to every state and territory and I personally met over 1000 Australians from all walks of life. Many more had their say on our blog, and many thousands more followed our journey on the internet.

I can report – without reservation – that in 2008, gender inequality remains an everyday lived experience for women and men in Australia. Moreover, people told me loud and clear – gender equality matters.

Following the listening Tour, I will focus on five key areas that I have identified as important in achieving gender equality.

### **ACHIEVING GREATER BALANCE BETWEEN PAID WORK AND FAMILY RESPONSIBILITIES FOR MEN AND WOMEN**

Across Australia, women and men shared with me the daily grind of balancing work and family. Women continue to do the double shift of paid and unpaid work, while workplace cultures often mean that men can't access flexible work arrangements, even when they are available. From corporate boardrooms to factories, fathers are



Image: Lynn Savery, *Eloise da Silva as a wanderer* (after Velazquez)

feeling the pressure of being the primary breadwinner – and many told me they want to do it differently.

Many businesses are introducing innovative strategies to make family friendly and flexible work more than just empty slogans. Leadership is also needed at the highest levels to drive deep cultural change to make flexible work the norm, not the exception.

No longer can our workplaces only afford to value what is known as the ideal worker – who is male, without visible caring responsibilities and able to exceed full time work hours. This model has never worked well for women and increasingly not for men either.

The need for legislated paid leave for parents is supported widely – as far as many are concerned, it is a national embarrassment that Australia lags so far behind our international counterparts. There is no question that paid maternity leave is a basic human right. I will continue to advocate for a government funded paid leave scheme for parents that is world class – one that delivers for families, employers and government.

### **INCREASING THE NUMBER OF WOMEN IN LEADERSHIP POSITIONS, INCLUDING SUPPORTING INDIGENOUS WOMEN'S LEADERSHIP**

Women's voices continue to be under represented in leadership and decision making roles across the community, government and business. Increasing women's representation at the most senior levels is a top priority for achieving gender equality.

While we often hear of the absence of women on boards, it is equally important that we support and resource the efforts of the many women who are working at the grassroots to improve the lives of their communities – women found everywhere across our nation.

During my Tour, I met Aboriginal and Torres Strait Islander women who are driving immense social change within their communities – often in the face of extremely limited resources. They are leading efforts to make their communities safer, healthier and stronger. These women must be supported as leaders in Australia – regionally and on the international stage. There is much to be learned and shared with women across the world.

I am eager to build bridges between the corporate world and Indigenous Australians, particularly through fostering relationships between women leaders in these two spheres of Australian life.

### **DRIVING DOWN THE INCIDENCE OF SEXUAL HARASSMENT**

It is clear from my Listening Tour that there is a need to put sexual harassment back on the radar. Sexual harassment remains embedded in workplaces across Australia. Many women fear repercussions if they complain, describing it as 'career death'. Often, employers were reluctant to talk about sexual harassment, and those who did told us they were often unclear about the best way to respond. Sexual harassment comes at a high cost – both to individuals and business. We can no longer afford that cost.

I have commissioned a national survey to track trends in the nature and extent of sexual harassment in Australia. I will use this research to develop an education strategy, aimed at employees and employers, to reduce the incidence and impact of sexual harassment. It is my goal that in five years time, every employee in Australia will know their rights about sexual harassment and feel confident to make a complaint. I want to see that every employer – small or large – understands their responsibilities and is taking active steps to prevent and eradicate sexual harassment.

### **REDUCING THE GENDER GAP IN RETIREMENT SAVINGS**

Half of all women aged 45–59 have \$8000 or less in retirement savings – compared to \$31,000 for men. This is an injustice which, if left unaddressed, will only grow as a major social and economic problem.

On my Listening Tour, many older women shared their anxieties about living in poverty in their later years struggling to make ends meet, often after a life spent caring for others. Unless action is taken, many more will share this same fate.

Addressing women's low levels of superannuation and retirement savings includes looking at innovative ways to recognise and value unpaid work, the large majority of which is done by women.

This is a very complex area of public policy. I will be working with a range of experts – academic, government, policy, finance and superannuation – to investigate these factors. People who spend a lifetime providing care deserve better than poverty in their old age.

### **STRENGTHENING LAWS TO ADDRESS SEX DISCRIMINATION AND PROMOTE GENDER EQUALITY**

Strong legal protection from sex discrimination and sexual harassment is at the foundation of gender equality. In 2008, it is time to look at ways to improve protection afforded by law.

The Senate Legal and Constitutional Affairs Committee is currently undertaking a review of the Sex Discrimination Act 1984 (Cth). This is an historic opportunity for us to evaluate whether the legislation has effectively delivered on its objectives.

It is clear that protection from discrimination on the grounds of family responsibilities needs to be broadened. Currently, it only covers individuals if they are sacked because of family responsibilities, and provides even less coverage for men. We need to secure a first-rate system of legal protection from sex discrimination and sexual harassment for Australia.

The pursuit of gender equality in Australia is a shared vision. Governments, women's organisations, community groups, researchers, business, unions, and many others each play a crucial role. I look forward to working in collaboration with all those to make this vision a reality.





Image: Kirthana Selvaraj, *Kirthana and Oscar*

## SPONSOR

# K&L GATES



## RISING

I continue to be inspired by the women who rise no matter what challenges exist. Approaching two years since the pandemic began, the persistence and strength of my female colleagues, and their ability to demonstrate compassion and empathy to others inside and out of work, has inspired me.

As a law firm leader, it is important to me that rising is not only about the rising of individuals, but working towards rising with others, so collectively as a profession we all have the opportunity to succeed. I have seen many examples of this at K&L Gates and within the profession, through mentoring, coaching, team work and collaboration.

I am a passionate advocate for gender equality and the term 'rising' is deeply connected to our firm's culture. Our Women in Leadership Strategy aims to "Ignite, Lift and Promote" women. As we 'ignite' the passion in women to stay on career track, 'rising' is harnessing the ambition and displays of talent we see every day, and in return, providing the necessary support and backing so that women can succeed. We have introduced group mentoring sessions for women to provide ongoing support and connection even during times when coming together is not possible. It has been important to notice when 'rising' is inhibited by challenges and at such times to adapt our support, including breaking the monotony of long periods of lockdown by engaging with children of our colleagues with school holiday programs, online cooking and painting classes.

During this past year, we have started to embrace the new term "hybrid working", a way of working that was historically directed more towards women than men. If there have been any benefits from this pandemic, it has been the permanent shift towards creating a better way of working, regardless of gender and life circumstances. As we have seen, the impact of the pandemic has had a disproportionate effect on women during this time, and my hope is that this new hybrid working norm creates more equitable outcomes for women than have existed in the past.

I would like to acknowledge the efforts of Victorian Women Lawyers who have 'risen' to the challenge and continue to deliver innovative programs to support women in the legal profession. We look forward to continuing our close relationship into 2022 and beyond.

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



Image: Catherine Abel, *Painted flowers No.1* (Sarah Ivy Rose Abel)

## SPONSOR

# MAURICE BLACKBURN



At a time when it is difficult to consider rising in terms other than COVID numbers, 2021's Portia theme is a welcome opportunity to think outside the challenge of the daily case numbers. In many ways our lives in 2021 are unrecognisable from what we were doing just 2 years' ago, yet some aspects are resistant to change.

At work, lawyers have been spared some of the harshest workplace impacts of the pandemic – law firms, courts and tribunals have quickly transformed to online operation. At Maurice Blackburn most of our Victorian workforce has been working from home since early 2020. As a firm we have, not unexpectedly, seen an increase in requests for flexible work arrangements. COVID has shown us that lawyering can be done flexibly without a negative impact on client outcomes.

For women to rise and achieve equality before and in the law, we need to look beyond what happens within our law firm. Many of the consequences of COVID on women reflect the broader systemic issues leading to gender inequality, sexual harassment and violence against women. Women carry a heavier load of the caring and household responsibilities and they are overrepresented in workplaces and jobs that have been adversely impacted by the pandemic.

We have acted for many women who have come forward to speak out about the injustices they have suffered. Our aim is for our employees to be part of a movement that sees all women rise. Through our Women's Network we encourage our lawyers to establish meaningful connections with allied organisations and to draw on that experience and be strong and active advocates for law reform and policy changes. Through our social justice practice we undertake legal work and litigation on issues important to women, from sexual harassment to reproductive rights to protection of women's cultural heritage. COVID has forced us to reimagine the way we work as lawyers, we need to take this opportunity to challenge the all too well-established structures that prevent all women from rising.

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



## Arts

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Image: Jane Guthleben, Zali, as Flora (Zali Steggall OAM, politician)



## 'SEX, LIES AND QUESTION TIME' BY KATE ELLIS

### ALANA MORGANTE

FORMER LABOR MP KATE ELLIS DOES NOT HOLD BACK IN THIS RECOUNT OF HER TIME IN PARLIAMENT.

Ellis details the constant criticism she received as an MP regarding what she wore, who she spoke to, who she was supposedly sleeping with, and why she did or did not have (or want) children. Importantly, she highlights two disturbing characteristics about this level of scrutiny: first, that it is exclusive to women, and second, that it is endemic.

The book thoroughly examines what life is like for women in Parliament. Ellis interviews a range of female politicians including Julia Gillard, Penny Wong, Tanya Plibersek, Sarah Hanson-Young and Pauline Hanson. What struck me was how eerily similar experiences were between women in Parliament, regardless of which political party they belong to, or how much admirable work they may carry out.

The book is very easy to read. I flew through the easily digestible chapters that each focus on one issue such as sexual gossip, motherhood, and women's appearances.

The personal anecdotes from women who have grown accustomed to enduring sexual gossip and 'slut shaming'. Both Gillard and Hanson-Young describe how sexual gossip averts women from attending after-work drinks because of the sexual rumours that would surface afterwards. Hanson-Young describes the feeling that 'as a woman, you weren't free to go out for a drink with other politicians and journalists.

"It cut [women] out of that conversation and that ability to have influence... [those conversations] don't happen in the chamber...you work out who's talking to who and what about, and if there's any alliances on issues". Sexual gossip is weaponised to exclude women from these conversations.

Ellis describes the role that social media plays in opening more avenues on which both women and men can be harassed, and how 'women cop it differently and cop more in sheer volume.' Illustrating the types of messages Ellis herself received, she describes that 'after a while sexualised threats and attacks on [a woman's] appearance start to feel standard.'

The chapter on motherhood stood out to me and left me feeling exasperated by the prospect of having children while working (something I can't imagine that many of my male counterparts have had to consider). Ellis writes, 'men who make rare familial sacrifices are hailed as heroes, while women are dismissed as distracted or unfocused if they must adjust their work commitments to care for or accommodate a child.'

Although I initially reacted to the informal grammar and prose, this shifted for me and I came to appreciate it for what it is: in Ellis' words, it is 'an insider's account of what [Ellis] experienced in the years [she] had the privilege or serving in the parliament, and a reflection on the fact that...there are some things that [women] face disproportionately compared to the men [they] work aside'. Reading about Gillard's experiences with Tony Abbott from her own perspective was a highlight.



Image: *Sex, Lies and Question Time* book cover

Reading about her experience of living through the period when Gillard delivered the infamous and inspiring 'misogyny speech' was fascinating.

What I enjoyed most about this book is that Ellis' positivity shines through her writing, even when recounting traumatic experiences. She concludes that it is the power of female voices demanding change that will result in change and that, while there may remain a long way to go, it is achievable and will be achieved.

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## BOOK REVIEW OF WHO GETS TO BE SMART BY BRI LEE

### BY ALANA MORGANTE

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BRI LEE, WRITER OF THE UNFORGETTABLE *EGGSHELL SKULL*, SHIFTS HER FOCUS TO THE WORLD OF EDUCATION IN HER NEWEST BOOK *WHO GETS TO BE SMART*. THE BOOK EXPLORES THE RELATIONSHIP BETWEEN 'PRIVILEGE, POWER AND KNOWLEDGE' TO CRITICALLY ANALYSE THE CONCEPT OF BEING EDUCATED.

The book opens at the picturesque, idyllic Oxford University. While the reader initially sees Oxford through rose coloured glasses, with descriptions of lush lawns, ivy-covered buildings and 'a beautiful, long room filled with bookcases,' Lee plants seeds of discomfort in the reader's mind as she shifts to the inequitable traditions that the institution upholds. Lee brings to light the fact that women have, for centuries, been discussing the inequalities that tertiary institutions such as Oxford perpetuate, yet change remains slow and reluctant. Lee draws parallels between her own visit to Oxford and the book she is reading on her trip, Virginia Woolf's *A Room of One's Own*. The 'unending stream of gold and silver' that flows onto Oxford sees its traditions being upheld, to the disadvantage of women and other minorities. Lee asserts that Oxford has been able to maintain its reputation as an academic's Mecca because 'money has a powerful ability to protect and preserve its preferred interpretations of the past'. Lee goes on to discuss the politicisation of Australia's tertiary education system and interprets these institutions as corporations, asserting that the way they operate in Australia perpetuates the undeniable correlation between education and social and economic disadvantage.

I admire Lee as an accomplished, confident woman, and I look up to her career as a writer and activist. So, reading how Lee second-guessed her own brilliance after learning that Rhodes Scholars must be under the age of 25 was reassuring. Lee doesn't want to know her own 'g' factor – a universal measure of general intelligence – for fear that this number will make her doubt herself as a writer and endlessly compare herself to others.

Her familiar, down-to-earth tone made me laugh with understanding and sigh with frustration throughout the book. Lee's exploration of the rigidity and reluctance to change within our education system was a jarring wake up call.

Lee ends on a hopeful note in proposing that learning from experience is the best way forward, and that the unfavourable results from the current flaws in the education system can inform us on how to better this system for everyone. Lee offers astute criticism and constructive analysis of the current system that highlights the urgency with which these issues must be dealt with to achieve social equality.

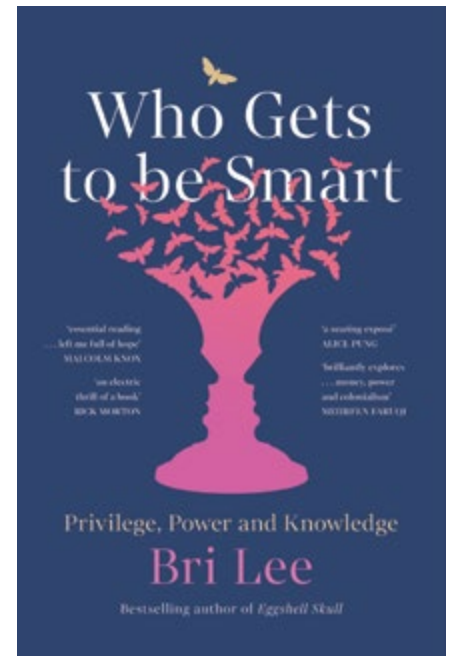


Image: *Who Gets to be Smart* book cover

## WHAT'S ON OUR VWL BOOKSHELF

### THE CHILDREN ACT BY IAN MCEWAN

Named after the legislation, this short novel follows Fiona, a judge in the Family Division of the UK High Court. She is faced with deciding whether she will order a Jehovah's Witness teenager to have a life-saving blood transfusion, despite this being against his beliefs and wishes. The book is enthralling as you follow Fiona grapple with the complexity of the case and her own personal crises, including the disintegration of her marriage. It feels like a very authentic portrait of a woman juggling emotion, morality and duty as a judge. This novel has been adapted into a film starring Emma Thompson and Stanley Tucci.

### ENTITLED HOW MALE PRIVILEGE HURTS WOMEN BY KATE MANNE

Kate Manne's writing is clear, powerful and very timely. Manne interrogates the many forms of male entitlement from sex to admiration, bodily autonomy, knowledge and power. She illuminates how it is not simply 'the product of a few bad actors', but that we are all implicated in this issue. Irrespective of your gender identity, we are all deeply conditioned by our patriarchal world-context. While the book is very much embedded in US culture and politics – from the Kavanaugh hearings to Harvey Weinstein and Elizabeth Warren and mass shootings – Manne also touches on more universal phenomena such as mansplaining and undertreatment of women's pain. This book also offers hope as Manne explains how we can transition to a world where every person, regardless of their gender identity, is equally entitled to be cared for, believed and valued.

### THE NEAPOLITAN NOVELS BY ELENA FERRANTE

This four-part book series, starting with *My Brilliant Friend*, spans the lifelong friendship between two women. Born into poverty in Naples, Elena and Lila's paths diverge but their complex relationship always leads them back to one another. This series explores the powerful force that is female friendship. It takes the reader on a journey throughout the women's lives from their childhood, through motherhood, and finally to old age. Elena Ferrante is a pseudonymous Italian writer, supposedly due to the autobiographical nature of these novels. This series was translated by Ann Goldstein. It has been adapted into a critically acclaimed Italian TV series.

### WHY WOMEN ARE POORER THAN MEN AND WHAT WE CAN DO ABOUT IT BY ANNABELLE WILLIAMS

Published in 2020, former financial journalist Annabelle Williams starts by noting that at the current rate of progress, it will take 200 years to close the gender pay gap. Both a sobering and fascinating read, Williams provides an enlightening explanation as to why women are poorer than men, how this global inequality is a problem that extends beyond what women earn and what we can all do to fix it.

### SORROW AND BLISS BY MEG MASON

This novel is simultaneously a story about mental illness, motherhood, and what it means to love and be loved. It tells the story of Martha, a woman who lives most of her adult life with an undiagnosed mental illness, and how this mental illness affects her relationships with her partner, her family and herself. In the midst of all this is a tender love story. This book is funny, touching and raw.

Meg Mason is a New Zealand writer who has written extensively about motherhood.

### WOMEN AND LEADERSHIP BY JULIA GILLARD AND NGOZI OKONJO-IWEALA

An inspiring and practical book written by two high-achieving women. Gillard and Okonjo-Iweala share their experiences and advice, as well as that of some of our most extraordinary female leaders. These include Jacinda Ardern, Hillary Clinton, Ellen Johnson Sirleaf, Theresa May, Michelle Bachelet, Joyce Banda, Erna Solberg, Christine Lagarde and more. The book is organised through the plethora of academic work and findings that are published about the way people view female leaders compared to with their male counterparts. The same set of interview questions are put to each leader during candid interviews. The result is a spirited and delightfully readable book but also a blueprint or roadmap for those aspiring to becoming leaders who combat gender bias.



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## SEE WHAT YOU MADE ME DO REVIEW

### GEORGIA DOBBYN

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FOLLOWING THE PUBLICATION IN 2019 OF HER AWARD-WINNING BOOK OF THE SAME TITLE, INVESTIGATIVE JOURNALIST JESS HILL PRESENTS A THREE-PART DOCUMENTARY SERIES FURTHER EXAMINING DOMESTIC ABUSE.

The SBS series does not make for easy watching but it is deeply compelling and important for all Australians to see because, as Hill explains to us in the opening scenes, domestic abuse is only solvable if we understand what it looks like.

Each of the three episodes digs deeper into exactly that – what domestic abuse looks like. Through Hill's interviews, we get to know the people at the front lines of this crisis: 'the victims, the people who help them, and the people who abuse them'. It provides the necessary context behind the horrifying headlines that we too often turn away from. Like Hill's gripping and powerful book of the same title, the series confronts and overturns the prejudices underpinning the gender inequality at the crux of domestic abuse.

In addition to the three episodes in the series, Hill joins host Alice Matthews and five other panellists to discuss solutions Australia can implement right now to stop the domestic abuse crisis.

The panellists were Dr Karen Williams (Founder of Doctors Against Violence Against Women), Associate Professor Dr Hannah McGlade (Human Rights Advocate, Lawyer and Nyungar Woman), Inspector Sean McDermott (Domestic & Family Violence Unit, NSW Police), Mariam Mourad (Centre Manager at Bankstown Women's Health Centre), and Devon Cuimara (Founder at Aboriginal Males Healing Centre). The discussion held was fascinating.

All three episodes and the panel discussion are available for free on SBS on Demand.



Image: Rosy Lloyd,  
*Selfie in the bedroom*

## DOCU-SERIES REVIEW: MS REPRESENTED

### ALICE ALEXANDER

I DIDN'T SIT DOWN TO MS REPRESENTED EXPECTING TO BINGE THE ENTIRE SERIES IN A SINGLE SITTING, BUT I FOUND MYSELF UNABLE TO LOOK AWAY.

Hosted by the inimitable Annabelle Crabbe, Ms Represented is a four-part series available on ABC iview that chronicles the careers of women in Australian politics.

This is not the show for you if you are after politicians being held to account or seriously challenged on party practices.

Ms Represented brims with warmth. There are an amazing array of interviewees from across the political spectrum and the generations, who share their stories with wit and wry smiles. The show also features several excellent montages which emphasise a (sometimes depressing) universal reality for women in parliament.

There are more serious moments, including when Linda Burney and Nova Peris (among others) comment on the racism of early parliamentarians towards First Nations people, particularly First Nations women and in the examination of Parliament as a workplace with alcohol and quotas

(which was a distinctly political issue in an otherwise largely apolitical series). But perhaps another serious aspect of the series was that it gave voice and space to politicians to tell the stories we had seen in the headlines.

Australian political history is rich with brilliant women and brilliant stories – and Ms Represented in a thoroughly enjoyable way to learn (or be reminded) of them. It is hard to watch a show like Ms Represented without feeling called to a message. For me, that message was to get in the room, and then get other women in the room because then what happens in the room changes.



Image: Kathrin Longhurst, *The young poet* (Haya, poet)

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## VWL REVIEW: STATELESS

### SONIA MACKIE

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PRODUCED BY THE FORMIDABLE CATE BLANCHETT, *STATELESS* IS A TV MINI-SERIES ABOUT THE AUSTRALIAN IMMIGRATION SYSTEM. *STATELESS* IS A RAW AND CONFRONTING LOOK INTO THE LIVED EXPERIENCES OF DETAINEES AND THOSE WHO DETAIN THEM.

The narrative follows four characters: Sofie Werner, Ameer, Clare Kowitz, and Cam Sanford, as they navigate the immigration system.

It begins with the account of Sofie Werner, a mentally unwell Australian resident who flees a cult and assumes the identity of a German backpacker, before being unlawfully detained in a detention centre. The series is inspired by the true story of Cornelia Rau, who was unlawfully held in Baxter Detention Centre for 10 months between 2004-2005 after escaping a hospital and assuming the identity of a German backpacker. Ms Rau's story captivated the nation and brought even more attention to the inhumanity of Australia's immigration detention system. Sofie is joined in detention by Ameer and his daughter who fled war-torn Afghanistan and arrived

in Australia by boat. The audience watches on as Ameer and his daughter navigate grief, survival in detention, and their desperate hope of obtaining visas.

Running parallel to these characters is the narratives of white Australians Clare Kowitz (play by Asher Keddie) and local Cam, who have taken new roles as the immigration detention centre's director and a guard respectively. Both Clare and Cam's stories are littered with their existential ruminations on navigating the moral and ethical questions that arise as a result of their employment.

A series about loss, the fragility of the human experience, and the systemic issues and politics of the Australian immigration system. In light of the situation unfolding in Afghanistan, the show is a poignant reminder of Australia's treatment of people seeking asylum. A captivating mini-series that is highly recommended. *Stateless* is currently available to stream on ABC iView and Netflix.



Image: Jacqueline Hennessy. *Untitled (what happens to the heart)* (self portrait)



## A PODCAST OF ONE'S OWN – PODCAST REVIEW

### SKYE CODY

JULIA GILLARD CELEBRATES THE STORIES OF FEMALE LEADERS FROM DIVERSE FIELDS AND BACKGROUNDS IN 'A PODCAST OF ONE'S OWN'.

As Chair of the Global Institute for Women's Leadership, Australia's first female Prime Minister interviews eminent women in politics, business, medicine, entertainment, media and more. The podcast derives its title from Virginia Woolf's 'A Room of One's Own'. Aptly so, as Gillard's conversations examine the injustices women face and the manner in which stereotypes about women leaders can be transcended to create opportunity for women. Particularly humanising are the discussions of how women in positions

with power dealt with vilification and adverse responses from society to their achievements.

Well-known guests include Hillary Clinton and Cate Blanchett, the former with whom Gillard engages in a nuanced conversation about global barriers to women's equality. Gillard and her interviewees examine both structural and psychological barriers to women's career progression, particularly in industries dominated by men. In a recent episode of the current and third season, Dr Ngozi Okonjo-Iweala delineates the politics of scarcity and self-limiting behaviours that society engenders in women. By seeking to understand these obstacles, the podcast looks at how they may be eliminated for future generations of female leaders and professionals.

Kate Mosse, in season one, beautifully captures the sentiment of the podcast when she asserts that women need not 'pretend not to be a woman' to succeed in the professional sphere, but rather embrace the effective values and skills women bring.



Image: Pam Tippet, *Together* – Amanda Bell AM

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## ETERNAL CYCLES

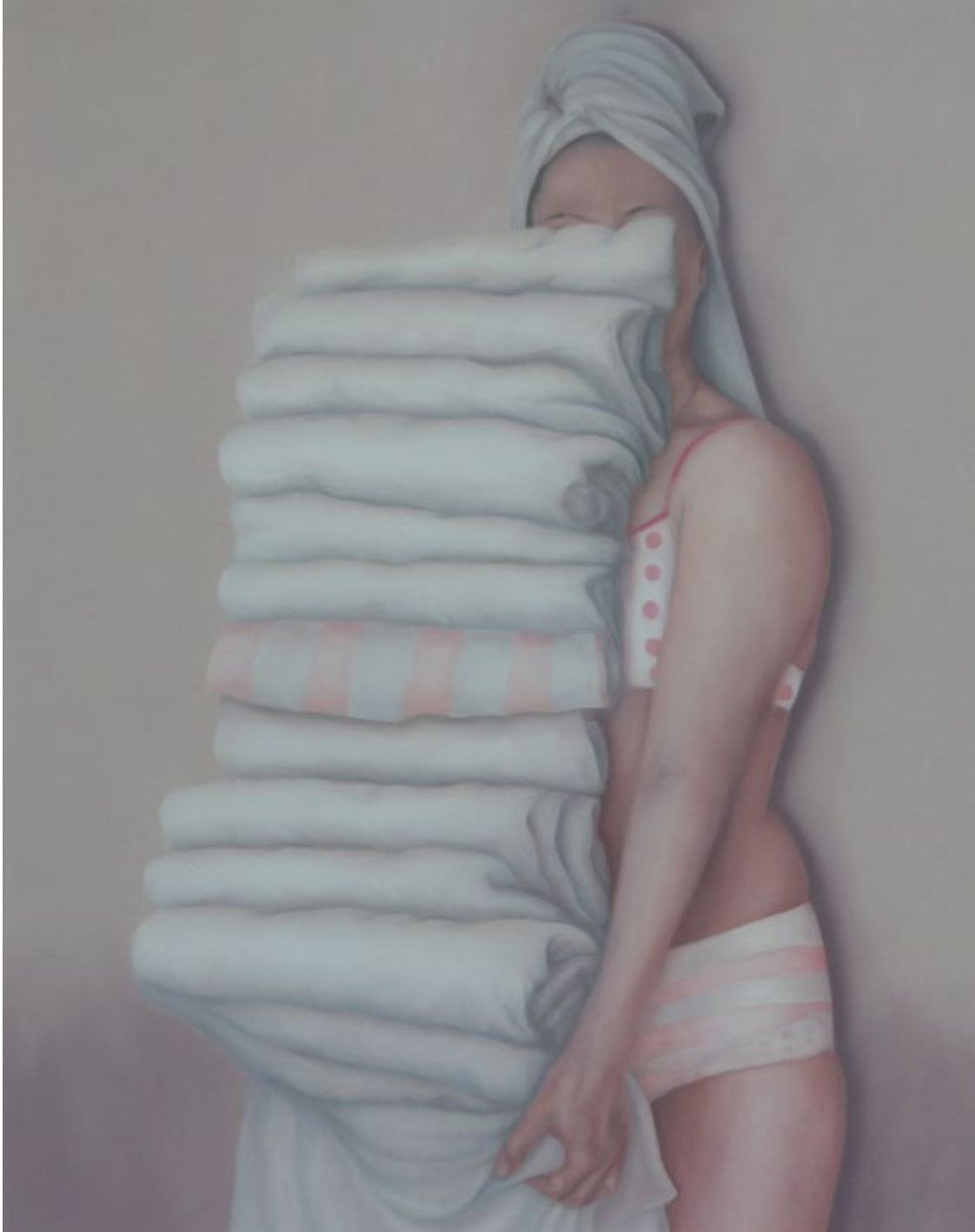
### HETTY DE CRESPIGNY

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The water has always existed.  
And light. Our relation to them the  
Changeling – shade, shadow, murky  
Depths and darkness in all its chaos  
In all its pain and depth, suffocating  
Wild boar wallow in mud  
Sweat glands lacking  
The bottom. Thud.  
The thin green line shoots upward  
Surging towards the sun.  
Out of the shadows, again.  
Burning, birthing.  
It's really hot out there – shelter  
With your head down.  
Or stare, up.  
Stare at it until you learn  
She has so many lessons for us  
In turn.  
Turn the page and see how  
It opens.  
From a trickle, the water takes  
Its form. See it as a flood  
A lake to skate on.  
Watch the tiny legs on  
The water spider.  
We too can float.



Image: Alex Snellgrove, *In her element: portrait of Helen Pitt*, (journalist and writer)



## Committees

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Image: Janine Dello, *Juggle* (self portrait)



## SPECIAL REPORT AND 2021 UPDATE FROM SPONSORSHIP OFFICER

BRONWYN MONTGOMERY

VWL takes this opportunity to extend its sincere appreciation and gratitude to its loyal sponsors Allens, Clayton Utz, College of Law, Coulter Roache, Foley's List, 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 in 2021.

Our sponsors have been proactive and innovative in responding to the challenges presented by COVID-19 and this has allowed us to maintain a strong level of engagement with our members and the broader community. In 2021 VWL and our sponsors continued to embrace online platforms to host the majority of our events and projects. There were some sponsored events which were not suitable to proceed in an online forum in 2021, and we look forward to our sponsors hosting these events, and many more, in person where possible in 2022.

In particular, VWL takes this opportunity to thank its sponsors for making the following events possible in 2021:

- Clayton Utz for hosting the Monash University Pathways in Public Law Networking and Panel Discussion event;
- K&L Gates for hosting the launch event for the VWL Law Student Mentoring Program in partnership with the Women Barristers Association;
- Maddocks for hosting the 2021 Warren Moot;
- Justitia Lawyers and Consultants for hosting the Confident Conversations: Founding Your Own Firm digital panel event, and Sexual Harassment Workshop;
- Nicholes Family lawyers for hosting the Domestic Violence in the New Covid Normal: Opportunities for Change and Reform panel discussion, in partnership with Women's Information and Referral Exchange, Domestic Violence Victoria, the Multicultural Centre for Women's Health and Women's Legal Service Victoria;
- Svenson Barristers for hosting the Mindfulness Series: Yoga and Meditation and partnering with us to hold the Coming to the Bar Networking and Panel Discussion event; and
- The College of Law for sponsoring the Professional Mentoring Launch and Panel Discussion.

In addition, VWL would like to thank the following event sponsors and partners:

- Gatehouse Legal Recruitment, for hosting the Dame Roma Mitchell Memorial Luncheon;
- Deakin Law School, for partnering with VWL to hold the Remaining Resilient panel discussion and mental health workshop;
- Disabled Australian Lawyers Association for partnering with VWL to hold our Women in Law with Diverse Abilities Online panel discussion; and
- The Law Institute of Victoria for hosting the Victorian Women Lawyers Annual General Meeting & 25th Anniversary Keynote.

We would also like to thank the following organisations for inviting us to partner with them on the below events:

- Sexual Harassment Prevention and Positive Action panel discussion hosted by the Law Institute of Victoria; and
- Thinking like a Founder: Nature or Nurture panel discussion hosted by the College of Law and Women Legalpreneurs Special Interest Group Launch hosted by the College of Law's Centre for Legal Innovation

VWL and its members are extremely grateful to our sponsors for their continued support, which makes the work we do possible. VWL is looking forward to another year of working with its sponsors to promote women's rights and wellbeing, and assist women in the legal profession in achieving connectedness and success.

## SPECIAL REPORT FROM TREASURER

ELIZABETH COOPER

The 30 June 2021 financial year saw VWL record a deficit of \$23,665.00, driven in part by the recording of cost relating to the prior year in the 30 June 2021 financial year, the allocation of membership fees relating to the 30 June 2021 financial year in the prior financial year, and a loss of sponsorship income attributable to the pandemic.

Overall member numbers stayed constant, and members were given a 20% discount in their membership fees as a recognition of the impact of COVID on all. VWL also welcomed new associate sponsors which helped to offset those losses. When the accounts are viewed over the two prior years, VWL recorded a surplus of over \$15,000, which is excellent given those two years were impacted by the pandemic.

Interest income again reduced even though invested funds stayed constant, due to the extremely low rates on offer for invested funds, driven down by the underlying cash rate from the Reserve Bank, currently set at 0.1%, and having been at historically low levels throughout the last few years.

Seminar revenue was also lower as functions moved online and more events were offered free of charge to members and non-members. Function expenses were still incurred but did decrease (in line with revenues), and gifts were not purchased as seminars were held online.

VWL's accounting fees remained constant and administration expenses increase compared to the prior year, reflecting the engagement of a bookkeeping service. Even so, administration costs were below those that were experienced in years when bookkeeping was performed in-house and office expenses have been halved, as most stationery costs are included in the bookkeeping fee.

As committees did not meet much throughout the year, and planning moved online, committee costs also dropped. Most other costs remained constant or increased in line with CPI, except for subscriptions (software subscription costs increased), website expenses (continuing improvements in VWL's website to manage our increased online presence) and increased publication expenses associated with Portia.



Image: Margaret Ackland, *The reader: a self portrait in silver with glass and stripes*

There was a small brand expense, incurred developing VWL's 25th anniversary logo. It is pleasing that VWL managed to continue to deliver relevant, useful and popular functions and seminars, during a difficult period.

The 30 June 2022 financial year will see VWL's executive committee focus on reconnecting, in person, with Victoria's legal profession and expanding VWL's membership and sponsors.

Final VWL accounts will be posted on the website.

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## PUBLICATIONS COMMITTEE

LIZ MAIN AND GEORGIA DOBBYN

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### ROLE

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

### 2021 ACHIEVEMENTS

We are immensely proud of our 2021 edition of Portia. Our committee has worked tirelessly behind the scenes throughout the year to produce this edition. 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.

### SPECIAL MENTIONS

Our heartfelt thanks goes to our members – Annaleise Vuilin, Greta Marks, Alana Morgante, Maddie Pondeljak, Sonia Mackie, Skye Cody, Shi Jing (Jay) Wong and thank all those who have contributed a feature to this edition. Portia continues to be a powerful platform for women lawyers to discuss important issues in the legal profession.

### REFLECTION

When we selected the theme of 'rising' for this edition in January, we had high hopes of what 2021 might mean after the challenging year that 2020 represented to so many. While 2021 dealt its own share of blows – much of which weighed more heavily for so many of us worn down from 2020. Despite the challenges, rising has been an inspiring theme. As always, it has also been a unifying theme in all our feature articles.



Image: Trish Tait, *Midlife and me*

## LAW REFORM COMMITTEE

ANDREA DE SILVA AND CLAIRE RAPSON

### ROLE

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

### 2021 ACHIEVEMENTS

The Law Reform Committee has prepared six submissions on a broad range of legal and legislative issues, each in line with VWL's purposes and cognisant of the unique challenges faced by women across Australia. Our Committee has prepared:

- A Submission to the Senate Legal and Constitutional Affairs Legislation Committee on the Judges' Pensions Amendment (Pension not Payable for Misconduct) Bill 2020.
- A Submission to the Victorian Law Reform Commission on the Inquiry into Improving the Response of the Justice System to Sexual Offences
- A Submission into the Family Law Amendment (Federal Family Violence Orders) Bill 2021.
- A Submission to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.
- A Submission to the Independent Inquiry into Economic Equity for Victorian Women.
- A Submission into the Department of Justice and Community Safety's Consultation Paper: Construction of a Mandatory Reporting Requirement for Lawyers.

In addition to these Submissions, our Law Reform Committee chairs were invited to give evidence at the public hearing held by the Legal and Constitutional Affairs Legislation Committee into the Judges' Pensions Amendment (Pension not Payable for Misconduct) Bill 2020.

### 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. In particular we would like to thank those who contributed to preparation of the

submissions from the law reform committee: Claire Rapson, Andrea de Silva, Louisa Ashton, Sarah Lefevre, Vivian Lai-Tran, Amanda Emonson, Stephanie Koumbarakos, Sophie Lloyd, Bridie Walsh, and members from other Committees, Work Practices Committee: Sophie Harris; the Justice Committee: Anita Nair, Shijing Wong; and the Diversity & Inclusion Committee: Amy Pereira. As well as VWL President and Vice-President.

### REFLECTION

While 2021 has been another 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: Nicole O'Loughlin, *Googling how to be a good mother* (self portrait with child)



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## JUSTICE COMMITTEE

ANITA NAIR AND AMANDA EMONSON

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### ROLE

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

### 2021 ACHIEVEMENTS

In 2021 the Justice Committee were able to work alongside inspiring individuals to support and create actions to address human rights campaigns for women. These initiatives were able to focus on diverse campaigns of social justice for women and took various forms. In 2021 the Committee ran three events by collaborating with sponsor firms and organisations. The first, continuing the discussion from last year, was about Domestic Violence in the New COVID Normal. The second was on preventing Sexual Harassment within the profession. The third will be on preventing the expansion of the Dame Phyllis Frost Centre and the impacts of incarceration on women, to be held in 2022. Beyond events, the committee also supported the authoring of a law reform submission on a proposed new grab and drag offence as well as an article on the rates of incarceration for women and the Dame Phyllis Frost Centre.

### 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, sexual harassment and the expansion of the Dame Phyllis Frost Centre. We also wish to acknowledge that our work this past year took place in the midst of multiple lockdowns and a prolonged pandemic, and so we want to especially note and thank the continued contribution and support of everyone.

### REFLECTION

We are proud of the work done this past year and look forward to re-engaging in hands-on outreach and fundraising projects in 2022 to support social justice for women and gender diverse individuals. We will also continue to facilitate discussions with knowledgeable speakers on topics of importance to our members and the broader community.



Image: Kate Stead, *Zoe and her daughters* (Zoe Gameau, writer, artist, eco-feminist)

## OUTREACH COMMITTEE

ALANNA ATTARD AND JACINTA LEAREY

### ROLE

The Outreach Committee aims to strengthen VWL's engagement with regional, suburban and other members with limited access or connection to Melbourne CBD or the profession, with a focus on enhancing VWL's online offering. The composition of the Outreach Committee is a representative model, comprising members of the profession from across Victoria and at various stages of their legal career. We have and will continue to offer events and projects tailored to VWL members, regardless of where they work or study, their abilities, parental or carer responsibilities or other commitments.

### ACHIEVEMENTS

In 2021, the Outreach Committee focused on rebuilding its membership and strengthening engagement with regional and suburban lawyers and law students. We proudly launched the Confident Conversations series and our standout launch event 'Founding Your Own Firm' focused on the strength and confidence of female founders in legal start-ups. We also contributed to the VWList monthly

newsletter with a Regional and Suburban Tip of the Month, sponsored by the College of Law, which provided advice and insights from and for regional and suburban lawyers.

### SPECIAL MENTIONS AND REFLECTIONS

Our committee's digital and in-person events will continue to be relevant to many VWL members next year, with remote or hybrid working and learning likely to continue. We would like to thank all of the Outreach Committee members for their perseverance and enthusiasm for the work of our committee, and their support for one another. We would also like to thank the sponsor firms who supported our events in 2021, Justitia Lawyers & Consultants, Coulter Roache and the College of Law, along with our event speakers and contributors to the 'Regional and Suburban Tip of the Month'. Our committee looks forward to delivering events, projects and initiatives in the year ahead, including more Confident Conversations!



Image: Wendy Sharpe, *Unfinished business* (self portrait)

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## DIVERSITY AND INCLUSION COMMITTEE

SOUNITA VIRAVOUT AND SHIVANI PILLAI

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### ROLE

The Diversity and Inclusion Committee champions the rights of, and promotes equality and opportunities for lawyers who identify as:

- culturally and linguistically diverse;
- Aboriginal and Torres Strait Islander;
- having a disability; and/or
- LGBTIQ+.

### 2021 ACHIEVEMENTS

In October 2021, the Diversity and Inclusion Committee launched the first event of a two-part series – ‘Women in the Law with Diverse Abilities’, addressing the issues faced by women in the law who have an invisible disability or illness. The event was held in partnership with the Disabled Australian Lawyers Association (DALA). Three women in law with disabilities shared their personal experiences including the barriers they have faced and their views as to how we and workplaces can be more inclusive, supportive and respectful to those with disabilities, including practical advice such as the implementation appropriate flexible, remote working conditions in the current Covid-19 landscape. The need for the use of respectful language when speaking about those with disabilities was highlighted and the ‘unlearning’ of subconscious ‘ableism’, which refers to discrimination in favour of able-bodied people.

In early 2021, the Diversity and Inclusion Committee published two articles for the Law Institute of Victoria Journal, one of which was called, ‘According to merit? / Diversity: Addressing disability and justice’ by Samantha Gonzales.

The Diversity and Inclusion Committee also collaborated with the Law Reform committee to prepare a submission for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

### SPECIAL MENTIONS

We thank our panellists who presented at our Diverse Abilities events Ella Alexander, Georgia Mort and Kate Lunn for their invaluable insights, DALA for their guidance and our committee members, moderator Barrister Shivani Pillai and Roxanne Taylor and Nada Breik led by Co-Chair Sounita Viravout.

We also thank Joanna Abraham for chairing the committee in the first half of 2021 and assisting with the creation of the Diversity Series.



Image: Deborah Walker, *The suitcase* (Autobiographical memory)

### REFLECTION

As we emerge from Covid-19 we realise the importance of connecting with others and particularly reaching out to those who face barriers and particular isolation by virtue of their diverse background whether it be one of disability, culture or being LGBTIQ+. We continue to be the voice for women who are marginalised and face discrimination and we look for others with a like minded vision to join with us as we educate, disseminate and create inclusivity for all as we look ahead to 2022.



## WORK PRACTICES COMMITTEE

MARY QUINN AND AUDREY CAPASSO

### 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.

### 2021 ACHIEVEMENTS

Whilst the challenges of COVID-19 have continued in 2021, the Committee has worked hard to advance a number of key projects. We formally launched VWL's Professional Mentoring Program in November 2021, sponsored by the College of Law and featuring the our Patron, the Hon. Associate Justice Ierodiaconou, as well as a panel moderated by Fiona McLeod AO SC, featuring leading members of the profession from government, private practice and the Victorian Bar, who reflected on the role that mentoring has played in their professional development and careers. The Committee has also continued to work with VWL sponsor Maurice Blackburn to plan the launch of a guide on parental leave in practice, as well as a workshop event on recognising and addressing sexual harassment in the legal profession, to be held when in-person events return in 2022.

### SPECIAL MENTIONS

In August 2021, Work Practices Committee Member Sophie Harris contributed to VWL's submission to the Victorian Government Independent Inquiry into Economic Equity for Victorian Women, in relation to barriers to workforce participation, in conjunction with VWL's Law Reform Committee.

### REFLECTION

The Committee acknowledges that the COVID-19 restrictions in Victoria have continued to create unique challenges for women in the legal profession in 2021, 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. As vaccination rates climb, and Victoria begins to re-open after a long period of lockdown, the Work Practices Committee aims to continue to implement projects that assist women to successfully navigate the particular challenges of this unprecedented time.



Image: Yvette Coppersmith, 1964, *Margot Fonteyn and Rudolf Nureyev for Vogue* (self portrait with Ryan James)

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## NETWORKING COMMITTEE

LUCY PROWSE AND LINDA HART

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### 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.

### 2021 ACHIEVEMENTS

In 2021 the Networking Committee kept women engaged and focused on mental health by launching the first ever VWL Run Club each Monday at 6pm for all levels of running.

The Networking Committee also hosted the second of the Alternative Legal Career Pathways Event series in 2021 run live on Instagram which was another great success. We thank special guest speakers Katherine Brazenor, a barrister in commercial and corporate practice and the Chairperson of the Firearms Appeals Committee, Catherine Brooks a Senior Advisor at Wendy Brooks & Partners and proud advocate of equal rights for disabled women and lawyers, Niti Nadarajah, a corporate lawyer and the head of legal at Phillip Morris Australia, and Fiona Lang the General Manager of BBC Studios & New Zealand, Non-Executive Director of the UN Women National Committee Australia and a Director of Football NSW.

### 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.

## WOMEN IN THE PUBLIC SECTOR COMMITTEE

KATHLEEN BEIRNE AND AYAN HURUSEH

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### 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.

### 2021 ACHIEVEMENTS:

In May 2021, the Committee hosted an online networking event for aspiring government and public lawyers and current lawyers. We would like to thank Miriam Holmes, for opening the event and delivering an excellent keynote speech.

The Committee also hosted an online Networking Event as part of our Law Student Roadshow Series to help students come together with practicing lawyers in public and government law. This event was proudly sponsored by Clayton Utz and we thank lawyers Madison Sutton and Karly Banks in the firm's Major Projects and Public Sector groups as well as Madeleine Reilly from the Department of Premier and Cabinet for sharing their insights about working in public and government law.

We also thank Monash University Law Students' Society and Lucy Cornford from Clayton Utz for all their assistance in getting this event up and going. Finally, we would like to thank all the students from Monash University for participating in this event. We look forward to running a similar event next year.

### SPECIAL MENTIONS

Special mentions go to our dedicated Committee members and to the VWL executive itself, in particular to VWL President Vanessa Shambrook and Vice President Stephanie Pasharis, for providing brilliant leadership in a challenging time. From the outset, their adaptive ability to pivot to online events and initiatives and approach this past 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 have been inspired and energised by the work of our Committee members and VWL members more broadly, for working tirelessly in difficult circumstances.



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Image: Sinead Davies, *A version of self with lavender*



## BRAZEN HUSSIES VIRTUAL FILM SCREENING

### 31 MARCH 2021

ON 31 MARCH 2021, VWL, IN COLLABORATION WITH WOMEN BARRISTERS ASSOCIATION AND WOMEN'S LEGAL SERVICE VICTORIA, HELD AN ONLINE SCREENING OF BRAZEN HUSSIES, A DOCUMENTARY WRITTEN AND DIRECTED BY CATHERINE DWYER AND EXECUTIVE PRODUCED BY SUE MASLIN, AND PRODUCED BY PHILLIPA CAMPEY AND ANDREA FOXWORTHY.

Brazen Hussies is a documentary celebrating the bold women of the Women's Liberation Movement who reignited Australia's feminist revolution.

Catherine was an Associate Producer, Post Production, Researcher and Assistant Editor on the critically acclaimed documentary film *She's Beautiful When She's Angry* (2014), a grassroots herstory of the birth of the women's' liberation movement in the United States.

Following the screening, guests enjoyed a live Q&A with Catherine Dwyer, writer and director and executive producer Sue Maslin AO. The discussion was facilitated by Rosie Cuppaidge, Child Protection/Family Violence Lawyer at Women's Legal Service Victoria.

## MINDFULNESS SERIES: YOGA AND MEDITATION

### 7 – 21 APRIL 2021

VWL HELD A MINDFULNESS SERIES: YOGA AND MEDITATION IN APRIL 2021.

Emily Rose of Bright Yoga Space designed three yoga and meditation sessions delivered via zoom during lunch to equip lawyers with practical techniques and tips on how to manage stress and unwind. These sessions were also specifically designed to complete with children and suitable for all levels of experience and fitness.

These sessions were recorded and are available for members on the VWL website. This series was sponsored by Svenson Barristers.



Image: Janne Kearney, *There's a rainbow after every storm* (Tilly Baker, musician)

## NETWORKING IN THE PUBLIC SECTOR

### 11 MAY 2021

THE WOMEN IN PUBLIC SECTOR COMMITTEE HELD THE FIRST EDITION OF NETWORKING IN THE PUBLIC SECTOR ON 11 MAY 2021.

This event was aimed at women currently working in the public sector or interested in a career in the public sector. The night was opened with a Q&A with special guest Miriam Holmes, an esteemed public servant and administrative law specialist.

Miriam captivated the audience with engaging recollections and insights into her career in the public sector and commentary about the important role played by those in the public sector. Following this, attendees were invited into break out rooms to network amongst each other in a more informal and intimate setting.

Thank you to guests who attended who remarked that the event was 'well hosted and enjoyable' and that the questions put to Miriam were 'well considered.' One attendee remarked that they 'found the networking component to be quite personal and warm.'

All in all, a very successful event!

## DOMESTIC VIOLENCE IN THE NEW COVID 'NORMAL': OPPORTUNITIES FOR CHANGE AND REFORM

### 18 MAY 2021

AS PART OF VICTORIAN LAW WEEK 2021, NICHOLAS FAMILY LAWYERS, VICTORIAN WOMEN LAWYERS JUSTICE COMMITTEE, WOMEN'S INFORMATION AND REFERRAL EXCHANGE (WIRE), DOMESTIC VIOLENCE VICTORIA, MULTICULTURAL CENTRE FOR WOMEN'S HEALTH AND WOMEN'S LEGAL SERVICE VICTORIA CO-HOSTED THE "DOMESTIC VIOLENCE IN THE NEW COVID 'NORMAL': OPPORTUNITIES FOR CHANGE AND REFORM" WEBINAR ON 18 MAY 2021.

The webinar was a panel discussion about family violence and the opportunities for prevention, support, law reform and increased community understanding.

The webinar was moderated by Nicholas Family Lawyers Managing Partner Sally Nicholas and the panellists included: The Chief Justice of the Family Court of Australia and the Chief Judge of the Federal Circuit Court of Australia, The Honourable William Alstergren; Women's Information and Referral Exchange (WIRE) Chief Executive Officer, Julie Kun; Domestic Violence Resource Centre Victoria/Domestic Violence Victoria Executive Director of Policy,

Communications and Engagement, Louise Simms; Multicultural Centre for Women's Health Executive Director, Adele Murdolo; and Women's Legal Service Victoria Acting Chief Executive Officer, Director of Legal & Policy, Helen Matthews OAM.

VWL was grateful to be involved with sponsor firm, Nicholas Family Lawyers for this important webinar.

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## 2021 DAME ROMA MITCHELL MEMORIAL LUNCH WITH KEYNOTE SPEAKER THE HON MARY DELAHUNTY GAICD MAY 2021

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VICTORIAN WOMEN LAWYERS AND WOMEN BARRISTERS' ASSOCIATION WERE PROUD TO HOLD THE 2021 DAME ROMA MITCHELL MEMORIAL LUNCH ON 27 MAY 2021. THIS EVENT WAS HELD IN CELEBRATION OF DAME ROMA FLINDERS MITCHELL, THE FIRST AUSTRALIAN WOMAN TO BE APPOINTED QUEEN'S COUNSEL, JUDGE, CHANCELLOR OF AN AUSTRALIAN UNIVERSITY AND STATE GOVERNOR.

Our members and the wider legal community joined together at the Myer Mural Hall to reflect on the resilience and re-emergence of women in the legal profession as we adapt to the 'new normal'.

VWL and WBA were proud to welcome keynote speaker, the Hon Mary Delahunty, a strong and respected voice in public affairs, media and the women's movement.

A former interviewer and presenter with ABC television and commercial networks, Mary is best known for leading ABC TV News and current affairs programs, the 7.30 Report and Four Corners. She received Australia's most prestigious award in journalism, a Gold Walkley, for her international reporting in Asia.

Mary attracted attention and respect serving for seven years as a Victorian state government minister in senior portfolios.

Mary's career success has been built on the mantra: You don't get what you deserve, you get what you negotiate.

The lunch was sponsored by Gatehouse Legal Recruitment.



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## REMAINING RESILIENT – PANEL DISCUSSION & MENTAL HEALTH WORKSHOP 4 AUGUST 2021

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ON 4 AUGUST 2021, VWL HOSTED A PANEL DISCUSSION ON REMAINING RESILIENT WHEN SEARCHING FOR YOUR FIRST JOB. THIS EVENT WAS PROUDLY SPONSORED BY DEAKIN UNIVERSITY LAW SCHOOL.

The panel was facilitated by Bonnie Phillips of Coulter Roache and included the following panellists:

- Louise Hvala (CEO of Gatehouse Legal Recruitment and Alifery and VWL Networking Committee Member);
- Joanna Abraham (Lecturer at the College of Law, Immigration & Refugee Lawyer and Co-Chair of the VWL Diversity & Inclusion Committee); and
- Andrea Phillips (Lecturer at the College of Law, Teaching Associate and Mindfulness Tutor at Monash University with degrees in psychology and law).

The panellists offered their insights and experiences with prioritising health during the clerkship/graduate application process, as well as with navigating a (new) career whilst adapting to working during a pandemic. The event also featured a 20-minute Mental Health Workshop hosted by Andrea Phillips.

The event sought to assist participants to prepare for the competitive and COVID 'normal' legal environment, and to equip them with tools to develop resilience and maintain self-care. The event was well received, and provided a forum for active discussion amongst participants.



## SEXUAL HARASSMENT WORKSHOP

### 25 AUGUST 2021

IN COLLABORATION WITH JUSTITIA LAWYERS & CONSULTANTS, VWL PRESENTED ITS SEXUAL HARASSMENT WORKSHOP, WHICH FOCUSED ON THE EDUCATING AND SUPPORTING FEMALE IDENTIFYING LEGAL PROFESSIONALS ABOUT SEXUAL HARASSMENT AND ITS PREVALENCE IN THE LEGAL PROFESSION.

Justitia panellists Taboka Finn (Special Counsel) and Kelly Ralph (Senior Associate) educated attendees on how to identify sexual harassment in the workplace and as employees, what rights and actions we can take if ourselves, a colleague, friend or family member is being sexually harassed. Megan Fulford, Wellbeing Manager at the Law Institute of Victoria, provided attendees with the tools and knowledge of coping with incidents of sexual harassment and where to seek help and assistance.

Smaller digital break out rooms, facilitated by our panellists, allowed our attendees to engage in an in-depth

discussion and share experiences and ideas on how the industry can improve their response. The smaller breakout rooms provided an opportunity for VWL to explore how the landscape has changed and evolved and assess what further work and reform is required in order to create a safe environment for female identifying practitioners to thrive and succeed in the profession.

Sexual harassment within the legal profession continues to be a core focus in the work undertaken by VWL and the Justice Committee. A sincere thank you to Justitia Lawyers & Consultants for sponsoring this event, and to all our panellists' contributions on this topic.

## CONFIDENT CONVERSATIONS: FOUNDING YOUR OWN FIRM

### 31 AUGUST 2021

THE OUTREACH COMMITTEE HELD THE INAUGURAL CONFIDENT CONVERSATIONS EVENT, AN ONLINE PANEL DISCUSSION ABOUT FOUNDING YOUR OWN FIRM ON 31 AUGUST 2021, SPONSORED BY JUSTITIA LAWYERS & CONSULTANTS.

Sarah Rey from Justitia facilitated an insightful and authentic discussion, with panellists Leonie Green from Corvus Group, Elizabeth Lacey from Lacey & Co and Michelle Lothian from H&L Legal sharing stories and insights about their own legal start-ups. They each spoke about the impetus that drove them to found a firm, and what to consider if you are thinking about taking that step.

There was a focus on practical advice and real-world insights, and Michelle and Elizabeth also providing a regional perspective. Attendees were also provided with a list of recommended resources and readings.



Image: Sophia Hewson, *Untitled (self portrait)*

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## VWL WARREN MOOT

### AUGUST — NOVEMBER 2021

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THE ANNUAL WARREN MOOT, NAMED IN HONOUR OF VWL'S PATRON, THE HONOURABLE MARILYN WARREN AC QC, CONTINUED IN ITS SEVENTH YEAR. FOR THE SECOND YEAR RUNNING, THE WARREN MOOT WAS HELD DIGITALLY, WITH 14 TEAMS PARTICIPATING.

The Warren Moot is a landmark in VWL's calendar, which attracts a diverse cohort of participants, ranging from law students to senior members of the legal profession. The Moot provides participants with an opportunity to test their advocacy skills and engage directly with respected barristers and members of the Judiciary, with a view to providing solicitors with an insight into a career at the Bar.

The 2021 Moot was launched by the Honourable Marilyn Warren AC QC, her Honour Justice Walker, and her Honour

Justice Mortimer. Their Honours participated in an engaging panel discussion facilitated by Catherine Dunlop, a Partner in Maddocks' work health and safety team. Their Honours shared their experiences in relation to positive appearances and matters that they have presided over, provided their advice on transitioning to the Bar, cross-examination techniques and preparing written submissions, and shared their insight on the skills and attributes of a good advocate vis-à-vis the Bench.

All 14 teams were coached by a member of the Bar, and participated in the first round, which was presided over by judges of the County Court and Federal Circuit Court of Australia. Eight teams progressed to the Quarter Final, with four teams progressing to the Semi Final, both of which were presided over by judges of the Supreme Court and County Court. Two teams progressed to the Grand Final, being Monash University Law Students and Allens' Lawyers. Congratulations to the winners of the 2021 Warren Moot, team Subpoena

Coladas, comprising of Monash University law students Jenna Dimitrakas, Clare Stambe and Monique Scalzo. We were very fortunate to have VWL's Program Patron, the Honourable former Chief Justice Professor Marilyn Warren AC QC, preside over the Grand Final. For the first time, the Grand Final was live streamed on VWL's Facebook page. VWL also congratulates the runners up, team Allens, comprising of Priyanka Banerjee, Amber Withers and Lisa Mearns, and Priyanka Banerjee, who was awarded best speaker. Both teams displayed exceptional advocacy skills and are to be commended for their resilience and determination.

VWL extends its sincere thanks to Maddocks, who have sponsored the event since its inception, together with the members of the Bar who drafted the problems and coached participants. Lastly, we would like to thank the members of the Judiciary who kindly volunteered to adjudicate the rounds.

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## PATHWAYS TO PUBLIC LAW

### 14 SEPTEMBER 2021

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THE WOMEN IN PUBLIC SECTOR COMMITTEE, IN CONJUNCTION WITH MONASH UNIVERSITY LAW STUDENTS' SOCIETY AND CLAYTON UTZ HELD THE 'PATHWAYS TO PUBLIC LAW' PRESENTATION AND NETWORKING EVENT ON 14 SEPTEMBER 2021.

Although initially slated to be held in person, recent outbreaks of COVID-19 forced this event online. This shift did nothing to hurt this event's popularity however, with a number of students attending to hear from VWL and Clayton Utz lawyers practicing in public law.

To extract the most out of the event, the night was split in two halves. The first half was dedicated to VWL and Clayton Utz public lawyers detailing their experience to date and how they

found their way into public law. The second half was the networking portion, allowing Monash Law students to ask follow-up questions stemming from the first half and to network with these lawyers on an informal basis in breakout rooms.

The event was received very warmly and we look forward to collaborating with both Clayton Utz and the Monash University Law Students' Society in the near future (hopefully in person!)

## VWL & WBA LAW STUDENT MENTORING LAUNCH

### 21 SEPTEMBER 2021

VWL & WBA OFFICIALLY LAUNCHED THE LAW STUDENT MENTORING PROGRAM FOR THE 14TH YEAR RUNNING ON 21 SEPTEMBER 2021.

The launch event was proudly sponsored by K&L Gates and featured an opening address from our Program Patron, the Honourable Justice Incerti, followed by a discussion on mentoring tips and tricks with Meg Aitken (Senior Associate and mentor) and Wendy Li (Lawyer and mentee) of K&L Gates, facilitated by VWL Executive Member, Oriana Torcasio.

We were delighted to see 2021's program come to fruition at a time when networking in the legal profession is unfortunately limited, but as always, incredibly important.



We thank our program participants for their attendance at the launch and to our speakers for sharing their stories of learning and success.

## ALTERNATIVE LEGAL CAREER PATHWAYS 4-WEEK SERIES HOSTED ON INSTAGRAM LIVE

### 29 SEPTEMBER – 20 OCTOBER 2021

THE NETWORKING COMMITTEE HELD THE VWL ALTERNATIVE LEGAL CAREER PATHWAYS EVENT ON 29 SEPTEMBER, 6 OCTOBER, 13 OCTOBER AND 20 OCTOBER 2021.

The 2021 VWL Alternative Legal Career Pathways event was a 4-part series providing valuable insight into finding a unique and rewarding career in the law. Over the course of four consecutive weeks, members of the VWL Networking Committee interviewed four female leaders in the law on Instagram Live.

Speakers included Katherine Brazenor, barrister and current Chairperson of the Firearms Appeals Committee,

Catherine Brooks, Senior Advisor and Lawyer at Wendy Brooks & Partners, Niti Nadarajah, Head of Legal Australia at Philip Morris International, and Fiona Lang, General Manager at BBC Studios Australia & New Zealand. Each speaker was genuine and inspiring in the way they offered their experience and shared their own career pathway.

The benefit of hosting the event on Instagram Live was that we were able to reach people who may not usually attend such an event in person.

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## **SEXUAL HARASSMENT – PREVENTION AND POSITIVE ACTION**

### **30 SEPTEMBER 2021**

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ON 30 SEPTEMBER 2021, THE LAW INSTITUTE OF VICTORIA AND VICTORIAN WOMEN LAWYERS HELD A PANEL DISCUSSION ON SEXUAL HARASSMENT IN THE LEGAL PROFESSION.

Women now make up more than half of all practising solicitors in Victoria. It is imperative that we commit to addressing the many intersectional gender-specific challenges that exist in our profession. This includes gender inequality in leadership, sexism and discrimination in the workplace, and gendered roles and stereotyping.

VWL thanks the panellists, Panellists: Dr Helen Szoke AO, Review of Sexual Harassment in Victorian Courts, Susanna Ritchie, Managing Lawyer of Launch Legal, and Sophie Gale, Education & Engagement Coordinator at Women's Legal Service Victoria. The discussion was hosted by VWL President, Vanessa Shambrook and facilitated by Tania Wolff, President of the LIV.

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## **WOMEN BARRISTERS ASSOCIATION - GENDER EQUITABLE BRIEFING: STRATEGIES FOR IMPROVING BRIEFING RATES**

### **5 OCTOBER 2021**

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VWL WAS A PROUD SUPPORTER OF THE WOMEN BARRISTERS ASSOCIATION'S (WBA) DISCUSSION ON IMPROVING EQUITABLE BRIEFING, HELD ON 5 OCTOBER 2021.

At the end of 2020, Women Barristers Association (WBA) presented the outcome of its research into appearances by gender in the Victorian Courts. The results, while showing some general improvement in briefing rates over time, also indicate that there is a long way to go in terms of achieving equitable briefing, particularly in civil matters and particularly by private firms.

As part of its research, WBA examined briefing rates in the Supreme Court between 2017 and 2019 for the top 30 firms briefing by volume (i.e. the 30 firms that briefed the highest number of barristers of any gender). Of those 30 firms, only five firms achieved the overall target rate of briefing 30% of women by number of briefs.

A further nine firms met the target for briefing either senior counsel or junior counsel but not both.

WBA invited the four firms who achieved the overall briefing target of 30% and are also signatories to the Gender Equitable Briefing Policy to outline their experiences and strategies for improving their performance, and transparency, in gender equitable briefing.

WBA was pleased to present:

- Gilbert & Tobin – Christiana McCudden (Commercial Litigation Partner)
- Moray & Agnew – Carla Downes (Chair of Events, Women's Network Committee)
- Slater & Gordon – Idil Mohamud (Coordinator, Gender Equitable Briefing Initiative)
- Corrs Chambers Westgarth – Heidi Roberts (Diversity & Inclusion Partner)

The discussion was chaired by former WBA Convenor Dr Kylie Weston-Scheuber and Anna Svenson, Director and Principal Clerk of Svenson Barristers.



## WOMEN IN THE LAW WITH DIVERSE ABILITIES

12 OCTOBER 2021

THE DIVERSITY AND INCLUSION COMMITTEE HELD THE WOMEN IN LAW WITH DIVERSE ABILITIES EVENT ON 12 OCTOBER 2021.

It was the first event of a two-part series focusing on issues faced by women in law who have a disability and in particular this online panel discussion focused on invisible illnesses or disabilities. This event was held in partnership with the Disabled Australian Lawyers Association (DALA).

One of the speakers on the panel was Ella Alexander, one of the co-founders of DALA, which is a national organisation collectively advocating for greater representation and inclusion of disabled people in the legal profession.

The speakers shared their personal experiences and achievements in working in law, whilst living with an invisible illness or disability. The panel of speakers and attendees engaged in a candid discussion about the barriers faced by women in law with an

invisible illness; how the profession can be inclusive; the speakers also provided practical advice and tips about implementing best practices in flexible and remote working in the current landscape; and how best to ensure continuity of this in the future of legal practice.

## COMING TO THE BAR: ONLINE PANEL DISCUSSION AND NETWORKING

19 OCTOBER 2021

VICTORIAN WOMEN LAWYERS (VWL) PROUDLY PARTNERED WITH SVENSON BARRISTERS AND THE WOMEN BARRISTERS' ASSOCIATION (WBA) FOR ITS COMING TO THE BAR EVENT ON 20 OCTOBER 2021.

Attendees heard from a panel of engaging speakers who gave an inside view of life as a barrister, including the Bar readers' course, the Bar exam and more.

VWL was delighted to have the following barristers on our panel:

- **VERONICA HOLT:** Prior to coming to the Bar, Veronica practised as a commercial disputes and workplace relations solicitor at Gadens and as a Senior Associate to the Honourable Justice Almond of the Supreme Court of Victoria. Veronica accepts briefs to appear and advise in commercial, public law and common law matters;
- **UTHRA RAMACHANDRAN:** Uthra commenced her legal career at Middletons (now K & L Gates) and worked on matters in insolvency, inquests and general commercial litigation. She was also an Associate to his Honour Judge Howard AM QC in the Criminal Division of the County Court. Uthra is particularly interested in criminal, regulatory, commercial, common law, and public law matters;
- **BETH WARNOCK:** Beth came to the Bar in May 2020, having started her career in LaTrobe Valley. Beth has worked on a broad range of matters and welcomes both country and circuit briefs. She has practised in Crime, both summary and indictable matters, family law (both property and parenting) and has extensive experience in intervention order matters and Child Protection matters; and
- **ELLA ZAUNER:** Ella is a current reader who signed the Bar Roll in May 2021. Before coming to the Bar, Ella practised as a solicitor at DLA Piper and worked in-house at a commercial construction and development company. Ella is particularly interested in insolvency matters, contractual disputes, banking, and finance litigation.

The panel discussion was moderated by Anna Svenson, Director and Principal Clerk of Svenson Barristers. The discussion was followed by an opportunity to network with the panellists virtually in small groups.

This event was proudly supported by Svenson Barristers and WBA.

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## PROFESSIONAL MENTORING PROGRAM LAUNCH

### 22 NOVEMBER 2021

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THE WORK PRACTICES COMMITTEE LAUNCHED THE PROFESSIONAL MENTORING PROGRAM IN JUNE 2021 AND HELD AN ONLINE LAUNCH EVENT AND PANEL DISCUSSION ON 22 NOVEMBER 2021.

After the disruptions of the past year due to COVID-19, we were humbled and proud of the commitment of the VWL members and other members of the profession who volunteered to participate as either mentors or mentees. We had unprecedented numbers, matching over 80 pairs across various sectors and practice areas. A launch event sponsored by the College of Law was held on 22 November with our valued program patron, the Honourable Associate Justice Mary-Jane Ierodiasconou. The launch included a panel discussion moderated by Fiona McLeod AO SC,

and panellists Iresha Herath, Deputy General Counsel, Department of Justice and Community Safety, Rosannah Healy, Partner, Allens, and Julia Wang, Barrister, Victorian Bar, discussed the benefits of mentorship for both junior and senior lawyers throughout their career.

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## VWL RUN CLUB

### 2021

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VWL RUN CLUB KICKED OFF IN APRIL 2021 HEADED UP BY LINDA HART OUR CO-CHAIR OF THE NETWORKING COMMITTEE.

The runners met every Monday, 6:00pm at Federation Square. They exercised their way to wellbeing by releasing some feel good chemicals whilst at the same time connecting with other members. It was a fun 45 minutes jog taking in the sights of our beautiful city. VWL Run Club will continue to run next year so if you haven't joined, it's not too late. It's a fun way to get fit and meet other VWL members.





Image: Victoria Reichelt,  
*Self portrait as parent*

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