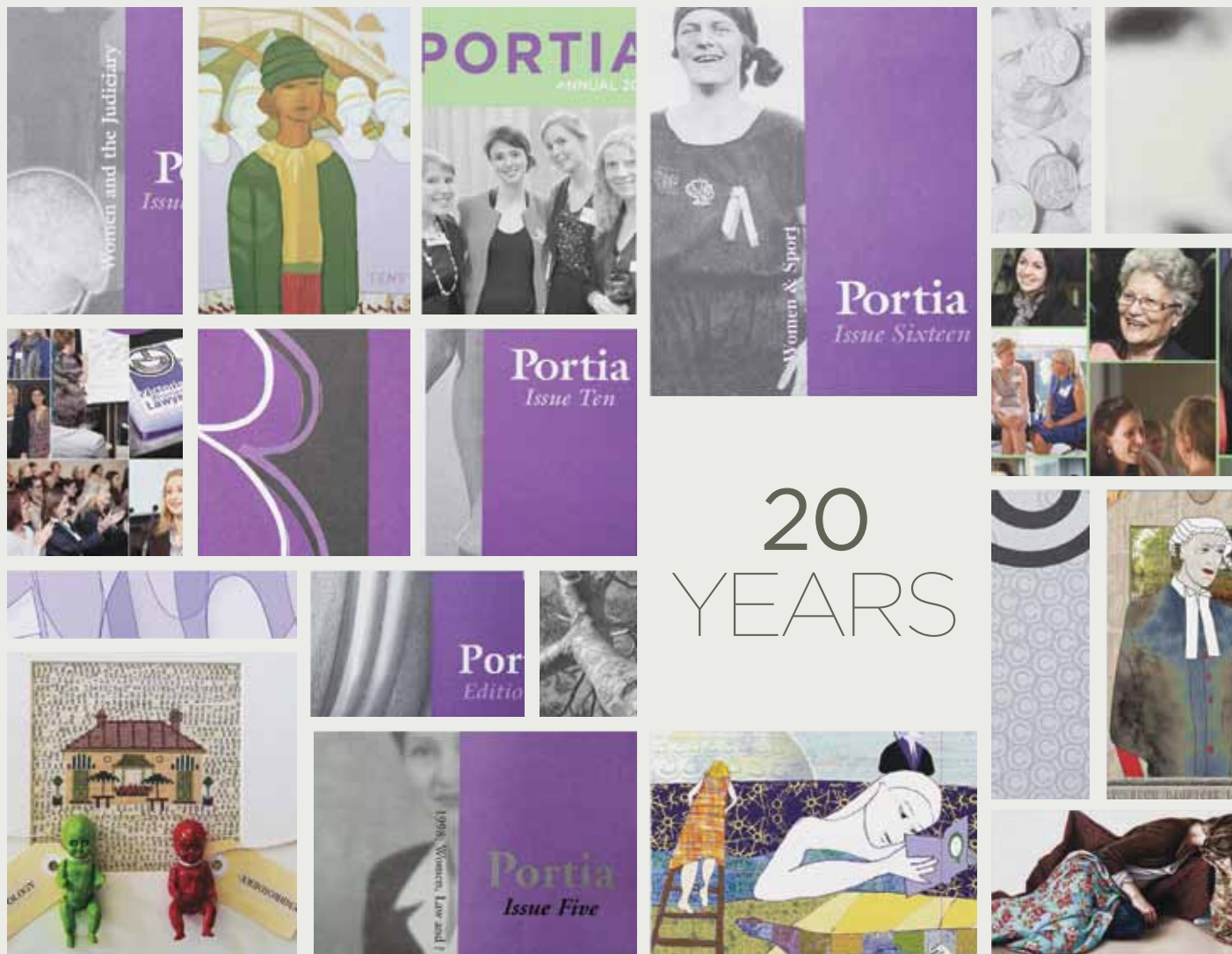


PORTIA 2016



The annual journal and report of Victorian Women Lawyers

ABOUT THIS EDITION OF *PORTIA*

READERS OF THIS JOURNAL MIGHT NOTE THAT THEY HAVE SEEN FRAGMENTS OF THE COVER BEFORE, AND INDEED THEY HAVE, ON PAST ISSUES OF *PORTIA* SPANNING BACK TO 1996 (GRAPHIC DESIGN BY HUGH ADAMS).

The 20th anniversary of both VWL and *Portia* is celebrated this year. These last 20 years have seen great changes for women in the legal profession, however, there is still much to be done to achieve gender equality.

In selecting what to feature in this issue, we relied on a key theme underpinning the history of VWL and *Portia*: diversity. We have republished a selection of past *Portia* articles that examine gender and cultural diversity in the profession and how diversity affects access to the law. They remain as relevant today as they did in their original year of publication.

The artwork that accompanies the republished articles, *Moving Landscape* (oil on canvas, ten panels each 1000 x 760mm), is the work of Fern Smith. The series is a representation of the women of Victoria and the history of their struggle for equality over the 20th century. The suffragists' colours of white, green and violet inspired the artist's palette, with 'W.G.V' prominent on the first panel: 'Women Get Vote'. The women depicted in the background of the work are the first women to enter Victorian Parliament: Lady Milly Peacock, Ivy Weber, Dorothy Goble, Paulina Toner, Joan Chambers, Gracia Baylor, Joan Coxsedg, and Joan Kirner. Fern Smith's reinterpretations of the work of artists Dorothea Black, Ethel Spowers, Joy Hester, Mirka Mora, Janet Dawson, and Angela Brennan are also woven into the panels.

To compare the past and present, we invited former convenors to reflect on the evolution of VWL and its achievements.

Elsewhere in this issue, there is discussion on unconscious bias, the underrepresentation of women in law student societies, working as a regional lawyer, recommendations of the Royal Commission into Family Violence, and the sexualisation of women in the media. We invited Kristen Hilton, Victorian Equal Opportunity and Human Rights Commissioner, to share her plans for eliminating gender inequality in the workforce, and met with Magistrate Urfa Masood, the first Muslim woman to be appointed to the Bench in Victoria. Sprinkled throughout are comments from our sponsors on key questions for women in 2016.

Finally, we are delighted to publish works of portraiture submitted by women artists as entries to the 2016 *Portia* Geach Memorial Award. The winning piece, *Bound by the big red coat* (oil on linen, 157 x 176cm) by Victorian artist Jenny Rodgers, is featured on the facing page. The annual award exhibition is held at the SH Ervin Gallery, Sydney, and you can read about the history the award in this issue.



Image: Fern Smith, *Moving Landscape – 1. “By design” 1863-1908*, oil on canvas, 1000 x 760mm (<http://fernartz.com>)

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Footnotes available upon request.



PORTIA 2016

Women, diversity, law and art

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Image: Winner – Portia Geach Memorial Award 2016, Jenny Rodgerson, *Bound by the big red coat*, oil on linen, 157 x 176cm (SH Ervin Gallery)

MESSAGE FROM THE CONVENOR

STEPHANIE MILIONE

IN 2016 VICTORIAN WOMEN LAWYERS CELEBRATED ITS 20TH ANNIVERSARY OF ASSISTING WOMEN WORKING IN THE LAW AND PROMOTING THE INTERESTS OF WOMEN THROUGH THE LAW.

Over the course of the year, VWL has been committed to reaching out to members and potential members with a diverse range of events and initiatives. We have focussed on ensuring that our association is welcoming and inclusive to women lawyers and law students from a diverse range of backgrounds and perspectives, whether that be cultural, socio-economic, LGBTIQ, regional and suburban. With over 800 members and a social media reach of over 2000 people, VWL continues to lead the way on gender issues in the legal profession.

VWL delivered almost 40 events and projects that were aimed at examining topics that are important to our members. These included: pay transparency, family violence, revenge porn, addressing unconscious bias, closing the gender pay gap, incarceration of indigenous women, career progression, culturally sensitive legal advice, flexibility and tackling sexism, harassment and gender discrimination. A series of regional events in Geelong, Bendigo and Shepparton, as well as recording and posting videos of our events on our website, represented our efforts to reach out to regional women lawyers.

We continue to contribute to public discourse on law reform and policy. This year our Law Reform and Justice Committees made submissions to the Senate inquiries on the phenomenon colloquially known as 'revenge porn' and the *Fair Work Amendment (Gender Pay Gap) Bill*, as well as the Victorian Gender Equality Strategy. VWL

representatives Amy Johnstone, Sophie Brown and myself gave evidence to the Senate Committees conducting the inquiries into revenge porn and the gender pay gap.

In 2016, VWL matched a record number of 187 pairs of mentors and mentees in our Law Student Mentoring Program. We were thrilled to introduce the Honourable Justice Rita Zammit as a co-patron of the Law Student Mentoring Program. The Program continues to be highly valuable to women who are preparing to enter the legal profession.



WE HAVE FOCUSED ON ENSURING THAT OUR ASSOCIATION IS WELCOMING AND INCLUSIVE TO WOMEN LAWYERS AND LAW STUDENTS FROM A DIVERSE RANGE OF BACKGROUNDS AND PERSPECTIVES, WHETHER THAT BE CULTURAL, SOCIO-ECONOMIC, LGBTIQ, REGIONAL AND SUBURBAN.

The second annual Warren Moot saw over 30 VWL members participate in the competition with many adjudicators from the judiciary and the Bar generously donating their time to adjudicate the moot rounds.

VWL is honoured by the support and guidance of our patron, Chief Justice Marilyn Warren AC. She continually offers her advice and time to support our initiatives. Furthermore, VWL could not offer the plethora of events to our members without the generosity of our sponsors: Allens, Ashurst, Clayton Utz, Corrs Chambers Westgarth, K&L Gates, King & Wood Mallesons, Maddocks, Maurice Blackburn, MinterEllison and the Law Institute of Victoria. This year we also welcomed new sponsors: Wotton + Kearney, Justitia, Nicholes Family Lawyers and Sigma Executive. We thank Hall & Wilcox, Lander & Rogers, Taylor Root, Arnold Dallas McPherson, Gordon & Jackson, Russell Kennedy, Coulter Roache Lawyers and the Victorian Government Solicitor's Office for hosting events this year.

This special 20th anniversary edition of *Portia* reflects on VWL's past achievements as the peak body for women lawyers in Victoria and looks to our continued efforts to assist female lawyers to achieve a successful professional life, and to support women's legal and human rights.

For supporting me in my role this year, I would like to thank the Committee, in particular Assistant Convenor, Bianca Quan, and Secretary, Jasmina Davis, for their support and dedication. It has been an honour and a privilege to serve as Convenor of VWL.

I commend *Portia 2016* to you as an enduring record of our 20 years of achievements. ■

Photography by Dan Soderstrom

MESSAGE FROM OUR PATRON

THE HONOURABLE CHIEF JUSTICE MARILYN WARREN AC

REFLECTIONS ON THE *MERCHANT OF VENICE'S PORTIA*

2016 marks both the 20th anniversary of Victorian Women Lawyers and the 400th anniversary of the death of William Shakespeare. Given Portia, a central character in Shakespeare's *The Merchant of Venice*, acts as the namesake of this journal, these occasions seem to warrant a short investigation into Shakespeare's character and her use as a role model to female lawyers.

In many respects, *The Merchant of Venice* is a vehicle to display Portia's heroism and savvy. Portia is a wealthy, beautiful young woman for whom 'the four winds blow in from every coast / Renowned suitors'. Bound by her late father's will, she is unable to choose a husband but must instead be wed to whichever contender chooses correctly between a gold, a silver and a lead chest. She is set up to be a victim of her circumstances. But instead she prefers to take matters into her own hands. When Bassiano, a poor Venetian scholar in whom Portia is interested, comes to court her, Portia arranges for her household to sing Bassiano a warning not to choose among the chests based on looks alone. Duly alerted, Bassiano reflects on the duplicity of ornament ('How many cowards whose hearts are all false / as stairs of sand, wear yet upon their chins / The beards of Hercules and frowning Mars, / Who, inward searched, have livers white as millk?') and chooses the lead chest that allows Portia to marry him.

When Bassiano's close friend Antonio is faced with paying the maligned Jewish merchant Shylock a pound of flesh for forfeiting on a loan, Portia disguises herself as a male lawyer and comes to the rescue. Mocking and gleeful in preparing

for her role, Portia says to go undiscovered, she will merely practice the 'raw tricks' of the 'bragging Jacks' she has watched and scorned. Stressing her great 'learning', she manages to be commended to the Venetian court as the judge of the matter. With a keen sense for the workings of the law, Portia acknowledges that the forfeited debt must be answered with the agreed price: 'There is no power in Venice / Can alter a decree established. / 'Twill be recorded for a precedent, / And many an error by the same example / Will rush into the state. It cannot

while her unsuspecting husband Bassiano congratulates the 'wisdom' of the strange lawyer.

Portia in many respects is a role model for those looking to achieve gender diversity in the legal profession. She epitomises passion, intelligence and bravery; she works situations to her advantage, she is animated by concern for those close to her and she makes a close study of the words of the law. For those apprehensive about working in a historically male profession, Portia's uncowed attitude and patent success in the male domain is inspiring.

However, Portia's credentials with respect to cultural diversity fall far short. While Portia is a skilled lawyer, her role in Shylock's defeat creates a moment of great disenchantment with her. Portia fails to sympathise with the man who has been despised and dehumanised by all of his acquaintance. Faced constantly with a lack of understanding, Shylock rails against the unfeeling and irrational hatred visited upon him: 'Hath not a Jew eyes? Hath not a Jew hands, organs, dimensions, senses, affections, passions; fed with the same food, hurt with the same weapons, subject to the same diseases, healed by the same means, warmed and cooled by the same winter and summer as a Christian is?'

Portia's failure to comprehend or empathise with Shylock reminds us of the need for cultural diversity in our profession. Perhaps another who better understood his plight would have managed to resolve the dispute without disenfranchising Shylock from the legal system. There is great importance both to our community and to us as individuals in ensuring that Victoria's courts exhibit a balance of cultures, races and genders that reflects our society. It is wonderful that VWL takes these opportunities to reaffirm and reignite the Victorian legal profession's commitment to these causes. ■



FOR THOSE APPREHENSIVE ABOUT WORKING IN A HISTORICALLY MALE PROFESSION, PORTIA'S UNCOWED ATTITUDE AND PATENT SUCCESS IN THE MALE DOMAIN IS INSPIRING.

be.' But Portia adheres closely to the words of the bond before her and informs Shylock that he is entitled to only a pound of flesh and that 'in the cutting it, if [he] dost shed / One drop of Christian blood, [his] lands and goods / Are by the laws of Venice confiscate / Unto the state of Venice.' Outwitted, Shylock hastens from the scene of Portia's victory,

Image courtesy of the Supreme Court of Victoria

MESSAGE FROM THE PRESIDENT LAW INSTITUTE VICTORIA

STEVEN SAPOUNTSIS

ONE OF MY PARTICULAR INTERESTS DURING MY YEAR AS PRESIDENT OF THE LAW INSTITUTE OF VICTORIA HAS BEEN FOSTERING EQUALITY, DIVERSITY AND INCLUSION IN THE LEGAL PROFESSION.

As a young graduate, new to the law, I was unaware of the still significant barriers that faced women in the law. I was a migrant, articled to a female lawyer, who was widely regarded as one of the finest lawyers in Victoria. At that time, I was interested and concerned about the difficulties facing migrants in the legal system, either as clients or lawyers, but had not really understood the difficulties facing women in the law.

Things changed. In 1999, VWL published a paper that urged the profession to “*Take Up the Challenge*” to help overcome the barriers that were driving women away from careers in the law.

It is a fair question to ask what progress has been made in the profession since that challenge was issued?

Women have been the majority of law graduates in Victoria for the past thirty years. According to our most recent membership statistics, 66 per cent of LIV members who belong to Gen Y (those born between 1981 and 1994) are women.

From those figures, one would anticipate that the legal profession was embracing and keeping women lawyers. But while more women are entering the profession, still too few make it to the senior levels. Only 24 per cent of law firm partners (equity and salaried) are women.

The National Attrition and Re-engagement Study carried out by the Law Council of Australia in 2012 gives some clues as to why.

Many of the women surveyed said that they were looking for a better work-life balance, that they disliked the pressures of time-billing and excessively long working hours, and that they felt uncomfortable working in a culture that fosters competitiveness and discourages collegiality and knowledge sharing.

Women also said they were being passed over for promotion because of an assumption that their commitment to the firm would be compromised by their desire to raise a family.

or large firms, long established or start-ups – that are providing practices with truly flexible working and billing arrangements.

At least two mid-tier firms have introduced even more advanced flexible working policies aimed at identifying and retaining talented women lawyers, that involve genuine file sharing when working part-time, and keeping women informed and connected while they are on maternity leave.

More generally, the LIV and the Law Council of Australia recognise that the profession needs to do more to ensure that legal workplaces identify and recognise talented women and make the practice of law as accommodating as possible. The loss of valuable talent is not good for the individual lawyer, the client, the firm or for the profession.

We know that diversity is a driver of innovation and is a critical component of success for all law firms. We know that for diversity to truly succeed, firms must work hard to identify and then remove the barriers to inclusion.

As part of our commitment to supporting women to continue to thrive in the profession, the LIV has established an organisational working group to support diversity initiatives in the profession and to help equip women lawyers to advance their legal careers.

Amongst those initiatives are: supporting the National Gender Equity briefing policy and signing the Diversity and Equality Charter; supporting the LCA in the Diversity Equality Action Plan; and partnering with the Victorian State Government in its unconscious bias initiative: “Recruit Smarter”.

There is progress being made, but it is slower than may have been anticipated when the challenge was posed by VWL in 1999. ■



WE KNOW THAT FOR
DIVERSITY TO TRULY SUCCEED,
FIRMS MUST WORK HARD TO
IDENTIFY AND THEN REMOVE THE
BARRIERS TO INCLUSION.

Changes are afoot, and some of those disenchanting lawyers may have since been fortunate to find their way into the growing number of legal practices – small, medium

Image courtesy of the Law Institute of Victoria



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VWL AND WBA SPEED NETWORKING: LADIES BRING A MATE

24 FEBRUARY 2016

OVER 120 FEMALE BARRISTERS AND SOLICITORS (AND 1 MALE BARRISTER) DESCENDED UPON EL COCO ON A BALMY EVENING IN FEBRUARY THIS YEAR KEEN TO CATCH UP WITH THEIR 'MATES' AND MAKE PLENTY OF NEW ONES AT THE FIRST VWL AND WOMEN BARRISTERS ASSOCIATION (WBA) SPEED NETWORKING EVENT.

The always impressive Fiona McLeod SC was the mistress of ceremonies, and over a flute of champagne she kicked off the 2016 year of VWL and WBA events.

Ladies and their 'mates' were sorted into practice areas to mingle with other pairs. Practice areas represented included Family Law, Commercial Law, Common Law, Criminal Law and Public Law. The pairs were encouraged to 'sing the praises' of their respective partners throughout the three rounds of networking.

The attendees were encouraged to embrace the networking scene and hone their networking skills, which are essential to any legal practitioner.



GOVERNMENT HOUSE EVENT

3 MARCH 2016

THIS YEAR, VWL AND WBA MEMBERS FROM REGIONAL VICTORIA WERE INVITED BY THE GOVERNOR, HER EXCELLENCY THE HONOURABLE LINDA DESSAU AM TO ATTEND AN AFTERNOON TEA AT GOVERNMENT HOUSE.

The Governor, who is the Former Chief Justice of the Family Court, addressed the attendees, speaking of her experiences as a young lawyer entering the profession. The Governor spoke of the barriers and challenges that women faced when embarking upon their careers in law in the late 1980s, and the progression that has since been made within the industry.

The afternoon tea was hosted in the State Drawing Room. The Governor's guests were also invited to tour Government House, including the State Ballroom and State Chair, as well as the picturesque gardens.

The attendees also had an opportunity to meet and speak with the Governor, as well as network with other regional women lawyers.

Image: The Honourable Justice Jeanette Morrish of the County Court of Victoria and Caroline Counsel

Photography by Jam On Your Collar



WOMEN LAWYERS NETWORKING LUNCH SERIES

FEBRUARY, MAY, AUGUST AND NOVEMBER 2016

THIS YEAR VWL, IN CONJUNCTION WITH THE WOMEN BARRISTERS ASSOCIATION, HELD A WOMEN LAWYERS NETWORKING LUNCH SERIES SPONSORED BY GORDON & JACKSON BARRISTERS' CLERKS.

The aim of the event series was to provide female barristers, particularly junior barristers, with the opportunity to promote their skill set and network with senior instructing solicitors in their area of practice, in an endeavour to highlight their capabilities, build relationships and generate briefing of those barristers.

The series commenced in February 2016 with a luncheon attended by female barristers and both male and female senior litigators practising in the area of building and construction law. The Honourable President Maxwell AC of the Court of Appeal, in his capacity as judicial Male Champion of Change, endorsed and attended the event. The discussion was expertly moderated by Suzanne Kirton of the Victorian Bar.

The second luncheon, held in May, brought together female barristers and senior family law litigators, and was attended by her Honour Chief Justice Bryant of the Family Court of Australia. Eleanor Mallett of the Victorian Bar facilitated an engaging discussion on the intersection of jurisdictions in family law.

Caroline Kirton QC, Chair of the Law Council of Australia's Equalising Opportunities in the Law Committee, introduced the third luncheon in June. Moderated by barrister Susan Gatford, the discussion focussed on recent developments in commercial law.

In August a group of criminal barristers and litigators convened to share insights and experiences at the criminal bar. Justice Redlich gave a very honest opening address regarding the low number of female advocates. Moderator Stephanie Clancy challenged the assembled company to consider how women at the Bar can secure more briefs.

Photography by Jam on Your Collar



The final luncheon in the series took place in November and focussed on public and administrative law. It gathered women barristers practising in the area, government lawyers and private practitioners advising government departments and agencies. Anne Sheehan moderated the discussion and the group was privileged to be joined once again by his Honour President Maxwell.

Thank you to all involved in a very successful Women Lawyers Networking Lunch Series, especially to series sponsor, Gordon & Jackson for its generous support of the initiative, and to the Honourable President Maxwell AC of the Court of Appeal for his continued commitment to advancing women's representation in all areas of legal practice.



Images: (top) (from left to right) Kylie Weston-Sheuber, Suzanne Kirton, the Honourable President Maxwell AC, Ross Gordon, Meredith Gibbs

(middle) Lunch guests

(bottom) Fiona Cameron

DAME ROMA MITCHELL MEMORIAL LUNCHEON

Oration by Professor Megan Davis

11 MARCH 2016



IN 2016 VWL AND THE LAW INSTITUTE OF VICTORIA PAID TRIBUTE TO DAME ROMA MITCHELL AND HER INSPIRATIONAL ACHIEVEMENTS WITH THE DAME ROMA MITCHELL MEMORIAL LUNCH AT THE PLAZA BALLROOM.

This annual event celebrates the life of Dame Roma – first woman Queen’s Counsel, judge, Australian university chancellor and State Governor – and highlights the many accomplishments of women in Australia. It traditionally features a speaker with a reputation for breaking down barriers and rising to both personal and professional challenges. This year Professor Megan Davis, a Cobble Cobble Aboriginal woman from South East Queensland, well and truly fulfilled the criteria.

Professor Davis is a member of the Referendum Council which is tasked to advise the Prime Minister and the leader of the Opposition on progress and next

steps towards a referendum to recognise Aboriginal and Torres Strait Islander peoples in the Australian Constitution. She was previously a member of the Expert Panel on Constitutional Recognition of Indigenous Australians, which reported to the Prime Minister in 2012.

Professor Davis was the first Australian Indigenous woman to be elected to a United Nations body and serves as Chairperson of the United Nations Permanent Forum on Indigenous Peoples. She is also a Professor of Law, an Acting Commissioner of the NSW Land and Environment Court, and the Director of the Indigenous Law Centre at the University of New South Wales.

With these credentials, Professor Davis was eminently qualified to enlighten the assembled guests on the nuances of the campaign to recognise Indigenous Australians in the Constitution. Although there is bipartisan support for a 2017 referendum

that could result in Indigenous Australians being recognised in the Constitution, the form of recognition is hotly contested within the community and momentum is building for alternative reform by way of treaty. This is in response to a political framing of constitutional recognition that some consider narrow and largely symbolic. The treaty argument calls for a broader settlement, including political representation, land and reparations.

Professor Davis’s rousing, robust address captured the complex issues at play and the diversity of views within the Indigenous community. She urged all women lawyers to get involved in the movement for reform and lend their intellect and legal skills to the conversation. We were privileged to hear the insights of one woman lawyer at the centre of this important debate.



Image – facing page: Professor Megan Davis

Images – this page (from left to right):

(middle left) The Honourable Chief Justice Marilyn Warren AC of the Supreme Court of Victoria, The Honourable Linda Dessau AM, Professor Megan Davis, LIV President Steven Sapountsis

(middle right) VWL Immediate Past Convenor Kirsten Adams, Virginia Lay, The Honourable Chief Justice Marilyn Warren AC, Stephanie Milone, Professor Megan Davis

(bottom left) VWL Convenor Stephanie Milone

(bottom right) The Honourable Susan Pullen of the County Court of Victoria

Photography by Hi Vis Pictures

NOT YOURS TO SHARE: LEGAL RESPONSES TO THE NON-CONSENSUAL DISTRIBUTION OF PRIVATE SEXUAL MATERIAL

6 APRIL 2016



VWL'S LAW REFORM COMMITTEE IN PARTNERSHIP WITH MAURICE BLACKBURN LAWYERS HELD A PANEL DISCUSSION THAT SOUGHT TO ADDRESS THE ISSUE OF NON-CONSENSUAL DISTRIBUTION OF PRIVATE SEXUAL MATERIAL, COLLOQUIALLY KNOWN AS 'REVENGE PORN', IN LIGHT OF PROPOSED REFORMS TO COMMONWEALTH LEGISLATION.

The issue was addressed in 2015 when Federal members of parliament Tim Watts and Terri Butler (Australian Labor Party) introduced the draft *Criminal Code Amendment (Private Sexual Material) Bill 2015* to create new offences against sharing, or threatening to share, private sexual images and films of others without consent.

In November 2015, the issue of revenge porn was referred to the Senate Legal and Constitutional Affairs Committee for inquiry and report. VWL made a submission to the inquiry and gave evidence at the public hearing held in February 2016.

The Committee's report was released in February 2016 and VWL was pleased to see that it directly addressed some of the key concerns raised in its submissions.

The speakers Susan McLean, Tim Watts MP, Dr Nicola Henry and Belinda Lo shared their experiences, research and knowledge, and suggested that women are disproportionately affected by revenge porn. However, many of us have only recently begun to understand it as a form of family violence and sexual assault.

Belinda Lo, Principal Lawyer of the Eastern Community Legal Centre, explored how revenge porn impacts women. She explained that the actual threat of dissemination is just as damaging as sharing a private sexual image without consent.

Susan McLean, a leading expert in the area of cyber safety and a member of Victoria's Police for 27 years, explained that revenge porn is not just a technology issue, but a societal issue that predominately affects women. Laws alone are inadequate to address it; comprehensive education and training of police is also necessary.

Dr Nicola Henry, a Senior Lecturer in Crime, Justice and Legal Studies at La Trobe University, explained that the causes and underlying behaviours of revenge porn are still not completely understood, however the concept of power is important. Revenge is not always the motivation for distribution of images; there might be other motivations such as monetary gain.

The draft Bill lapsed at prorogation in April this year. However VWL will continue to monitor this issue and hopes that any legislative change will be part of a broader policy approach addressing intimate family violence.

Image (from left to right): Susan McLean, Dr Nicola Henry, Tim Watts MP and Belinda Lo

Photography by Jam on Your Collar

PROGRESSION AND PROMOTION OF WOMEN LAWYERS IN THE PUBLIC SERVICE

11 MAY 2016

VWL'S WOMEN IN GOVERNMENT COMMITTEE AND THE VICTORIAN GOVERNMENT SOLICITOR'S OFFICE (VGSO) HOSTED A LUNCHTIME PRESENTATION ON THE PROGRESSION AND PROMOTION OF WOMEN LAWYERS WORKING IN THE PUBLIC SERVICE.

The panel included Michele Rowland, Principal Solicitor at VGSO, Emily Nance, Senior Executive Lawyer at the Australian Government Solicitor and Lisa Gandolfo, Manager of the System Quality Unit in the Early Childhood and School Education Group at the Department of Education and Training (Vic). Diana Piekusis, Crown Prosecutor, moderated the presentation.

Each speaker shared stories and insights from her experiences as a government lawyer. The presentation was highly informative, dealing with important topics such as how to navigate performance reviews, when to seek progression and promotion, and how to deal with difficult managers. Invaluable tips were shared on how to progress as a public service lawyer.



Thanks to the panellists and to the Victoria Government Solicitor's Office for hosting the event.



Images (from left to right): (left) Lisa Gandolfo, Michele Rowland and Emily Nance

(right): Guests

Photography by VGSO Marketing Team

GEELONG NETWORKING AND CAREER DEVELOPMENT EVENTS

12 MAY AND 6 OCTOBER 2016

ONE OF VWL'S INITIATIVES THIS YEAR WAS TO IMPLEMENT A SERIES OF REGIONAL EVENTS TO CATER FOR FEMALE PRACTITIONERS BASED IN REGIONAL AND SUBURBAN AREAS.

Local lawyers and law students attended the first regional event held at The Edge in Geelong. The networking drinks provided women lawyers and law students with an opportunity to meet and network with fellow local practitioners. At VWL's second Geelong event, Magistrate McGarvie spoke on career development and leadership in a regional area. Magistrate McGarvie reflected on her varied career, from being a solicitor, barrister, university lecturer and VCAT member prior to becoming a Magistrate.

She discussed the advantages of building a career in regional Victoria and provided helpful advice on becoming a leader in the profession. The event was well attended and provided attendees the opportunity to speak one-on-one with Magistrate McGarvie after the presentation as well as the opportunity to network with one another.

Thank you to Coulter Roache Lawyers, Magistrate McGarvie and the Geelong members of the Membership Committee for contributing to the success of the events.

Image: (left to right) Ella Thompson, VWL Convenor Stephanie Millione, Charley Brumby-Rendell

Photography by Jam On Your Collar



FAMILY VIOLENCE IN AUSTRALIA: MIGRANT WOMEN SLIP THROUGH THE CRACKS

19 MAY 2016

VWL'S JUSTICE COMMITTEE IN CONJUNCTION WITH KING & WOOD MALLESONS HOSTED A PANEL DISCUSSION ON HOW FAMILY VIOLENCE ADVERSELY AFFECTS WOMEN IN THE MIGRATION PROCESS.

Nabila Farhat, women's advocate at Shakti Australia, spoke of the need for real discourse regarding different cultural practices and highlighted that, in order to provide support to migrant women experiencing family violence, there must first be an understanding and appreciation of diverse cultural practices. If not, women can feel that there is little point in speaking out if their experiences or background differ significantly from the Western norm.

Emily Singh, Migration Lawyer at the Asylum Seekers Resource Centre, described how family violence affecting migrant women is complicated further by the fact that many women have visas contingent upon their relationship being of a 'permanent or ongoing nature'. She considered that the Courts have proven unsympathetic towards the cultural practices or traditions that make it very difficult to extricate oneself from a violent relationship, and instead have a tendency to frame attempts by women to break free from such relationships as opportunistic in light of their immigration status.

Roz Germov, barrister, described the procedural inadequacies and processes that fail people in immediate danger. With over 20 years experience in immigration and refugee law, Roz Germov argued that there should be a process to fast-track visas, particularly for women and children in immediate danger of family violence.

The panel shared their frustration at the lack of funding for services, such as shelters, that provide migrant women experiencing family violence with essential support.

Images: (top) (from left to right) Roz Germov, Emily Singh, Nabila Farhat

(bottom) Guests

Photography by Lee Sanders



MEMBERS AND GUESTS' EVENING

24 MAY 2016

WITH OVER 200 ATTENDEES AT OUR ANNUAL MEMBERS AND GUESTS' EVENING, IT WAS A FANTASTIC TURNOUT FROM BOTH WOMEN LAWYERS AND LAW STUDENTS.

The evening was hosted by Corrine Grant, former comedian and TV personality, now trainee lawyer. Corrine delighted the audience with stories of some of her first court appearances, which were all too relatable for many in the room.

Highlights of the night included the photo booth, allowing the guests to record memories of the evening, and some of our lucky members and guests were treated to fantastic prizes, generously donated by VWL's supporters.

A membership table was 'wo'-manned by committee members throughout the night, allowing guests to enquire about VWL membership.



Thanks to the Networking Committee, event sponsor Taylor Root and the prize donors for their ongoing support.

Images: (left) Corrine Grant (right): Guests enjoying the photo booth

Photography by Dan Soderstrom

BENDIGO NETWORKING LUNCHEON

27 MAY 2016

THIS YEAR, VWL AIMED TO BROADEN ITS MEMBERSHIP TO INCLUDE MORE LAWYERS IN REGIONAL AND SUBURBAN AREAS. AS PART OF THAT PROCESS, VWL HOSTED A NETWORKING LUNCHEON IN BENDIGO.

The event provided guests with an opportunity to network, share their experiences, and discuss the challenges and rewards of pursuing a career in law in regional and suburban areas.

Marika McMohan, Partner at O'Farrell Robertson McMohan spoke at the event, providing insights into her time practising as a lawyer in regional Victoria. Marika McMohan has practised law in Bendigo since 1994 and is a passionate advocate for women living in the country and the opportunities for young people in regional Victoria.

The event also provided VWL with an opportunity to meet with regional practitioners and learn what events and initiatives would be well received in regional areas.

Thank you to our guests, Ms McMohan our speaker and to our sponsor Arnold Dallas McPherson Lawyers.



Image: Guests

Photography by Red Line Studio

2016 VWL & WBA LAW STUDENT MENTORING PROGRAM LAUNCH

9 JUNE 2016

FOLLOW YOUR PASSION, DON'T WORRY IF YOUR CAREER PATH SEEMS UNORTHODOX, AND TAKE UP EVERY OPPORTUNITY – WAS THE MESSAGE OF THE HONOURABLE JUSTICE RITA ZAMMIT AT THE LAUNCH OF THE 2016 VWL & WBA LAW STUDENT MENTORING PROGRAM.

The VWL & WBA Law Student Mentoring Program was first launched in 2008 and continues to grow each year, with 187 pairs of mentors and mentees matched in 2016. This year, VWL was honoured to welcome Justice Zammit as co-patron of the program, joining long-term Patron, the Honourable Commissioner Marcia Neave AO.

Justice Zammit spoke about the challenges she has faced on her “non-traditional” career path. Her Honour began her career as a secondary school teacher before entering the law.

She went on to achieve partnership at Monahan & Rowell, was appointed to the Bench as an Associate Justice of the Supreme Court of Victoria in 2010, and in 2015 was appointed a Justice of the Supreme Court of Victoria. Justice Zammit acknowledged the importance of her mentoring relationships throughout her career, and encouraged the audience to make the most of mentoring opportunities.

The program continues to be highly useful to women entering the legal profession, particularly as issues of discrimination, unconscious bias, and obstacles to flexible work practices remain prevalent. VWL has now matched over 1,200 pairs of mentors and mentees since the program's inception.

The program launch was a fantastic opportunity for mentors and mentees to meet, and for former participants in the program to reconnect. VWL thanks K&L Gates which has hosted the Program Launch for the past eight years.



Photography by Jam on Your Collar

GENDER, SEXUALITY AND THE LEGAL PROFESSION

29 JUNE 2016

VWL AND CLAYTON UTZ HOSTED A DISCUSSION WITH THE VICTORIAN COMMISSIONER FOR GENDER AND SEXUALITY, ROWENA ALLEN.

The purpose of the event was to discuss with Commissioner Allen the intersection between gender, discrimination and sexual orientation. Drawing on her past experience and current projects, Commissioner Allen provided many insights and highlighted the correlation between gender and sexuality discrimination.

Discrimination and homophobia, biphobia, and transphobia, significantly affect the wellbeing of LGBTIQ persons. Commissioner Allen spoke about the improvements that the public sector was making for LGBTIQ employees and encouraged attendees to think about ways the legal profession can be more inclusive of LGBTIQ lawyers.

Image: Hannah Cohley and Commissioner Rowena Allen



Photography by Jam on Your Collar

CLIMBING THE CAREER LADDER

13 JULY 2016

FOR ITS ANNUAL CAREER PROGRESSION EVENT, VWL'S NETWORKING COMMITTEE HELD A FRANK AND OPEN PANEL DISCUSSION WITH OVER 100 ATTENDEES AT VWL SPONSOR FIRM, ASHURST.

The panel discussion was led by Jane Harvey, Partner at Ashurst, Shobana Richmond, Manager at Taylor Root, Melanie Wilkinson, Director of Fenton Communications, and Shivani Pillai, Board Member of the Parole Board, Department of Justice and barrister.

The panellists shared insights from their diverse careers: rising to partnership whilst juggling a family, traversing career changes, and asking for a pay rise or promotion. They advised on applying for jobs, developing and maintaining networks, and sustaining a work/life balance.



Attendees appreciated the candidness with which the panellists approached the Q&A session. Thanks to the panel and to Ashurst for supporting an evening of valuable information sharing and networking.



Images (from left to right): (left) Guests enjoying the panel discussion

(right) Panelists Jane Harvey and Shivani Pillai

Photography by Lee Sanders

TACKLING SEXISM, SEXUAL HARASSMENT AND GENDER DISCRIMINATION IN THE WORKPLACE

19 JULY 2016

VWL'S WOMEN IN GOVERNMENT COMMITTEE AND RUSSELL KENNEDY LAWYERS HOSTED A DISCUSSION ON SEXISM, SEXUAL HARASSMENT AND GENDER DISCRIMINATION ISSUES FACING FEMALE LAWYERS IN THE WORKPLACE, AND HOW THESE BARRIERS ARE BEING ADDRESSED AND OVERCOME.

The event, which was attended by over 100 people including John Cain, Solicitor for Public Prosecutions, and Sal Perna, Racing Integrity Commissioner, provided a forum for attendees to hear from a variety of speakers and discuss these serious issues facing women today.

Catherine Dixon, Director of the Victorian Equal Opportunity and Human Rights Commission (VEOHRC), Assistant

Commissioner Luke Cornelius of Victoria Police and Raelene Sharp, barrister, shared their experiences and perspectives on these issues, and offered advice for both women and managers on how to deal with sexual harassment and gender discrimination.

Assistant Commissioner Cornelius also discussed the recent VEOHRC review into sex discrimination and sexual harassment, including predatory behaviour, in Victoria Police and the particular challenges Victoria Police faces in addressing these issues.

Thank you to the guest speakers, moderator Sally Flynn from the Victorian Bar, Russell Kennedy Lawyers and everyone involved for contributing to the success of this event.



Images (from left to right): Catherine Dixon, Raelene Sharp, Assistant Commissioner Luke Cornelius

Photography by Jam on Your Collar

CULTURALLY SENSITIVE LEGAL ADVICE

27 JULY 2016

THE CULTURAL DIVERSITY COMMITTEE HOSTED THEIR MAIDEN EVENT AT VICTORIA UNIVERSITY IN FOOTSCRAY, EXPLORING HOW TO PROVIDE CULTURALLY SENSITIVE LEGAL ADVICE IN THE AREAS OF FAMILY LAW AND FAMILY VIOLENCE.

The panel included Magistrate Toohey of the Sunshine Magistrates' Court and members of InTouch Multicultural Centre Against Family Violence, Adisa Muminovic, case support worker and case manager, Jennifer Dawson, registered psychologist and Jane Penberthy, lawyer.

The discussion considered the various barriers that are faced by women from

culturally and linguistically diverse (CALD) backgrounds in accessing the legal system. The speakers shared valuable stories of their experiences and highlighted the sensitive issues as well as different strategies to employ with CALD clients.

Magistrate Toohey spoke about the need for practitioners to educate themselves about the cultural background of their clients to better understand the factors that play a role in their clients' lives. Information was shared regarding the various services and support available to CALD clients.

Image: VWL's Cultural Diversity Committee, VWL Convenor Stephanie Milione, Magistrate Toohey and members of In Touch Multicultural Centre Against Family Violence



Photography by Wilari Tedjosiswoyo

REMEMBERING MS DHU: INCARCERATION OF INDIGENOUS WOMEN

18 AUGUST 2016

IN AUGUST, VWL HOSTED A PANEL DISCUSSION ABOUT THE INCARCERATION RATES OF ABORIGINAL WOMEN.

The story of Ms Dhu, a Yamatji woman, who died on August 4, 2014, at 1.39pm of septicaemia and pneumonia while in police custody for outstanding fines of \$3,622, was the impetus to examine this social justice issue. Under Western Australian law, fine defaulters can be jailed and "pay down" their fines at a rate of \$250 per day in custody.

Annette Vickery, Deputy CEO of the Victorian Aboriginal Legal Service, Dr Thalia Anthony, Associate Professor of Law at UTS, and Dr Elena Marchetti, Research Professor of Law at the University of Wollongong, made up the panel. The event was also held in recognition of the 25-year anniversary since the Royal Commission into Aboriginal Deaths in Custody. The panel examined the fact that since the Royal Commission report was handed down the conditions for Indigenous women have worsened. The numbers of incarcerated Indigenous women over the



past 10 years have doubled. Koori women are the fastest-growing group in the Victorian prison population and are imprisoned at a higher rate than non-Koori women and Koori men.

Indigenous women's over-representation in arrest, conviction and imprisonment is driven by family violence and sexual abuse, inter-generational trauma, mental illness, drug and alcohol abuse and, tragically, high rates of re-imprisonment. The discussion was



insightful and informative, and demonstrated the importance of a nuanced approach to prevent the ongoing criminalisation of women, and the need to develop Indigenous justice strategies that decolonise current law enforcement approaches.

Images: (left) Dr Elena Marchetti (right) Annette Vickery, Dr Thalia Anthony, Dr Elena Marchetti

Photography by Jam On Your Collar

RESOURCING YOURSELF: PROFESSIONALLY AND PERSONALLY

24 AUGUST 2016

HELD IN CONJUNCTION WITH NEW ASSOCIATE SPONSOR, NICHOLAS FAMILY LAWYERS, THE EVENT EXAMINED THE RISK OF VICARIOUS TRAUMA TO LAWYERS AND ALLIED PROFESSIONALS, AND PROVIDED PARTICIPANTS WITH TOOLS AND STRATEGIES FOR DEALING WITH THESE ISSUES IN THEIR OWN PRACTICES.

The panel of speakers, moderated by Sally Nicholes, Nicholes Family Lawyers, comprised Judge Evelyn Bender of the Federal Circuit Court, Dr Catherine Boland, clinical psychologist, Dr Melanie Heenan, Executive Director of Court Network, and Helen Matthews and Abigail Sullivan of Women's Legal Service Victoria.

Her Honour Judge Bender shared her perspective as a judicial officer, and spoke of some of her experiences from her time as in-house counsel with Legal Aid.

Dr Catherine Boland, who has experience working with children and families in situations of family conflict and separation, focussed on working with high conflict individuals in distress and crisis, and provided some strategies for dealing with vulnerable clients. Abigail Sullivan also shared some strategies honed in the course of her career, as she discussed her experiences working at Women's Legal Service Victoria as a mature aged student.

Dr Melanie Heenan introduced attendees to the Court Network and its work with self-represented litigants. She also shared some of the training given to volunteers at the Court Network, aimed to equip them with the necessary tools to assist court users, including victims of crime.

Helen Matthews discussed the work of Women's Legal Service Victoria, and the training given to their front line workers to manage high conflict individuals.



Helen Matthews and Dr Melanie Heenan also discussed the joint project between the WLSV and Court Network, which aims to address issues arising out of the increase in self-represented litigants in our Court system.

Image: Guests

Photography by Jam On Your Collar

ADDRESSING UNCONSCIOUS BIAS

14 SEPTEMBER 2016

VWL HOSTED A LUNCHTIME CPD TRAINING SEMINAR ON ADDRESSING UNCONSCIOUS BIAS WITH SPONSOR FIRMS HALL & WILCOX AND JUSTITIA.

The training was conducted by Laura Douglas, Senior Associate at Justitia, and Natasha Toholka, Partner and Chair of the Diversity Committee at Hall & Wilcox.

The seminar was a huge success and had a large turnout. Attendees gained valuable insight into unconscious bias theory and participated in round-table discussions to develop strategies to combat unconscious bias in the workplace.

The training encouraged attendees to be creative in their approach. The event highlighted the importance of being aware of our own biases within a professional and personal context.



Image: Victoria Campbell and Caroline Jones

Photography by Lee Sanders

FLEXIBILITY AND TEAMS: MAKING IT WORK TOGETHER

15 SEPTEMBER 2016

THE WORK PRACTICES COMMITTEE WAS DELIGHTED TO BRING TOGETHER HIGH PROFILE WOMEN PARTNERS TO DISCUSS THEIR EXPERIENCES WORKING FLEXIBLY AND, IN PARTICULAR, MANAGING TEAMS WHO WORK FLEXIBLY.

The panel comprised Kate Marshall, Intellectual Property Partner at K&L Gates, Catherine Brooks, Workplace Relations Partner at Moores, and Priscilla Bryans, Head Office Advisory Partner, at Herbert Smith Freehills.

Patrizia Mercuri, Workplace Relations Partner at Lander & Rogers, was a fantastic MC; probing the panel and exploring the challenges facing managers and members of flexible teams. The panel discussed how factors such as team dynamics, other partner expectations and unconscious bias can present challenges for teams working flexibly. Interestingly, no one on the panel

considered that client expectations were an issue, given many clients are actually far ahead of law firms in terms of encouraging and even mandating working from home days. However, the panel members agreed that there continues to be a culture in many firms where 'visibility' is important to career progression.

The panel provided some excellent insights and practical examples of the ways in which these issues can be managed effectively, including the use of the 'today email' (setting out your working location for the day), the need for trust, and a reminder to always focus on the value you can bring to the business, whether you are present in the office or working elsewhere. While there are some challenges to working flexibly, it was encouraging to hear from those who manage it well and to take away some practical tips and inspiration.



Image: Guests

Photography by Lee Sanders

CLOSING THE GENDER PAY GAP: HOW TO NEGOTIATE YOUR PAY, CONDITIONS AND EMPLOYMENT CONTRACT

15 OCTOBER 2016

MEN IN AUSTRALIA ARE STILL PAID ON AVERAGE ABOUT 27% MORE THAN WOMEN IN PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES INDUSTRIES.

Now, more than ever, it is important for women to be equipped with the tools and knowledge to negotiate their pay and conditions. Maurice Blackburn employment lawyers Kelly Thomas, Jenna Vardi and Emily Lupo, provided practical advice and tips on the implications of common contractual terms (including bonus and remuneration terms) and how to approach the difficult conversation of asking for better pay and conditions.

Kelly Thomas examined the issue of pay equality in the legal industry and the studies

that examine the difference between female and male negotiation outcomes.

Emma Starkey discussed some key contractual issues that employees should be wary of including the discretionary nature of most bonus schemes – many are unenforceable, or are unenforceable when an employee leaves their employment; restraint of trade clauses – situations where an employee could be prevented from working for a competitor; and the contractual enforceability of policies – many employee benefits (redundancy benefits, bonus payments and so on) are contained in policies.

Emily Lupo provided practical tips about how to negotiate your contract with a new employer, or a current employer.



Image: (from left to right) Jess Dawson-Field, Bianca Quan, Stephanie Milione, Kelly Thomas, Emily Lupo and Emma Starkey

Photography by VWL

THE WARREN MOOT

17 OCTOBER 2016

THE WARREN MOOT PROVIDES AN OPPORTUNITY FOR WOMEN LAWYERS TO HONE THEIR PUBLIC SPEAKING, PROBLEM SOLVING AND ADVOCACY SKILLS IN A SUPPORTIVE SETTING, AND TO GAIN INSIGHT INTO A CAREER AT THE BAR.

Since its inception in 2015, the Warren Moot has attracted some of our profession's finest – with members of the judiciary generously lending their support to the competition by adjudicating moots and lawyers and law students alike presenting a high calibre of courtroom advocacy.

With little promotion, registrations for this year's Warren Moot filled out within a week, highlighting the appetite amongst our members to get involved in a competition of this nature.

This year's competition commenced with an informal opening night held at sponsor firm, Maddocks. Participants were fortunate to hear first-hand from her Honour Chief Justice Marilyn Warren about her own courtroom experiences and the importance of encouraging women lawyers to take on advocacy roles for the legal profession.



The first formal knockout round for the competition took place on 23 August 2016, with teams competing fiercely for a place in the semi-finals on 26 September 2016.

The Grand Final commenced on 17 October 2016 and was adjudicated by the Honourable Chief Justice Marilyn Warren. King & Wood Mallesons team, Bobbi Murphy, Kelly Butler, Ellen Williams and Holly Fairhurst, defeated the Victorian Government Solicitor's Office team to take home the Warren Moot Trophy. VWL congratulates all of the participants.



Image: (left to right) Bobbi Murphy, Kelly Butler, Ellen Williams and Holly Fairhurst

Photography by Stephanie Milione

SHEPPARTON NETWORKING DRINKS

21 OCTOBER 2016

THE FINAL VWL REGIONAL EVENT FOR THE YEAR WAS HELD IN SHEPPARTON AT THE TELLER COLLECTIVE.

Suzanna Sheed MP, Member for the Shepparton Electorate, spoke at the event about her experiences practicing as a lawyer in Shepparton and her transition to a career in politics.

Young lawyers and law students had an opportunity to meet and network with senior practitioners in the region over drinks and gourmet pizzas.

Thank you to the Shepparton lawyers and law students who attended the event, Suzanna Sheed MP and to the Goulburn Valley Law Association.



Image: (left to right) Ella Thompson, Suzanna Sheed MP, Sejan Amin and Tessa Mitchell

Photography by Jamile Long

VWL'S 20TH ANNIVERSARY CELEBRATION

20 OCTOBER 2016

VWL MARKED THE ACHIEVEMENTS OF WOMEN IN THE LEGAL PROFESSION AT VWL'S 20TH ANNIVERSARY CELEBRATION AT THE BANK IN MELBOURNE.

VWL welcomed its members, supporters and past Convenors to celebrate the progress made by the association since its inception in 1996.

VWL's patron, the Honourable Chief Justice Warren AC, addressed the celebration and reflected on how the representation of women in the law has changed over 20 years. Law school graduates are over 60 per cent women; the Bar Readers' course this year enrolled more women than men for the first time, and there are more women in higher positions, including three heads of jurisdiction in Victoria.

The Chief Justice noted that VWL remains a necessary and essential body for the Victorian legal profession given the representation of women in partnership, leadership positions, and on the Bench are not uniform, and the gender pay gap and flexible work arrangements remain present.

The Honourable Jenny Mikakos, Minister for Families and Children and Minister for Youth Affairs, and a former solicitor, touched on VWL's importance in assisting women working in the law and promoting the interest of women through the law.

VWL's convener, Stephanie Milione, spoke about the organisation's illustrious past and positive future.

VWL was delighted to celebrate the occasion with a diverse range of guests including representatives from VWL's sponsor firms, law students, junior lawyers, senior lawyers, judges, magistrates, and members from all sections of the legal profession.

Images: (top) Former VWL Convenors

(middle left) *Moving Landscape* by Fern Smith

(middle right) Caroline Jones, Fred Prickett and Cara Friedman

(bottom - from left to right) Charley Brumby-Rendell, Stephanie Milione, Fred Prickett, Liz Cooper, Jasmina Davis and Bianca Quan.



Photography by Tess Kelly

MARKING 20 YEARS – AND GOING STRONG

SPEECH BY THE HONOURABLE MARILYN WARREN AC

VWL'S 20TH ANNIVERSARY CELEBRATION

IT IS TWENTY YEARS SINCE VICTORIAN WOMEN LAWYERS WAS ESTABLISHED WITH THE MAGNIFICENT SUPPORT OF THE LAW INSTITUTE OF VICTORIA.

The LIV showed extraordinary vision and leadership in supporting the establishment of VWL through valuable funding and office accommodation. In fact, without the support of the LIV it is hard to see that the group would have advanced and achieved what it has. Hence, on behalf of the women in the law of Victoria I acknowledge and thank the LIV for all it has done and look forward to its enduring support of women lawyers.

Importantly, also, a number of the large law firms stepped in and provided funding to support the establishment and ongoing existence of VWL. I congratulate you too.

What purpose then has VWL served over the last 20 years?

It has been an important lobby and influence group. It has advised the LIV, government and government agencies, courts, the Bar and the community of the importance and value of a legal profession that welcomes and supports the views of women. A Chinese philosopher (or was it politician?) once said 'women hold up half the sky'. Twenty years ago such a philosophical approach was not reflected in the placements and recognition of women across the legal profession.

My how things have changed!

Let me nominate seven ways the representation of women in the law has changed in Victoria in the last twenty years.

1. There are more of us – The statistics are glorious. The numbers of female lawyers being admitted to practice in this State (I see everyone on admission days) are running at over 60 per cent. We know that the law schools are graduating women at over 60 per cent. These gender proportions have been sustained for some

time. This year the Victorian Bar enrolled more women than men in the Bar Readers' course for the first time in the Bar's history. This morning I attended a *Women in Law Breakfast* as part of the National Family Law Conference. 550 people attended (about 30 of whom were men). There is strength in numbers. The presence of women in the law cannot be denied.

2. There are more of us in higher positions – It is not unusual, indeed, commonplace for partners and senior associates to be



women (there are just not enough of them yet). In Victoria we have three heads of jurisdiction who are women. The LIV and the Victorian Bar have all had women as presidents. Most recently, Katie Miller was President of the LIV. Around a third of judicial officers in Victoria are now women. The Premier of Victoria announced in late 2014 that his government would appoint women to 50 per cent of government appointed positions including appointments to the judiciary. In positions of power and authority women are able to be even stronger advocates. There is increased impact and capacity to make the audience listen.

3. Better recognition of the parenting role – Whilst not yet universal, parental leave is recognized as an essential social need. Men have come to be included as playing a part in supporting women in juggling the demands of family. Legal practices have recognised the need to provide flexibility in working arrangements to keep female staff. Truly supportive and wise legal practices provide emergency support for parents who have a sudden family crisis. With better recognition comes the capacity of the woman lawyer to be able to focus more effectively on the professional role without the distractions of familial worry.

4. Community wide recognition and reaction to women's issues – Women's health is appreciated and accommodated far more effectively. Childcare is acknowledged as an essential part of the needs of the modern working female lawyer. Importantly for all, family violence is finally on the table and out in the open. The report of the Royal Commission into Family Violence is being taken seriously at all levels of government, the courts and the judiciary. This will permeate through into the legal profession.

5. Law reform (actual or contemplated) – There have been dramatic reforms in the laws relating to sex offences and the procedure for criminal trials, abortion, fertility procedures and adoption. As lawyers we apply these laws but separately many of us are directly affected by them. Significantly, women and groups such as the VWL have been consulted.

6. Recognition of human rights – In Victoria we now have the *Human Rights Charter* which embodies the protection of the human right not to be subjected to sex discrimination. Additionally, there is increased awareness of sex discrimination and exploitation and the obligation on the community but also within the

legal profession to ensure it does not occur. Whilst the recent statements and exchanges between the United States presidential candidates have often been undignified, or indeed appalling, it has had the benefit of heightening awareness of discrimination.

7. Lesbian and same sex relationships recognition – Twenty years ago, no-one had realised, lesbian women are important contributors to the rights and needs of female lawyers. There has been significant movement on this issue with the national consciousness of it developing dramatically over the years.

These few examples show how much things have changed in 20 years. That said, there is still so much to be done. VWL through the energy, innovation and commitment of the current generation of young women lawyers is truly exciting for me to observe as a mature aged lawyer. I would never have had the wherewithal, aplomb and capacity to achieve what the current VWL leadership do.

Let me give you a few examples of what is happening:

- Training in addressing the gender pay gap and teaching young women lawyers how to negotiate
- Training in how to tackle sexism in the workplace
- Training in countering unconscious bias
- Advice on making the decision whether to go to the Bar
- Mentoring programs for young female law students
- Distribution of contact sheets in multiple languages to address family violence including information of shelters, support organisations and resource centres
- Devising and managing an exhilarating moot program to enable women lawyers to develop their capacities as advocates in court

All this with more to come.

To VWL I say congratulations. As Patron it brings me immense pride but a great sense of honour and privilege to be involved with VWL. I cannot wait to witness the effectiveness and change that VWL will bring in the next 20 years. For anyone thinking that VWL is no longer necessary, then I say take a long hard look at the representation of women in partner numbers, senior associate positions, the gender pay gap, the difficulties



Image: (top) The Honourable Jenny Mikakos MP Minister for Families and Children and Minister for Youth Affairs and the Honourable Chief Justice Marilyn Warren AC

(bottom) The Honourable Jenny Mikakos MP Minister for Families and Children and Minister for Youth Affairs, VWL Convenor Stephanie Milione, the Honourable Chief Justice Marilyn Warren AC and Bianca Quan

with childcare support and flexible work arrangements on the ground – they are not uniform – and the representation of women on the Bench. We still have a long way to go. All power then to VWL.

Photography by Tess Kelly

THE PAST AND THE FUTURE OF VWL

SPEECH BY VWL CONVENOR STEPHANIE MILIONE

VWL'S 20TH ANNIVERSARY CELEBRATION

I WOULD LIKE TO BRIEFLY TALK ABOUT THREE THINGS: VWL'S BEGINNING, SOME OF THE WORK WE HAVE DONE THIS YEAR AND FINALLY, THE FUTURE.

As the peak representative body of women lawyers in Victoria, VWL was established with the aim of assisting female lawyers in achieving a satisfying, successful professional life whatever their particular and personal definition of success might be. In addition to this, one of VWL's key objectives is to promote the understanding and support of women's legal and human rights.

Last year I spoke to Deanne Weir, VWL's first convenor, about the inception of our association. She informed me that the rationale for establishing VWL was primarily industrial. Women had been the majority of law graduates since the mid-1980s but by 1996 this had not translated to the profession, nor were workplaces evolving to remove barriers to women's participation and allow for flexibility. She also emphasised that while career advancement of women lawyers was a focus, the organisation did not intend to just focus on the career advancement of a relatively privileged social group but would also speak to contemporary social justice issues that affect all women. Both these aims continue to provide a purpose for VWL as we have not achieved gender equality in the legal profession or in society more broadly.

In 2016, thanks to the considerable efforts of the volunteers on our Executive and sub-committees, VWL delivered almost 40 events and projects that were aimed at examining topics that are important to our members. These included: pay transparency, family violence, revenge porn, addressing unconscious bias, closing the gender pay gap, incarceration of indigenous women, career progression, culturally sensitive legal advice, flexibility and tackling sexism,

harassment and gender discrimination. We also focused on ensuring that our association is welcoming and inclusive to women lawyers and law students from a diverse range of backgrounds and perspectives whether that be cultural, socio-economic, LGBTIQ, regional and suburban. With over 800 members and a social media reach of over 2000 people, VWL continues to lead the way on gender issues in the legal profession.

Looking to the future, we can safely say we have come a long way since the first woman,

Let's not wait another 20 years to get to 50% representation of women at all levels of the legal profession. The status quo is not going to get us to 50-50 representation and equal pay. If I can borrow a phrase from Martin Luther King, "Change does not roll in on the wheels of inevitability, but comes through continuous struggle". We cannot expect that the mere fact that the majority of people being admitted to the profession are women, inevitably means that they will percolate to the top. The barriers that remain are more subtle and nuanced. Issues like unconscious bias, expectations of women to be primary carers and undertake a large proportion of domestic unpaid work are just a few of the many reasons for continued gender inequality.

We need to keep working together to change the current state of affairs for women lawyers. While ambition and career advancement can often be an individualistic pursuit, there is merit in working together collectively in order to build a critical mass. As the Chief Justice said at an event I attended earlier today – being collegial, nurturing and collaborative are strengths and are not mutually exclusive to ambition.

It has been an honour and a privilege to serve as Convenor of Victorian Women Lawyers. However, I do admittedly dream of a future where there is no need for VWL, where women's success is not skewed by gender or social circumstance. After all, I would not want any of the male lawyers, barristers or judges to feel that they got there because of an unfair structural advantage over their female counterparts.



Rosemary Balmford, was appointed to the Supreme Court in 1996. Since then there have been many more women appointed to the judiciary, which is fantastic. However, women judges still only represent about a quarter of judges at the Supreme Court which is about the same as the average amount of female partners at national law firms. While this figure is not representative of all parts of the profession, for example, women are well-represented in family law, however other parts, such as commercial law, women fare far worse.

COMING TO THE BAR

25 OCTOBER 2016

OVER BREAKFAST VWL AND WBA JOINED TO PRESENT ITS 10TH ANNUAL 'COMING TO THE BAR' NETWORKING AND INFORMATION EVENT.

An animated panel discussion covered the unique experiences of women practising law at the Victorian Bar.

Attendees were afforded realistic and honest insights from barristers Michelle Britbart QC, Jenny Firkin, Anna Parker, Amelia Beech and Dever's List assistant clerk Laura Warren. Deborah Kliger and Ella van der Schans of the VWL Networking Committee facilitated the panel discussion.

The speakers discussed different pathways to the Bar, the bar readers' course, business development and networking strategies, the clerking system, financial considerations and flexible working practices.

BREAKING THE CYCLE OF DOMESTIC VIOLENCE

17 NOVEMBER 2016

VWL PARTNERED WITH THE FUNDING NETWORK, HALL & WILCOX AND THE WOMEN DONORS NETWORK TO HOST A CROWDFUNDING EVENT TO RAISE MONEY FOR SOCIAL CHANGE PROGRAMS ADDRESSING THE NEEDS OF PEOPLE AFFECTED BY FAMILY AND DOMESTIC VIOLENCE.

Inner Melbourne Community Legal, Emerge, and Law & Advocacy Centre for Women were selected to pitch to the audience on how their organisations were working to address the current epidemic of family violence in Victoria. Guests then pledged donations to each organisation. Kristy McKellar, family violence advocate, was the guest speaker.

OUTCOMES OF THE ROYAL COMMISSION INTO FAMILY VIOLENCE

3 NOVEMBER 2016

THE JUSTICE COMMITTEE HOSTED A Q&A SESSION ON THE OUTCOMES OF THE ROYAL COMMISSION INTO FAMILY VIOLENCE (RCFV). THIS WAS THE JUSTICE COMMITTEE'S FINAL EVENT IN A SERIES OF EVENTS IT HAS HOSTED OVER THE PAST TWO YEARS THAT HAVE ADDRESSED FAMILY VIOLENCE.

The panel comprised of Antoinette Braybrooke, CEO of the Aboriginal Family Violence Prevention & Legal Service Victoria, Rosie Batty, advocate and Australian of the Year 2015, and Rob Hulls, Director of the Centre for Innovative Justice.

Moderator Tarang Chawla, writer, advocate and Victorian State Government's Victim Survivor Advisory Council Board Member, opened the event with questions focused on

the merits of the measures announced by the Victorian Government's 10-year plan for action. The panellists considered the value of the funding pledged to counselling, crisis centres and family violence refuges. They discussed whether the information-sharing regime would improve the safety of women and children. Questions were raised about whether the recommendations of the RCFV address the additional ways that women from diverse cultural backgrounds are vulnerable. The panellists considered the importance of cultural change and the ways each of us can participate to empower and advance women in the fight against family violence. Many thanks to our esteemed panellists for their tireless efforts in the crusade against family violence and to Corrs Chambers Westgarth for hosting the event.



Image: Rob Hulls, Rosie Batty, Antoinette Braybrooke and Tarang Chawla



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THE LAUNCH OF VWL*

EVE MAHLAB AO

VWL WAS OFFICIALLY LAUNCHED TO A FULL HOUSE AT THE SNAIL 'N BOTTLE RESTAURANT AT THE LAW INSTITUTE OF VICTORIA ON 29 AUGUST 2016 BY SPECIAL GUEST EVE MAHLAB AO, IN THE PRESENCE OF THE FORMER ATTORNEY GENERAL MRS WADE, AND FORMER VWL PATRON, THE CHIEF JUSTICE OF THE SUPREME COURT MR JUSTICE PHILLIPS.

This is an extract from the speech by Eve Mahlab AO:

I am delighted to be here tonight to connect again with members of my former profession. I was a member for years of the earlier Women Lawyers' Association and its secretary for some years. They were good years. We women were networking before it was called that. We referred each other to jobs, we gave each other advice and comfort and we funded a prize for young female law students. I don't recall that we ever engaged in what would now be called feminist activity by which I mean we never questioned the status quo or the systemic discrimination which operated in favour of men. Indeed most of us did not even recognise that discrimination, let alone give it a name. My mother had taught me to regard sexual harassment as a form of flattery which made me ambivalent about discouraging it.

It was also quite common for those of us who were on any committees to be saddled with the catering arrangements no matter how abysmal our skills in the area were, whilst our input in professional areas was not taken seriously.

We really believed that if we were good girls and good lawyers the profession would respond by giving us opportunities. And for some of us it did as is evident by our Attorney-General and the QCs, the judges, the magistrates, the tribunal members as well as the leading women lawyers of whom we are all so proud.

It is clear however that women are not percolating up the legal profession to the extent they would if the profession played on - to use that term so loved by our male colleagues - "a level playing field". Even though there are now so many women qualified to contribute to the profession our access to higher levels is still affected by what American women call pipeline shrinkage. Thus neither the needs, the experience nor the wisdom of women as a group are sufficiently reflected in the strategic decisions driving the profession into the future. The barriers to our integration are attitudinal, structural and procedural and they reflect the resistance of, or at least indifference by, those who currently enjoy privilege to change which may force them out of their comfort zone.

It will be the role of the new VWL to give voice to the interests of women and to overcome resistance to their full participation and to motivate those who can remove the barriers to do so. The association will work in many ways. On the one hand, it will increase the capabilities of its members through networking, mentoring and education. On the other hand it will bring about attitudinal and structural change through dialogue with and pressure on the wider profession: I am pleased that the association intends to pursue change in the context of improving the profession as a whole. There has probably never been a better time for reform. If it is to prosper in the 21st century, the legal profession will have to follow the lead of other service professions and industries and become more responsive to consumer needs. Consumers in all developed countries are demanding a more diverse range of services, delivered in more convenient ways with higher standards of quality and all at lower prices.

This is where women have a special role to play. Women bring to professional practice the same technical skills and intelligence as men. But the diversity of experience that women, as a result of their different socialisation, bring to the profession can create synergies which result in different windows on the world that women look through when they work with men. It creates a competitive advantage for the organisations in which they co-operate as equals. It will be the responsibility of the VWL to highlight the synergies that diversity creates and to cause the profession to consider, as a matter of urgency, how it can respect, nurture and profit from diversity. ■

* This article was first published in *Portia* 1996.



Image: Fern Smith, *Moving Landscape – 5. "Broken promises" 1939-1948*, oil on canvas, 1000 x 760mm (<http://fernartz.com>)

TOWARDS THE ELIMINATION OF GENDER INEQUALITY IN THE WORKFORCE

KRISTEN HILTON

SINCE COMMENCING AS VICTORIA'S EQUAL OPPORTUNITY AND HUMAN RIGHTS COMMISSIONER ON 1 JUNE 2016, THERE HAS BEEN NO SHORTAGE OF HEADLINE GRABBING EXAMPLES OF THE PERVASIVENESS OF SEX DISCRIMINATION ACROSS OUR COMMUNITY. IT ILLUSTRATES JUST HOW FAR WE HAVE TO GO TOWARDS OUR ULTIMATE GOAL OF ELIMINATING GENDER INEQUALITY.

The same month that I was appointed Commissioner, Collingwood President Eddie McGuire offered \$50,000 for journalist Caroline Wilson to stay under a pool of ice water. Media commentator Sam Newman went one step further by calling Caroline an "embarrassment" who would still be talking under water.

Of course, sexist and outdated behaviour is not limited to sport.

In July, Brighton Grammar expelled two senior students who set up an Instagram account that featured photos of young girls and invited people to vote for the "slut of the year". This is a frightening indication that the culture that enables negative attitudes and stereotypes towards women and girls starts early.

That same month it was also revealed that The Melbourne Club, an elite gentlemen's club where women are forbidden as members, was hired to host medical students and training doctors at the St Vincent's Surgical Forum dinner. Women were allowed to attend on the proviso that they "wore appropriate clothing".

What the frequency and nature of these examples clearly demonstrate is that no profession or environment is immune to sexism, discrimination and outdated gender stereotypes. It happens everywhere, and at every level.

In fact, what these incidents have in common is that they illustrate what many of us have

been pointing out for years; that sexual harassment is alive and well in modern day workplaces.

In other words, despite 40 years of anti-discrimination laws, we clearly still have a problem accepting women as equals.

The pursuit of equality is our core business at the Victorian Equal Opportunity and Human Rights Commission.

Our experience since 1977, when the Equal Opportunity Act was first introduced, is that laws are not enough to achieve equality.

UNLESS YOU COMMIT TO UNDERSTANDING THE HARM AND IMPACT OF STRUCTURES, PROCESSES AND PRACTICES THAT ARE POTENTIALLY HOSTILE TO WOMEN, ... YOU CAN'T ... TAKE ACTION TO ENSURE YOU CREATE AN ENVIRONMENT WHERE GENDER EQUITY IS THE NORM.

There also needs to be a range of mutually reinforcing strategies, such as direct education programs in sport and education settings, social marketing campaigns, community strengthening initiatives and leadership strategies in place which have a shared focus on gender equity.

These initiatives need to take place across a broad range of settings where social norms and attitudes are shaped and reinforced. Workplaces, sport, schools, media, local government are some examples of these key areas.

An example of the kind of proactive work the Commission is involved in to improve gender equality for all Victorians is the review of barriers and opportunities for building safe and respectful environments in the Metropolitan Fire Brigade (MFB) and the Country Fire Authority (CFA). It will consider the extent, nature and impact of discrimination, including bullying, and sexual harassment in both organisations.

The work draws on the learnings from the review the Commission did last year into sex discrimination and sexual harassment, including predatory behaviour, within Victoria Police.

Both pieces of work have the power to be transformative for each respective organisation.

We know that to create a workplace that is safe and respectful, the importance of drawing the links between gender equality, sex discrimination and violence against women, of which sexual harassment is a type, is crucial.

Unless you commit to understanding the harm and impact of structures, processes and practices that are potentially hostile to women, and to understanding prevalence, you can't effectively and strategically take action to ensure you create an environment where gender equity is the norm.

It is no surprise that the legal profession continues to face challenges in promoting and advancing women, even when graduating numbers are so high.

In November 2015, the Commission launched the Equitable Briefing Initiative. The Equitable Briefing Initiative was the culmination of work between the Commercial Bar Association of Victoria (CommBar), the Federal Court of Australia, the Supreme Court of Victoria and the Commission alongside leading law firms, government bodies and companies to create a ground-breaking initiative aimed at more equitable briefing of commercial barristers in Victoria.

The Equitable Briefing Initiative was borne out of discussions with the CommBar in 2014. At the time CommBar was considering what action it might take in relation to the equity issues facing women barristers in commercial litigation, with a particular focus on concerns about the lower rates of briefing women barristers and the lower value of briefs for women at the Commercial Bar.

After these preliminary discussions, members of the CommBar executive and members of the Judiciary (including of the High Court, Federal Court, Supreme Court and County Court) joined forces to support action on these two areas of underrepresentation of women barristers.

The overarching objective of the initiative was to increase the briefing of women at all seniority levels of the CommBar and beyond, by engaging with the lawyers who brief the Commercial Bar and working with law firms, government bodies and companies to commit to real change.

Gender discrimination in commercial litigation has been reported to manifest in the allocation of different forms of work, women being denied access to opportunities, and being judged as less competent.

At 30 June 2015, 28 per cent of CommBar members are women. It was a universal observation of those members of the Judiciary consulted, that women barristers are significantly underrepresented in commercial law matters.

While there have been some efforts to improve this situation, progress has been too slow and often focused on what action women barristers might take to change the situation, rather than addressing briefing practices.

The Equitable Briefing Initiative marked the first time that leading law firms, government bodies and companies have made a commitment to a gender equitable briefing target based on number of briefs and also on value of briefs.

In short, gender equality in the workforce, and in the law, will only be achieved with the active involvement of all parts of our community, in every sector and at every level. ■

The Charter of Commitment is still open to signatories who wish to commit to gender equitable briefing.



About the author

Kristen Hilton became Victoria's Equal Opportunity and Human Rights Commissioner on 1 June 2016. Prior to her appointment, she was the Executive Director, Legal Practice, with Victoria Legal Aid and has previously worked with the organisation as Executive Director, Civil Justice and Access. Kristen Hilton was previously the Executive Director of the Public Interest Law Clearing House.

PAST CONVENOR

DEANNE WEIR (1996, 1997)



A former corporate lawyer, Deanne has more than 20 years' experience in media and communications. She chairs the boards of four private companies including Hoodlum, a BAFTA and Emmy award winning production company, and Ai-Media, a global innovator in speech-to-text services for broadcast and

education. Deanne is Chair of the Australian Women Donors Network and a board member of Playwriting Australia, the Sydney Film Festival and The Grata Fund.

How did you first become involved in VWL?

In 1996 I was the founding convenor of VWL, a group that arose from the Young Lawyers section of the Law Institute of Victoria. As young female professionals facing the dawn of the new

millennium, when we started out as lawyers we believed that the world, and the profession, was ours for the taking: if we were good enough, we would be successful. We just assumed that once we got rid of legal barriers that had impacted our mothers before us then everything else would follow. Yet in the legal profession, we could see that this was obviously not the case. If we were judging success by looking at who was making senior associate or partner, or by what people were being paid, then women were a very long way from achieving the levels of success of their male peers. Despite some concern that a women's only organisation would further marginalise these issues, we ultimately decided to launch VWL and get some real focus on issues around women within, and as clients of, the profession.

How has equality for Victorian women in the legal profession advanced since you were Convenor?

It is disappointing to see so many firms are nowhere near 50/50 partnership levels, and that women's access to justice is still compromised on many levels. The reduction in funding for services dealing with women impacted by domestic violence is a human rights issue. ■



Image: Prudence Flint, *Sister*, oil on canvas, 122 x 102cm (SH Ervin Gallery)

MAJOR SPONSOR
MINTERELLISON



How does MinterEllison develop the partnership potential of its women lawyers?

On 1 July 2016, I became a partner in MinterEllison’s Human Resources & Industrial Relations team in Melbourne. I have two young children and have worked four days per week since returning from parental leave in 2012.

In my experience since starting as an articled clerk at MinterEllison in 2005, the firm has always valued the ‘whole package’ of what each individual brings to the firm. A range of diverse professional and personal backgrounds mean that our lawyers are relatable, well-rounded and well placed to provide commercial, solution-based advice to our clients.

The firm’s culture is one that celebrates individual difference and rejects the ‘one-size-fits-all’ approach to lawyering.

MinterEllison is now focussed on embedding a high performance culture that empowers people from all backgrounds to reach their full potential. Our Chief Executive, Tony Harrington, is personally invested in the firm’s diversity and inclusion agenda. While still a senior associate I had the benefit of participating in the firm’s Working Parents Program and, more recently, our team has been working closely with the firm’s Chief Experience Officer as part of the firm’s Empower Program, which is directed at giving everyone at the firm the opportunity to define, build on, and play to their individual strengths.

MinterEllison is focussed on giving lawyers the tools to define what flexibility means to them and how it can serve to accelerate career advancement. This is a really important differentiator of our firm and it has been an important part of my own career development. We recognise the value in diversity and the unique skill sets of each of the individuals that make up our teams, and as a result we are well-placed to be our clients’ best partner. ■

Joelle Grover, Partner

HOLDING THE LINE, TURNING THE TIDE

ELENA CAMPBELL

THIS YEAR WILL HOPEFULLY BE REMEMBERED AS AN HISTORIC ONE FOR FAMILY VIOLENCE POLICY. AFTER A DECADES-LONG STRUGGLE TO HAVE THE ISSUE RECOGNISED, A RESPONSE TO FAMILY VIOLENCE IS FIRMLY ON THE POLITICAL AGENDA. THE ROYAL COMMISSION INTO FAMILY VIOLENCE (VICTORIA) HAS BEEN CONDUCTED AND, CRUCIALLY, THE VICTORIAN GOVERNMENT HAS COMMITTED TO THE FULL IMPLEMENTATION OF ALL 227 RECOMMENDATIONS.

The significance of the Commission process should not be underestimated. Though some considered it unnecessary given that they felt it was already clear what should happen, a Royal Commission is a once-in-a-generation event which can give unparalleled imprimatur to an issue and compel action.

While there were reservations that a Royal Commission would take too long, this one was different. It was a targeted but comprehensive piece of work that acknowledged the existence of systemic failings at the outset, and specifically set out to identify how such failings might be addressed.

Many of its recommendations were anticipated, with the Commission acting as a prism through which existing expertise could be more widely articulated. In areas where thought had been less well developed, the Commission has spurred thinking on. It has required organisations to reflect on their own practice and to identify a more proactive role that each might play. Accordingly, the Commission made recommendations which will bring the responsibilities of these organisations together; through better information sharing, shared intake at Support and Safety Hubs, and increasing the reach of specialist knowledge.

In the space of just over a year, however, the Commission was not going to cover the terrain exhaustively. In its careful journey through a mire of conflicting and often competing territory, there were bound to be some who felt that certain issues were not adequately addressed. The absence of

recommendations relating to the crucial role of Community Legal Centres, a sector facing further drastic cuts in the coming year, was one such concern.

Broadly, however, the view seems to be that the Commission 'got it about right'. Certainly, bodies such as the Family Violence Taskforce, chaired by the Chief Magistrate and with cross-sectoral representation, have publicly welcomed the recommendations for a victim-focused outlook and for requiring the Courts to take a far more proactive approach in situations of family violence. The Taskforce is just one of many high level bodies which is advising the Victorian Government as it moves towards implementation of the recommendations.

A detailed plan is now in place and a hive of activity is underway. The challenge, of course, is to stick to that plan, to ensure that the enthusiasm and industry does not stray into attempts to reinvent the wheel, or to re-interrogate questions which we have already asked, and then patiently waited, for a Royal Commission to answer.

Another challenge is to ensure that, in the effort to share the responsibility, we do not lose the nuance and specialist knowledge which is so utterly important. Family violence is a complex phenomenon and the specialist expertise, developed over years of hard and often unacknowledged slog, has to remain central. This means applying a family violence informed lens to everything we do, rather than treating family violence like any other policy issue.

At the same time, the challenge for the specialist sector, one so accustomed to having appeals for assistance fall on deaf ears, is to loosen the reins a little. Sometimes when we fight so hard to get people to listen, it is hard to eventually have the conversation, to accommodate inexperience and the occasional show of naivety, to explain again what we thought was already so clear. Equally, those who have seen policy ebb and flow through so many cycles might understandably view promises of reform with a raised eyebrow, although, the indefatigable optimism and patience of the sector never ceases to amaze.

Whether skeptical stalwarts, raw recruits, or perseverant public servants, it doesn't matter – we're all on the same page now, we have our riding instructions and over the coming years of implementation of the Royal Commission recommendations, we have to make sure that we hold the line and that we seize a moment which is unlikely to come again.

Despite extraordinary effort, the current system simply isn't working. The changes implemented so far have not made the necessary difference. Putting into place the Commission's recommendations is about reconceiving the fabric of our response, intervening safely and more effectively, reducing risk, consolidating the message, and decreasing the burden of family violence that the whole community bears. With perseverance and a bit of luck, we may just be able to look back and pinpoint 2016 as the year in which we did actually turn the tide. ■



About the author

Elena Campbell is Manager, Policy and Research at the Centre for Innovative Justice at RMIT University and a member of the Family Violence Taskforce. She is the author of the Centre's 2015 report, 'Opportunities for Early Intervention: Bringing Perpetrators of Family Violence into View' and is currently overseeing preliminary work to support the Expert Committee on Perpetrator Interventions recommended by the Commission.



Image: Tamara Armstrong, *Inshallah*, acrylic on canvas, 150 x 120cm (SH Ervin Gallery)

PAST CONVENOR

GEORGINA FROST (1998)



Georgina commenced her career as an articled clerk at Russell Kennedy before moving to MinterEllison and then into Human Resources. Georgina is now married with two children and has worked part time as a Case Manager at the Financial Ombudsman Service since 2009. She is currently the President of the

Association for Children with a Disability and a Director of the Leo Cussen Institute and is also a member of the Multiclass Snow Sports Working Group.

What was a standout achievement for you in the year you were Convenor?

VWL was in its second year so its consolidation with the continued growth in sponsorship (we had eight major law firms, the LIV and Shell) and over 450 members was a great achievement.

The three major projects for 1998 were the revised flexible work practices booklet “Living and Working Together”; the launch of a child care guide in conjunction with the Community Child Care Association Victoria and the launch of the “Taking up the Challenge Project”.

During this time, VWL also continued to lobby and comment on issues such as cutbacks to legal aid, the significant impact cutbacks had on women in our community and the need for women to take up leadership positions within the private and public sectors.

In addition to my role as Convenor, I was a member of LIV’s Council and in February 1998 my first child, Evie, was born. So 1998 was a very significant year for me. ■

INTERVIEW WITH MAGISTRATE URFA MASOOD

CLAUDIA BRKIC AND HILARY TAYLOR

IN APRIL 2016, MAGISTRATE URFA MASOOD BECAME THE FIRST MUSLIM WOMAN TO BE APPOINTED TO THE BENCH IN VICTORIA.

VWL caught up with Magistrate Masood in a café tucked behind the Melbourne Magistrates' Court during a chaotic Tuesday lunch hour. Before anything, she insists we all order food.

Magistrate Masood began her career in the law by a fortunate coincidence. As with many school students who receive exceptional grades, she was faced with the great decision – medicine or law. Averse to the idea of studying for ten long years to be a doctor, she went to law school.

"I have never been one for reading, writing and contracts. I was always a law student that ripped open my textbook a week before exams. I enjoyed the people aspect of the law."

For Magistrate Masood, her passion for the law and her big career break came simultaneously through her employment as a criminal law solicitor with the Victorian Aboriginal Legal Service (VALS).

Covering at least 1,000 km a week, she travelled across regional Victoria responding to calls for legal advice and representing her clients in Court. She was in Court every single day, her files spanning from driving offences to assault and rape. "They didn't have time to molly coddle you... whatever came across your desk, you had to deal with it."

It was at VALS that she discovered her love of advocacy. "I enjoy being on my feet in Court, I like the fact that you have to think quickly, no two days are the same, it is a challenge."

In 2004, she was admitted to the Victorian Bar. There, she continued her criminal practice and expanded into family law, and the Children's Court. For her, a court is the great equaliser. "No matter what labels people put on you, when you walk in the door of a courthouse, if you know what you are talking about, nobody can focus on

anything else, they have to focus on what you are saying."

When asked about the highlights of her career she reminisces on a "memorable stoush" in the Family Court of Victoria. "It was a very trying matter. The parties were getting so emotional and yelling abuse at the Judge, the Judge stormed from the bench and security was brought in. Yet in the midst of all of this, during my submissions I had a really good conversation (for want of a better word) with the Judge to really thrash through the issues."

In 2012, Magistrate Masood became an adjunct lecturer at the College of Law teaching advocacy. She was kind enough to share a few tips on appearance work. "Even if you have no idea what you are doing, always look the bench in the eye – you will be surprised at what you can achieve. It is about giving off that aura of confidence." Secondly, "the hardest thing about being in Court is knowing when to stop talking." And finally, "Always know your Bench. You should get information about the way a Judge runs their courtroom – so that you don't feel upset or ambushed."

Moving from the Bar to the Bench was always a goal for Magistrate Masood and "it felt like the natural progression" for her career. For her, the appointment to the Magistrates' Court of Victoria was gratifying on several levels. "On a personal level, I set myself a goal and achieved it, it was very satisfying. On a personal family level, having had parents that left behind a lot and went through a lot to give us the opportunities that we have, it was very satisfying to see their happiness."



WHEN YOU ARE A WOMAN
FROM A DIVERSE BACKGROUND
THAT ADDS ANOTHER LAYER
THAT PEOPLE NEED TO PEEL
BACK BEFORE THEY GET TO THE
PROFESSIONAL YOU.

Image courtesy of Magistrate Urfa Masood

For the greater community, her appointment also marked a significant milestone and a cause for celebration. LIV President, Stephen Sapountsis, described her appointment as “an important step towards greater diversity and inclusion in the upper echelons of the legal profession and reflects the State government’s commitment to a legal system that reflects the community it serves.”

Asking Magistrate Masood what she felt about the LIV President’s comments, she said “it is always good to see diversity; it is about to having people with the merits to do the job, obviously. One consequence I have seen as a result of my appointment is I have members of the profession who are of diverse backgrounds say to me, ‘since your appointment I feel a lot more positive about the things I can achieve within the profession,’ it is very uplifting to see.”

Magistrate Masood emphasised that women, and especially women from diverse backgrounds, still face a number of barriers within the legal profession. “I think that there are still challenges for women. When you are a woman from a diverse background that adds another layer that people need to peel back before they get to the professional you.” Her Honour acknowledged that throughout her career she had faced some sceptics.

“For example, when I graduated from university, I was told that I wouldn’t find a job as a solicitor because of the way I dressed and because of my faith... but ultimately there are people that will give you the opportunities. It is about focusing on that and trying to work your way through. There are barriers, but there are also a lot of people that will give you the opportunities and the support.”

We asked what wisdom she would share with a young female lawyer or law student. She laughs, as if ‘wisdom’ is a word reserved for others’ experience.

“Make the most of every opportunity that comes your way, even if it doesn’t seem like the most amazing thing at the time. When I graduated I had stars in my eyes thinking that I was going to work at a big law firm on top of a tall building, and I ended up at the Victoria Aboriginal Legal Service. However, the experience I got there set me on this path. It is about making the most of every opportunity that you have, and being good at what you do. Ultimately, if you are good at what you do, then people don’t have the time to focus on anything else about you.” ■

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

PAST CONVENOR

ELIZABETH BISHOP (1999)



Elizabeth is a lecturer at the Michael Kirby Centre for Public Health and Human Rights, School of Public Health and Preventive Medicine, Monash University. Prior to joining the Centre, she lectured and tutored Criminal and Administrative Law in the Faculty of Law, Monash University.

Her doctoral research on women, equality and discrimination underscores her interest in human rights and the legal system and their impact on women. Elizabeth is also the convenor of the Haemophilia Auxiliary of the Royal Children’s Hospital and a member and former Board Member of Australia Women Lawyers.

How did you first become involved in VWL?

In November 1993 a Seminar on “Women in the Legal Profession” was held under the auspices of the Young Lawyers’ Section of the LIV to address the issues raised by the *Career Patterns of Graduates Report*. When there were so many questions left unanswered after that seminar we decided to form a group to activate for change – VWL.

What was a standout challenge for you in the year you were Convenor?

VWL launched “Taking Up the Challenge”. More personally, I juggled work, VWL and the diagnosis of my infant son with a life threatening condition. I was supported with the help and camaraderie of my VWL friends.

How has equality for Victorian women in the legal profession advanced since you were Convenor?

Insufficiently. I would like to see improvements in women’s representation on boards, and in all levels of leadership. ■



Image: Tsering Hannaford, *Painting madness, after Le désespéré, Gustav Courbet*, oil on board, 45 x 54cm (SH Ervin Gallery)

MAJOR SPONSOR
ALLENS



What is Allens doing to ensure women barristers have equal briefing opportunities?

Allens is committed to building a culture of diversity and inclusiveness. We firmly believe that our firm and our clients benefit from the different backgrounds, experiences and points of view that diversity in the profession brings.

For this reason, Allens has for many years encouraged equal opportunity briefing practices across its offices as an important aspect of its diversity strategy. We have adopted the Law Council of Australia’s Gender Equitable Briefing Policy, which was launched in June, and we are constantly seeking to maximise our opportunities to engage talented female barristers.

We recognise that briefing decisions are made on the basis of established relationships. As a large firm we want to share our experiences and relationships with female counsel across our network of lawyers to maximise the potential to engage women barristers, so we recently conducted a survey of our lawyers to capture these relationships in a comprehensive list to make it easier for us to identify appropriate female counsel. This exercise also allowed us to identify high performing women at the Bar that we hope to engage on future matters.

We also know that one of the key ways law firms can assist to level the playing field is to actively support the advancement of women barristers when our clients seek a recommendation from us. Our team here is encouraged to put forward at least one female barrister in each list of counsel presented to our clients. We have similar discussions with senior counsel, asking them to put forward at least one female barrister when providing us with recommendations for junior counsel. This helps us ensure that we can recommend women barristers to our clients on a comprehensive range of matters and we hope it will also drive greater recognition of talented women barristers amongst their colleagues at the Bar. ■

Richard Spurio, Managing Partner

AEQUITAS: EQUALITY IN THE PROFESSION

CAROLINE JONES

IN SEPTEMBER LAST YEAR, THE AUSTRALIAN GREENS INTRODUCED THE FAIR WORK AMENDMENT (GENDER PAY GAP) BILL 2015 TO THE FEDERAL PARLIAMENT.

The Gender Pay Gap (GPG) is defined as the difference between women and men's average earnings, expressed as a percentage of men's earnings. In Australia, women's average full-time base salary across all industries and occupations is 17.3% less than men's. You can learn about how the GPG is calculated by visiting the website of the Workplace Gender Equality Agency (WGEA).

The Bill seeks to reduce the GPG by promoting pay transparency. Specifically, by introducing a clause into the *Fair Work Act 2009* (Cth) that: *A term of a modern award, an enterprise agreement or a contract of employment has no effect to the extent that the term: (a) prohibits an employee from disclosing the amount of, or information about, the employee's pay or earnings; or (b) permits, or has the effect of permitting,*

an employer to take adverse action against an employee if the employee discloses the amount of, or information about, the employee's pay or earnings.

Eighteen submissions have been made regarding the Bill, including by VWL, the WGEA, and various academics. Professor Beth Gaze, of the University of Melbourne, believes that such provisions are essential for bringing to light discriminatory practices. She refers to the famous US case of *Ledbetter v Goodyear Tire & Rubber Co.* in which Ms Ledbetter was paid less than men working at the same level for nearly twenty years, to only become aware of this through an anonymous tip-off. VWL's Convenor, Stephanie Milione, also endorses the Bill, noting that the amendment would be especially welcome in the legal sector where the GPG sits starkly at 34.5%.

Interestingly, the WGEA only cautiously supports the Bill, acknowledging that there is no hard evidence linking such measures to a lower GPG. However, the WGEA recognises that the amendment would probably improve

women's position in pay negotiations and make employers more accountable.

Parliament was due to issue a report on the Bill on 12 May. Unfortunately, the relevant parliamentary committee ceased to exist on 9 May, by virtue of the double dissolution for a general election. VWL hopes that whoever forms government after the 2 July election acts promptly to revive the lapsed inquiry into the Bill, and that closing the GPG remains high on the political agenda. ■

Caroline Jones is a member of VWL's Communications Committee.

This article was first published in the According to Merit column in Volume 90, Edition 08 of the Law Institute Journal.

ASSOCIATE SPONSOR

NICHOLES FAMILY LAWYERS



What professional boundaries do women in the law face today?

Professional women still struggle with the reality of gender statistics. Female lawyers still receive reduced pay and their elevation to senior management and positions within law firms are still below that of their male counterparts.

It is striking how many female lawyers who are in senior positions also appear to be the CEO of their respective homes and need to juggle both their paid and unpaid obligations.

Nicholes Family Lawyers is attempting to address gender equality concerns by promoting a number of strategies that assist our great staff to provide great client service including:

- Team structure which supports part time senior lawyers and associates to provide clients with great service without having to rely solely on one person all the time
- Flexibility in terms of leave and working from home
- Remote access technology to allow lawyers to work easily when out of the office
- Frequent CPDs opportunities aimed at protecting our lawyers including addressing their psychological and emotional wellbeing as well as strategies to deal with clients who are often vulnerable and in high conflict situations due to relationship breakdown
- Fostering a culture that promotes wellbeing through offering regular pilates, massage as well as holding a "Wellness Week" program

We acknowledge there is no perfect work/life balance and Nicholes Family Lawyers needs to be ready to adapt to the differing needs of our staff and clients. ■

Sally Nicholes, Partner

VWL V COMMISSIONER OF TAXATION [2008] FCA 983*

CHRISTINE MELIS

WHAT DOES THE DECISION MEAN FOR VWL?

Justice French's decision is gratifying in all respects. His Honour's analysis of VWL's formation and evolution, activities, work within the legal profession, sponsorship, constitution and objectives, is very thorough. His Honour took account of all the materials and submissions put before the Court in VWL's advancement of the argument that it is exempt from any obligation to pay income tax on the basis that it is a charitable institution or an association established for community service purposes as applicable under the *Taxation Administration Act 1953* (Cth) (the Act).

The status of VWL has been articulated in detail by the Court, giving VWL's past and present executive committee, members and patrons, many of whom were the subject of affidavit evidence put to the Court, the comfort and knowledge that VWL's purpose of representing the interests of women in the legal profession through various activities and functions, has benefited and been directed not only to its members but also to the legal profession in Victoria as a whole. VWL's push for change in attitudes and practices affecting women within the profession has been held as not translating into a political purpose so as to take away the organisation's 'charitable institution' status under the Act.

The true nature or character of VWL has been assessed having regard to its objects, purposes and activities as required by the law in any inquiry about an entity's charitable status. VWL has been assessed holistically. VWL was formed in 1996 with aims to promote the interests of women in the profession, in particular by examining issues such as flexible work practices, discrimination, sexual harassment and by providing networking opportunities both between those within the profession and also with other relevant professional associations. And it continues to do so today. As his Honour succinctly said, VWL had 'an emphasis on creating an awareness in the profession and in government of the barriers to participation and career advancement of women practitioners, finding ways of reducing those barriers and creating opportunities for enhanced participation' [para 109]. This emphasis within VWL remains through its various research projects, publications, functions and seminars.

The advancement of women and women practitioners as a public benefit has been recognised. Significantly, the Court took judicial notice of 'the long-standing and yet to be overcome differences between the position and participation of women and men in the legal profession in Australia in general and Victoria in particular' [para 108]. The Court has characterized this disadvantage as a 'social fact', giving VWL credence and relevance in our society.



Image: Fern Smith, *Moving Landscape – 10. "Time and pay disparate" 1989-2008*, oil on canvas, 1000 x 760mm (<http://fernartz.com>)

This social fact is only confirmed by legislation, namely the *Sex Discrimination Act 1984* (Cth) and Conventions, namely, the *Convention on the Elimination of All Forms of Discrimination Against Women*, which recognise the need to remove persisting gender based discrimination. There is still much to be done to advance women in the legal profession and VWL continues to promote the interests of women in all areas of law. ■

Christine Melis, VWL Convenor (2008)

**This article was first published in Portia 2008.*

MAJOR SPONSOR

CLAYTON UTZ



How does Clayton Utz support its female partners?

Clayton Utz supports its female partners in a range of ways:

- *At a strategic and policy level:* Diversity and inclusion is a strategic priority for the Firm and we have a Diversity and Inclusion Strategy signed off by the Diversity Council and a detailed Gender and Flexibility Action Plan. We relaunched our Flexible Work Policy on 1 April 2015, outlining flexibility as an absolute priority at Clayton Utz. We have a 'Partnership Roadmap' (around the partnership lifecycle) that identifies transition phases where gender bias could occur and responsive actions. One phase is parental leave and, amongst other support measures, our policy offers female partners 9 months' leave of which 18 weeks is paid.
- *Through KPIs or performance expectations for all partners:* We have set targets for female partner participation in strategic decision-making bodies and committees (a KPI for senior management) as well as for new partner candidates/promotions. We have also broadened the criteria against which individual partner performance is assessed, with partners expected to champion gender diversity, model and champion flexible working practices, and call out behaviours that are not consistent with an inclusive workplace culture.

- *Through targets and measurement:* We have set a target of 35% female representation in the partnership by 2025, and 50% for female representation on the Clayton Utz Board and the Clayton Utz Foundation Board. We have a 50/50 gender mix target for speakers and panellists at all events hosted by Clayton Utz, similar to the Male Champions of Change Panel Pledge. We also aim to have a 50/50 split at external networking events. We have created firm-wide and national practice group diversity 'dashboards' that underpin these targets.
- *Through learning and development:* Our Partner Excellence Program supports our female and male partners with a particular focus on leadership and business development skills. We continue to offer training for partners and all employees around unconscious bias and flexible working which has a flow-on positive effect for our women.
- *Through 'Momentum':* Momentum is our national women's initiative. It is a vehicle through which the firm engages with and influences many of our external stakeholders and it drives many internal gender equality and diversity initiatives.
- *Through external engagement:* We are active members of Chief Executive Women, Women on Boards, the Diversity Council of Australia, Women in Banking and Finance, and many other key industry associations. These networks offer our female partners networking, education and leadership opportunities. ■

Kate Jordan, Deputy CEP People/Development and Alison Woolsey, Head of Strategy and Diversity

PAST CONVENOR

WENDY KAYLER-THOMSON (2001)



Wendy is a founding partner of Forte Family Lawyers and has been working as a family lawyer for nearly 25 years. She is the Chair of the Family Law Section of the Law Council of Australia, the peak body representing family lawyers in Australia. Wendy is the first woman to lead the organisation.

What was a standout event for you in the year you were Convenor?

The stand-out event for me was the Millennium Best Practice Conference that VWL organised and hosted. Rather than just another conference to talk to women lawyers about the problems they share, the focus of this conference was unashamedly the

decision makers in firms and what they could do to enhance the progression and retention of women lawyers. Over 100 managing partners, staff partners, CEOs, practice managers and HR managers attended the conference.

How has equality for Victorian women in the legal profession advanced since you were Convenor?

Happily, the position of women in the profession has improved enormously since 2001. There are still challenges, but when I was Convenor topics such as the appointment of women to the judiciary and flexible work practices for working mothers were contentious and controversial. Since then, a woman has been appointed as Chief Justice of the Supreme Court of Victoria (a scenario that seemed impossible in 2001) and we now talk of flexible work practices being a given in most law firms.

What does VWL have to offer women lawyers of today?

Gender discrimination still exists. It is important that women lawyers today don't get lulled into a false sense of security. VWL provides a voice against discrimination and that remains as important as when VWL was founded. ■

MARRIAGE: A HUMAN RIGHT OR A HETEROSEXUAL PRIVILEGE?*

PAULA GERBER AND ADIVA SIFRIS

IN RECENT TIMES, THE DEBATE SURROUNDING WHETHER SAME-SEX COUPLES SHOULD BE ALLOWED TO MARRY HAS FOCUSED ON CONSTITUTIONAL LAW ARGUMENTS – CAN STATE AND TERRITORIES ENACT LEGISLATION THAT PROVIDES FOR SAME-SEX COUPLES TO MARRY WITHOUT RUNNING AFOUL OF S 109 OF THE CONSTITUTION.

However, at its heart, the debate about whether same-sex couples should be permitted to wed, is one of equality, dignity and human rights. It is therefore timely to consider what international human rights law has to say about marriage; is it a right reserved exclusively for heterosexual couples?

The starting point in determining whether prohibiting same-sex couples from entering the institution of marriage is a breach of international human rights law is the Universal Declaration of Human Rights (UDHR). This cornerstone of international human rights law provides that: 'All human beings are born free and equal in dignity and rights' (Article 1).

Most of the articles in this instrument state that the rights apply to 'everyone'. The notable exception is Article 16 relating to the right to marry. It states that: 'Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family.' The use of gendered language when referring to the right to marry was continued in Article 23 of the International Covenant on Civil and Political Rights (ICCPR) which states that: 'The right of men and women of marriageable age to marry and to found a family shall be recognized'.

Does the explicit use of the words 'men' and 'women' mean that the right to marry is limited to men marrying women? The United Nations Human Rights Committee considered this point in 2002 in the case of *Joslin v New Zealand*. The couples in *Joslin* argued that the failure of the *NZ Marriage Act* to provide for homosexual marriage

discriminated against them directly on the basis of sex and indirectly on the basis of sexual orientation; they were denied the ability to marry, a basic civil right, and were excluded from full membership of society; and they did not have ability to choose whether or not to marry, like heterosexual couples do.

The Committee, in a very brief decision, (a mere 333 words were devoted to their reasons) refused to extend the right of marriage guaranteed by Article 23 of the *ICCPR* to same-sex couples.

BY DENYING
SAME-SEX COUPLES
THE RIGHT TO MARRY,
THE GOVERNMENT IS FAILING
TO PROTECT THE RIGHTS
OF FAMILIES.

The majority held that:

Given the existence of a specific provision in the Covenant on the right to marriage, any claim that this right has been violated must be considered in the light of this provision. Article 23, paragraph 2, of the Covenant is the only substantive provision in the Covenant which defines a right by using the term "men and women", rather than "every human being", "everyone" and "all persons". Use of the term "men and women", rather than the general terms used elsewhere in Part III of the Covenant, has been consistently and uniformly understood as indicating that

the treaty obligation of States parties stemming from article 23, paragraph 2, of the Covenant is to recognize as marriage only the union between a man and a woman wishing to marry each other.

Having found that same-sex couples do not enjoy the right to marry set out in Article 23 of the *ICCPR*, the Committee decided it did not need to consider the allegations of a violation of Articles 16 (recognition before the law), 17 (Privacy) and 26 (non-discrimination). This is unfortunate, as it is likely that the Committee would have struggled to justify an argument

that New Zealand's *Marriage Act* was not discriminatory, if it had specifically considered the Article 26 claim. It is somewhat ironic that New Zealand was behind the case that found there was no human right to same-sex marriage, and yet it is now one of the 17 countries around the world that has legalised same-sex marriage.

Joslin was decided over a decade ago when only one country had legalised same-sex marriage (The Netherlands). In hindsight, it was perhaps brought prematurely. With changing societal attitudes to same-sex marriage and homosexuality in general, it is likely that Article 23 of the *ICCPR* will, over time, come to be interpreted through the lens of non-discrimination as set out in Article 26. Indeed, Professor Sarah Joseph has predicted that if a case similar to *Joslin* were to be presented to the

Committee in the future, the decision might well be different.

The *ICCPR* is not the only international human rights treaty relevant to the issue of marriage equality. Article 10(1) of the International Covenant on Economic, Social and Cultural Rights (*ICESCR*) provides that:

The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children.

The latest census data reveals that in Australia today, there are over 6,000 children being raised by same-sex couples. The true figure may actually be higher because some same-sex families may not disclose the nature of their relationship for fear of discrimination and/or recriminations. Article 10 requires that states must protect all families, not just heterosexual families. It could be argued that by denying same-sex couples the right to marry, states are not protecting the rights of families as required by the ICESCR. This is evidenced in the following submission to the Victorian Law Reform Commission by a Victorian same-sex family:

The lack of legal recognition of and support for our families translates, in practice, to some people regarding our families as deficient, and problematic ... Laws that aim to discourage our families from existing or that don't recognise our families as families make it harder for or more awkward for some people to include us or interact with us and our children, and can make some people feel that they can or should treat us with a lack of

respect or as though we are invisible or deficient. Clearly, this state of affairs is detrimental to us, to our children and to our broader society.

Thus, by denying same-sex couples the right to marry, the Government is failing to protect the rights of families.

The Convention on the Rights of the Child is also relevant to a consideration of whether there same-sex couples have a right to marry. Article 3(1) provides that:

*In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, **the best interests of the child shall be a primary consideration.** [Emphasis added].*

Discriminating against children of same-sex couples by not allowing their parents to marry is likely to have a negative impact on such children, and thus not be in their best interests. This is because children of such couples can be subjected to inequities, indignities and insecurities that flow from

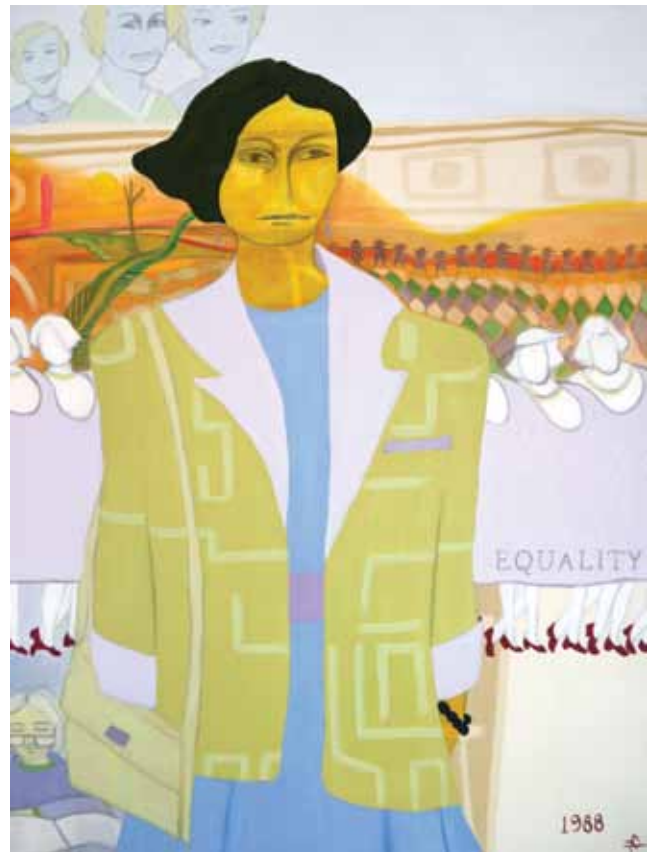
being part of a family that is not legally sanctioned by society, in much the same way as illegitimate children were discriminated against in a bygone era.

International human rights law has not yet explicitly recognised the right of same-sex couples to marry. However, simply because a human right is not recognised at a given point in time, does not mean that it does not exist. A contemporary interpretation of several human rights treaty provisions, including Article 26 of the ICCPR, Article 10 of ICESCR and Article 3 of the Convention of the Rights of the Child support the conclusion that prohibiting same-sex couples from marrying may be a violation of these human rights norms. ■

**This article was first published in Portia 2013.*

About the authors

Paula Gerber is an Associate Professor at Monash University Law School and Adiva Sifris is a Senior Lecturer at Monash University Law School.



Images: (left) Fern Smith, *Moving Landscape – 8. "Maintain the rage" 1969-1978*, oil on canvas, 1000 x 760mm (<http://fernartz.com>) (right) Fern Smith, *Moving Landscape – 9. "No sleep at the wheel" 1979-1988*, oil on canvas, 1000 x 760mm (<http://fernartz.com>)



Image: Ann Cape, *A Silver Pencil*, oil on linen, 120 x 120cm (SH Ervin Gallery)

MAJOR SPONSOR MAURICE BLACKBURN



What does Maurice Blackburn consider are the greatest challenges and opportunities for law firms in creating and maintaining a diverse workplace?

The concept of diversity is often spoken about as something that is 'different' and even 'new'. But what diversity is,

is the make-up of our communities, our workplaces, our clients and fellow commuters on our train ride home – diversity is us.

With the exception of Australia's traditional owners, we've all come here from somewhere. As Australians, we all share this communality – and that's what unites us.

Here at Maurice Blackburn, we understand diversity, which is why it is enshrined in all our programs and practices. To us, diversity means inclusion, and inclusion leads us one step closer in our fight for equality. This is something we've built our reputation on, beginning almost 100 years ago.

We understand that we must be accessible to all Australians and ensure that the most vulnerable members of our community have an equal platform to be heard and contribute, regardless of their background.

Our own victories at Maurice Blackburn have been achieved through a collective commitment to social justice. For example, Maurice Blackburn's Women's Network was established in 1995 to advance the rights and opportunities for women in the law. Similarly, our Cultural Diversity Group was established in 2010 to advance our firm's cultural competency and commitment to being accessible to all Australians. We also have an LGBTI Network, Disability Support Group and Indigenous Committee, amongst others, to keep us all on track.

Whilst diversity has been embraced within the walls of this firm, understanding what it means and more importantly, embracing 'diversity', continues within the legal profession. As a starting point, we must ensure that our workplaces represent our community.

From a leadership perspective, it is evident that the best boards are also the most diverse boards as they offer depth of insight, perspective and experience. As legal practitioners, it is incumbent upon us to play a more proactive role in upholding justice and equality and remind ourselves that the behaviour we walk past is the behaviour we accept.

With increasing negative rhetoric around us, we must maximise our talent and capabilities to speak up and preserve our proud diversity – whatever the platform. Starting the conversation brings awareness to an issue and that's all it takes.

We should be moving well beyond convincing others of the benefits of diversity. Rather, should be at a stage where we are finding better ways to reap its benefits.

Great ideas come from disruption to the status quo – so what are we waiting for? ■

Azmeena Hussain, Senior Associate

PERSPECTIVES OF A REGIONAL LAWYER

BELINDA WILSON

THESE DAYS I WEAR MANY HATS AND BEING A LAWYER HAS A DIFFERENT MEANING TO WHEN I STARTED OUT. I THINK BACK TO WHERE MY LEGAL CAREER BEGAN, COMPARED TO WHERE IT IS TODAY, AND I WOULD NEVER HAVE GUESSED AT THE EXCITEMENT AND DIVERSITY THAT LAY AHEAD. THERE ARE MANY OPPORTUNITIES BEYOND THE TRADITIONAL LEGAL CAREER, WHICH I HOPE TO SHARE WITH YOU.

My career, so far, has been varied. I started at a Melbourne top tier law firm while studying law full-time, worked for 14 years in Gippsland as a regional solicitor, and recently took on the role of Corporate Counsel and CEO of Port Phillip Bay Scallops.

I grew up in regional Victoria and I always knew that I wanted to practise there. My 'tree change' occurred quite early in my career as I believed that regional practice would be the best grounding for me as a generalist lawyer. My educated guess paid off and I couldn't possibly have had a better start to life as a lawyer. If I had my career over again, I would not change my beginnings, as they have shaped who I am and how I got here.

Of my many years in Gippsland the following impressions stand out:

1. REGIONAL LAWYERS ARE NOT SECOND CLASS LAWYERS.

I would often be asked if I was working in the country because I couldn't get a city job. Or, even worse, some of my city colleagues would presume that our legal knowledge is limited.

This could not be further from the truth. A regional lawyer needs to have diverse skills: appearing in court, advising on a range of topics, developing brand and reputation, and delivering advice in language that is understood by all.

While I am not saying that these skills are unique to a regional lawyer, these skills are even more important because being part of a small community your skills are always on public display, even on a Sunday in the supermarket.



2. THERE IS AN ELEMENT TO REGIONAL PRACTICE RARELY SHARED WITH OUTSIDERS, AND THAT IS THAT WORK/LIFE BALANCE IS ACHIEVED BY MOST WITH VERY LITTLE EFFORT.

The car parking is usually outside the building, and free, with very little traffic to contend with. Working outside usual business hours is frowned upon and may point to your inefficiency as opposed to dedication.

3. BEING PART OF THE REGIONAL FABRIC, PRO BONO WORK IS INCORPORATED INTO EVERYDAY PRACTICE.

For me, pro bono work was a daily element of my practice. It may have been anything from providing the local footy club with advice, volunteering at the community legal centre or giving quick, but life changing advice, to clients.

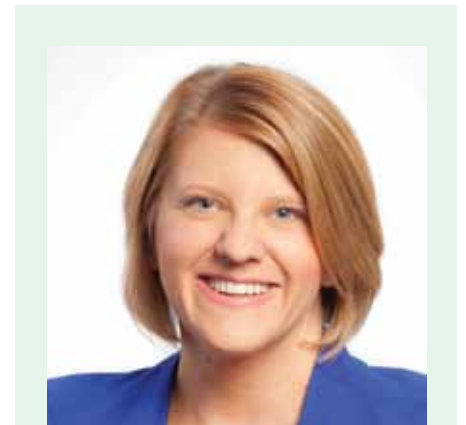
Now that I am a CEO and Corporate Counsel I no longer have the certainty of a 'normal' day. You may find me early in the morning at the fish market, in the factory in my gumboots and hairnet checking on the scallops that have just been harvested by our divers, negotiating export agreements, meeting with State Government Ministers, talking to Australia's top chefs, or on location filming for television series.

While this dramatic change may give the impression that law is far removed from my

daily schedule, I have my legal hat firmly on at all times. I have recently learnt how valuable our legal skills are, and how transferrable to the commercial world, especially when it comes to advocacy, problem solving, attention to detail and diplomacy.

I learnt this lesson in a unique way, having been invited, as a guest I thought, to a briefing for some of Australia's finest and most regarded chefs. What I didn't realise, until walking in the door, was that I was there to give the briefing. Thankfully, my many years of advocacy training kicked in and I am quietly confident that I was the only person in the room aware of my incorrect presumption.

Throughout my career I have been lucky because I worked hard and it paid off. I took calculated risks, and asked questions that no one dared to ask. If you are considering a legal career in a regional area, go for it. ■



About the author

Belinda Wilson is Chief Executive Officer and Corporate Counsel of Port Phillip Bay Scallops. She is responsible for the development of the only wild catch, hand dived scallop industry in Australia. Belinda is the President-Elect of the Law Institute of Victoria and a past President of the Gippsland Law Association. In 2011 she was named LIV Regional Lawyer of the Year and in 2012, the Law Council of Australia's Victorian Young Property Lawyer of the Year.

GENDER AND CULTURAL DIVERSITY WITHIN THE PROFESSION

JULIA WANG AND PERVEEN MAAN

IT IS WELL-KNOWN THAT WHILE WOMEN NOW MAKE UP THE MAJORITY OF LAW STUDENTS AND INDEED NEW LAWYERS, THEY ARE SIGNIFICANTLY UNDERREPRESENTED IN THE SENIOR RANKS IN THE PROFESSION. FOR SOME FEMALE LAWYERS, THIS PROBLEM IS COMPOUNDED BY ANOTHER.

Look around an average law firm and you'll notice that cultural diversity is also lacking in the senior ranks of the legal profession. For example, a 2015 research report by the Asian Australian Lawyers Association (AALA) indicated that while those of Asian heritage make up 9.6% of Australia's population, they only constitute 3.1% of partners in law firms and 0.8% of the judiciary.

This is an issue of intersectionality: female lawyers from culturally and linguistically diverse (CALD) backgrounds arguably face a dual ceiling.

There are a number of challenges associated with addressing intersectional diversity within the profession. In comparison to gender

diversity, cultural diversity has largely remained an unexplored issue, although initiatives such as AALA's report have raised its profile.

Perhaps the biggest challenge at present is the lack of data on cultural diversity within the profession. In contrast to gender diversity research such as the Law Council's *National Attrition and Re-engagement Study*, there is scant data on the cultural backgrounds of law students and lawyers.

Currently, the law societies of the states and territories largely only record whether lawyers have identified themselves as being of Aboriginal or Torres Strait Islander background. The Law Society of NSW has gone further and was able to provide some country of birth data in its *2015 Profile of the Solicitors of NSW*. However, more is needed to paint an adequate picture of cultural diversity within the profession. Additional factors including, but not limited to, a person's cultural heritage and the languages they speak all contribute to understanding the extent to which the profession is culturally and linguistically diverse.

Without adequate data, it is difficult to identify the extent to which a CALD background may disadvantage lawyers, and especially female lawyers; it is hard to identify where in the career ladder lawyers from CALD backgrounds are being lost from the profession; and it is consequently difficult to formulate appropriate measures to address the issue.

What is clear is that there is some way to go in ensuring that intersectional diversity issues within the profession are recognised, researched and addressed. This is an area ripe for collaboration between the various law organisations both at the state/territory level and nationally. ■

Julia Wang and Perveen Maan, are members of VWL's Cultural Diversity Committee.

This article was first published in the According to Merit column in Volume 90, Edition 09 of the Law Institute Journal.

ASSOCIATE SPONSOR

SIGMA EXECUTIVE



How does Sigma Executive Address Unconscious Bias?

The concept of 'unconscious bias' has taken centre stage as workplace diversity becomes a business necessity.

A 2012 Yale University study highlighted unconscious bias at work. Managers were provided two versions of the same CV.

The CVs were identical, apart from the candidate's first name. Time and again, the male candidate was deemed more talented and experienced, and was more often offered the job (at a higher rate of pay).

This type of unconscious bias occurs in Australian law firms more often than you would think. It is particularly prevalent when

women reach a certain age, and factors such as maternity leave, flexibility, and a perceived lack of commitment to the job, are added to the mix.

Sigma Executive tackles this unconscious bias in a number of ways. Rather than email a batch of CVs to a HR manager, we speak to our client first. We explain why our candidate is the most qualified, most experienced person for the role. We demonstrate why our candidate should be interviewed, before the HR manager has even seen their CV and before unconscious biases around gender, age, or ethnicity take hold.

We work closely with candidates to ensure their CVs do not perpetuate unconscious bias. Women in particular are prone to using passive language, which is always converted to strong, active dialogue. All candidate CVs are formatted in the same template, promoting consistency and equality. We also provide intensive coaching for our candidates prior to interviews, giving them the tools to sell themselves and overcome impostor syndrome; tools which are men have often been encouraged to use, but have not been taught to, or are not instinctive for women. ■

Jackie Gillies, Director

PAST CONVENOR

GLENDA BEECHER (2002)



Glenda is the Deputy General Counsel at Monash University. Prior to joining Monash, she was a partner at Maddocks in its employment and discrimination law practice. She does it all with two children, and believes women have a powerful and important contribution, and must make their voice heard.

What was a standout achievement for you in the year you were Convenor?

The biggest achievement of VWL in my year as convenor was the completion and publication of *Flexible Partnership: Making it Work in Law Firms*. At this time women were progressing on the law firm career path trajectory but dropping off before making partnership primarily due to family responsibilities.

This publication worked with firms to examine why this talent was being lost and set out practical strategies to overcome perceived barriers to changing this reality for women lawyers.

Are there any areas in which you have seen little progress, or would like to see improve, in the advancement of women lawyers in Victoria?

There remains in our community generally and therefore in the profession particularly, some really unhelpful and sometimes unpleasant attitudes towards women. These attitudes in persons holding positions of power or positions of influence are not called out enough. It is the repetition of the experience of put downs, doubt, undermining, or absent support that slowly erodes the confidence of individual women and becomes an insidious barrier to success, or an exhausting hurdle to keep facing. This must change. ■

ASSOCIATE SPONSOR

JUSTITIA LAWYERS AND CONSULTANTS



How does Justitia prevent discrimination in the workplace?

Many organisations claim to have inclusive workplace cultures because they employ people from diverse backgrounds.

But for that to happen, organisations need to:

- publicly value different opinions and experiences
- foster an inclusive and open leadership style in their managers
- ensure that the workplace is free from discriminatory practices
- be open to feedback from employees about different ways of working
- take interest in their employees' personal circumstances (as they are not simply left at the office door)

At Justitia our work practices are based on principles of collaboration, knowledge sharing and mutual encouragement. We are genuinely interested in each other's backgrounds, as well as each other's professional interests and passions outside work. This cultivates an environment of respect for the whole person. It also influences how work is allocated, support is offered, how the team works together and whether work is completed at the office or remotely. For example, at Justitia, our lunchtime get-togethers around the common couches are more than a meal break – they are a precious time to relax, engage on a personal level and understand each other's uniqueness.

During workplace reviews Justitia has conducted for client employers, we have seen how healthy cultures can be undermined through poor work practices such as isolationism, working in silos, top-down approaches to management and rigid thinking. Given we spend so much time at work, we think we owe it to each other to make it an enjoyable place to be, where each of us have the opportunity to flourish and contribute to a thriving organisation. ■

Angela Stolla, Associate

THE HISTORY OF VWL

JESS AWAD AND KATHERINE LISHMAN

1996

VWL is launched on 29 August 1996 by inaugural patron Chief Justice John Phillips, Attorney-General Jan Wade and Eve Mahlab. Deanne Weir is appointed as VWL's first convenor.



1997

VWL signs its first major sponsors: Arthur Robinson & Hedderwicks, Coltmans Price Brent, Corrs Chambers Westgarth, Deacons Graham & James, Dunhill Madden Butler, Holding Redlich, Maddock Lonie Chisholm, Mallesons Stephen Jacques, MinterEllison, Phillips Fox and Shell. By 12 November 1997, VWL has over 450 members. VWL releases a video, *Willpower*, featuring five women with varied legal careers who discuss the challenges and obstacles they have faced in the legal profession. VWL forms its Justice Committee.



1998

In conjunction with the Office of Women's Affairs, Victoria Law Foundation and the Law Institute of Victoria, VWL releases a publication on flexible work practices, *Living & Working Together in the 90s*. The publication is distributed to Victorian law firms.

1999

Chief Justice John Phillips delivers the inaugural Lesbia Harford Oration on 'Women in the Law, Progress and Challenge'. VWL, in conjunction with the Victoria Law Foundation, publishes a report titled *Taking Up the Challenge*.



2000

In conjunction with the LIV, VWL holds its inaugural Dame Roma Mitchell Memorial Luncheon, at which Professor Hilary Charlesworth delivers the key note speech. VWL hosts a series of seminars in relation to the issues identified in the *Taking up the Challenge* report.

VWL launches its web presence.

2001

VWL publishes *A Snapshot of Employment Practices 2001: A Survey of Victorian Law Firms* and subsequently *Flexible Partnership – Making it Work in Law Firms*, outlining

how part-time partnership affected women practitioners in a number of Victorian firms.



2002

VWL's strong financial growth is attributed to the generous support from sponsorship firms, comprising half of VWL's total annual income.



2003

Professor Loane Skene of Melbourne Law School presents the Lesbia Harford Oration on women's reproductive rights. The Honourable Chief Justice Marilyn Warren AC becomes VWL's patron.



2004

The Women's Mentoring Scheme is launched. As stated by the Program's patron in 2016, the Honourable Marcia Neave AO, 'the program is a wonderful opportunity for women law students and practitioners to forge valuable networks, share ideas and enjoy professional companionship'.



2005

VWL makes a submission to the Victorian Human Rights and Equal Opportunity Commission on its draft discussion paper, *Striking a Balance: Women, Men, Work and Family*. VWL also makes submissions in relation to the Victorian Charter of Human Rights and to the Senate Inquiry into Voluntary Student Unionism. VWL conducts a review of flexible work practices. The report, *A 360° Review: Flexible work arrangements. Confronting myths and realities in the legal profession*, is launched by Pru Goward, Australian Sex Discrimination Commissioner.

2006

VWL holds events on pathways to partnership for women lawyers and their mental health and well-being. Kirsty Sword Gusmao, the First Lady of East Timor, presents the keynote speech at the Dame Roma Mitchell Memorial Luncheon. VWL, in conjunction with the LIV, releases a report *Bendable or Expendable: Practices and attitudes towards work flexibility in Victoria's biggest legal employers*.



2007

VWL commences proceedings in the Federal Court of Australia against the Deputy Commissioner of Taxation, contending that VWL is a charity for income taxation purposes on the basis that female legal practitioners suffer disadvantage.

2008

The judgment in *Victorian Women Lawyers' Association Inc v Commissioner of Taxation* (2008) 250 ALR 516 is handed down, the Federal Court finding that VWL is a charity for income taxation purposes. The inaugural VWL & WBA Law Student Mentoring program is launched.



2009

VWL makes a submission to the Victorian Parliament endorsing the Marriage Equality Amendment Bill. VWL commissions the RMIT Centre for Applied Social Research to undertake a scoping study regarding the attrition of Victorian lawyers, which subsequently informs the Law Council of Australia's National Attrition and Retention Study. VWL holds its inaugural networking dinner in Geelong with the Geelong Law Association.

2010

VWL launches its Women in Government Committee and its Law Reform Committee. VWL publishes its *Do You Manage: A guide to managing lawyers with flexible work arrangements*, designed to combat attrition rates of women practitioners.



2011

VWL travels to Warrnambool with the WBA for a regional women lawyers networking event. VWL launches its social media presence.



2012

VWL makes a submission on the Equal Opportunity Amendment Bill and introduces firm management training on flexible work practices in conjunction with Diversity Partners.

VWL launches its Membership Committee and presents the bi-annual Women Achievement Awards.

2013

VWL makes a submission to the Australian Human Rights Commission on its *Pregnancy and Return to Work National Review*.



2014

The Law Council's landmark *National Report on Attrition and Re-engagement* is released and VWL's focuses its work on addressing the issues identified in the report. The Women Migrants' Legal Information Committee, in conjunction with the Victorian Law Foundation and InTouch Multicultural Centre Against Family Violence, launches pilot project to disseminate legal information to migrant women in Victoria.

2015

VWL's *Flexible Work Protocols: A best practice guide for productive and engaged legal workplaces* are launched by Kate Jenkins, the then Victorian Human Rights and Equal Opportunity Commissioner. VWL inaugurates the Warren Moot, the first mooting competition for women lawyers, designed to address the small number of women in advocacy roles.

2016

VWL reaches 800 members. VWL gives evidence to Senate Committees on the phenomenon colloquially known as 'revenge porn' and on the gender pay gap. The Membership Committee is established to broaden VWL membership by hosting events for regional and LGBTI practitioners. VWL holds events in Geelong, Bendigo and Shepparton, and provides videos of events online, in an effort to reach all members.

Jess Awad and Katherine Lishman are members of VWL's Communications Committee

PUTTING WOMEN INTOUCH

JULIA WANG

THIS YEAR, VWL'S CULTURAL DIVERSITY COMMITTEE EMBARKED ON A PROJECT TO INFORM WOMEN FROM CULTURALLY AND LINGUISTICALLY DIVERSE (CALD) COMMUNITIES WHO ARE EXPERIENCING FAMILY VIOLENCE ABOUT THE SUPPORT SERVICES AVAILABLE TO THEM.

To this end, the Committee produced and printed business-card sized contact cards in three languages: Arabic, Vietnamese and Chinese. The cards contain a message informing women that if they are experiencing family violence, they can seek help from the InTouch Multicultural Centre Against Family Violence, an organisation that specialises in providing assistance to women from CALD backgrounds. The cards also list contact information for the police and for the Safe Steps Family Violence Response Centre. This is in conjunction with the Committee's Culturally Sensitive Legal Advice event held on 27 July 2016 .

To date, the Committee has distributed over 1000 cards in each language to a variety of organisations, including migrant resource centres, community and cultural organisations, neighbourhood services, social services, health services and universities. We are

continuing to distribute cards and a second print run is planned. It is hoped that as a result of this project, more CALD women who are experiencing family violence will be aware of the services available to them and receive the assistance they need. ■

Julia Wang is a member of VWL's Cultural Diversity Committee



MAJOR SPONSOR ASHURST

How does Ashurst promote diversity across its workplace?

Ashurst is proud of its commitment to, and its strategy to support, diversity and inclusion which is designed to:

- Embed a culture of transparency and openness with the commitment to reporting on progress and raising awareness of unconscious bias
- Ensure that each employee feels judged solely on ability with equal opportunity to reach their potential, and
- Ensure that each partner understands the role of diversity and inclusion in the business and is accountable for a proactive approach to engaging with key issues

The strategy is implemented through detailed action plans, which are designed to promote and drive progress across our firm. Our Diversity and Inclusion Advisory Group, chaired by Managing Partner Paul Jenkins and comprising of ten partners across our global network and the Diversity and Inclusion team, advises on and oversees implementation of this strategy and focuses on four principal strands of diversity: gender, LGBTI, multiculturalism and disability.

We have implemented a number of initiatives and programs to support diversity and inclusion that are promoted across our firm including:

- The Australian Women's Network, which organises and promotes a range of events and discussions related to gender diversity issues
- Unconscious bias sessions designed to focus attention on the significant and unintended impact of unconscious thought processes on a range of interactions in the office and how this can impact diversity and inclusion
- 'Managing Flexibility in the workplace' training, which focuses on building partners' and managers' understanding of ways to manage flexible work arrangements, the firm's policies and procedures and highlights the importance of open communication when managing flexible work
- Our LGBTI network, Spectrum, works to raise awareness of issues relating to and affecting our staff members and the wider LGBTI community. Ashurst is a proud supporter of Australian Marriage Equality

By building awareness and engagement of key diversity issues through channels such as events, training opportunities, internal communications and our Diversity and Inclusion Advisory Group, we can further progress the firm's commitment to diversity and create a more inclusive workplace culture. ■

Kasey Zun, Diversity and Inclusion Manager, and Bronwyn Kirkwood, Senior Associate

MESSAGE FROM OUR PATRON*

THE HONOURABLE CHIEF JUSTICE MARILYN WARREN AC

THE HONOURABLE CHIEF JUSTICE FRENCH HAS REFERRED TO CULTURAL DIVERSITY AND THE WAY IT IMPACTS ON THE ADMINISTRATION OF JUSTICE.

His Honour said that it was:

Essential that people involved in the work of the courts are educated to an awareness of difference that transcends their own experiences of life. For those experiences and the world views that go with them are necessarily culturally conditioned.

Drawing on the example of the *Mabo* decision, Justice French proceeded to make the argument central to his article - that cultural awareness is a requisite part of the proper administration of justice. The soundness of this proposition requires no testing; the only question that remains is, how best to achieve greater cultural awareness within the justice system. The answer is, through promoting a diverse work culture. One that is representative of the society we live in. This brings us to the second main objective of diversity in the workplace: that of eliminating discrimination based on gender, sexual orientation, cultural or ethnic background.

Diversity in the legal profession is a topic that is receiving increased attention in Australia. In a recent policy statement entitled, 'Indigenous Australians and the Legal Profession', The Law Council of Australia committed to, among other things, providing support to Indigenous law students, promoting the participation of Indigenous Australians in the legal profession, and encouraging members of the legal profession to embrace Indigenous cultural education and training. Many Australian firms are also developing their own diversity policies, focusing specifically on the hiring and promotion of women. These efforts are highly commendable, however there is still work to be done.

There are many factors influencing diversity in the legal profession. Part-time and flexible working arrangements are amongst them. Women lawyers must continue to press for these arrangements.

We must continue to promote and increase the representation of women in the law and vigilantly work toward a truly diverse and integrated profession. ■

**This article was first published in Portia 2010.*



Image: Fern Smith, *Moving Landscape – 4. "News not muse" 1929-1938*, oil on canvas, 1000 x 760mm (<http://fernartz.com>)

PAST CONVENOR

ROSEMARY PEAVEY (2005)



Rosemary is currently General Counsel and Group Company Secretary for Aurecon Group Pty Ltd, a global engineering consulting company with operations in Australia, New Zealand, Africa, Middle East and Asia. She has three grown up children, and outside of work enjoys art, Italian cooking and travel when time permits.

How has equality for Victorian women in the legal profession advanced since you were Convenor?

I think the issue of what value women bring generally in all professions has received more attention and discussion. I currently work in a different area of professional services, and I am proud to say that the legal profession is well advanced in its approach to equality for women in Victoria.

What has VWL done for you personally?

VWL put me in touch with a wonderful group of women who had a strong passion to support and advance women in law. The friendship and support has been humbling and encouraged me to achieve my own goals and gave me confidence. It also made me realise the importance of mentoring and being mentored.

What does VWL have to offer women lawyers of today?

The support and networking opportunities are extremely valuable. I encourage women lawyers to get involved in VWL activities to build skills and confidence while also having fun. ■

SEXPLOITATION IN ADVERTISING, MARKETING AND POPULAR CULTURE

LINDA ALLISON

SEXUALIZATION AND OBJECTIFICATION OF WOMEN IN MODERN MEDIA IS PERVERSIVE. THE REGULARITY AT WHICH WE ARE EXPOSED TO SEXED-UP IMAGES OF WOMEN AND GIRLS HAS NORMALISED THE SEXUALIZATION OF WOMEN AND GIRLS WITHIN OUR COMMUNITY.

In July this year, Australian dance wear label Frilledneck Fashion featured advertising with girls as young as nine years old posing provocatively in scanty dance costumes. The advertising included a girl lying on her back in a cropped top and briefs exposing her stomach and upper legs, with her back arched and knees up. The images were posted on the company's social media site and shared with its thousands of followers.

Earlier this year, lingerie retailer Honey Birdette installed shop window displays showing naked women leaning forward with their backsides exposed, covered by a couple of strings of black material. Honey Birdette's stores are found in several shopping centres, such as Melbourne Central, where its store is located next to a frozen yoghurt shop.

Honey Birdette insists its advertising is about 'empowering women'. In fact, the research demonstrates that repeated exposure to sexualized content is directly associated with higher levels of body dissatisfaction, greater self-objectification, greater support of sexist and adversarial sexual beliefs, and greater tolerance of sexual violence toward women. Moreover, exposure to such content leads both women and men to have a diminished view of women's competence, morality, and humanity. Objectification and sexist attitudes towards women are widely recognised as part of a destructive pattern of behavior that leads to the physical and sexual abuse and deaths of women in our community.

Further, there is strong evidence that premature sexualization of children is likely to be detrimental to child health and development, particularly in the areas of body image and sexual health.

Collective Shout was established by a small group of women in 2009 to prevent the harm caused to women and girls as a



Image: Pyramid of Abuse used with permission from the Gippsland Women's Health initiative www.makethelink.org

result of their objectification and pornification. The vision of Collective Shout is 'a world free of sexploitation'. It has been active in advocating against the hyper sexualized advertising of companies such as Frilledneck Fashion and Honey Birdette.

Today it is a registered charity, with three staff and over 600 volunteers around Australia. A minnow in the Not For Profit space, it has secured many victories exposing the objectification of women and girls in advertising, media and marketing, causing companies to withdraw images or change their marketing approach. It also educates the community on the damage pornography has on young people's attitudes towards sex and relationships.

Collective Shout campaigns on a number of fronts. It relies on social media to raise awareness and mobilise the community into action, but it also works at both the political and corporate level. In addition, Collective Shout promotes a Corporate Responsibility Pledge, encouraging companies to sign a statement of intention to be respectful towards women and girls in advertising and marketing. Collective Shout is currently in discussions with a major clothing retailer and

is working to secure a commitment from a number of major companies by 2017.

Collective Shout is shaping policy and seeking reform through its submissions to State and Federal Parliamentary inquiries. It is also a resource to help the community understand better the links between objectification, pornification and its impacts on society.

In July this year, Collective Shout called for an overhaul of the current self-regulation system through the Advertising Standards Bureau (ASB) as it is clearly failing to act as a safeguard to the sexualization of women and children in the media.

For example,

- The Australian Association of National Advertisers Code of Ethics (AANA Code of Ethics) administered by the ASB includes an inconsistent and weak definition of what constitutes 'sexualized'. Examples of advertising deemed not overly sexualized by the ASB include a clothing catalogue featuring the image of a woman who is naked except for her thigh high stockings, concealing her private parts with her hands.

- ASB routinely dismisses complaints for highly sexualized advertising material because there is no explicit nudity. Women can be pictured in wet white t-shirts to sell coffee beans, they can be headless and faceless, positioned on their backs, with references to sexual practices, or reduced to two breasts, but the ASB will argue the ads are not in breach because there are no private parts visible.
- Complaints for sexually exploitative advertising are dismissed because the code requires content to be both “exploitative **and** degrading”. The language in the AANA Code of Ethics is weak and deliberately ambiguous, allowing for easy manipulation.

By facilitating understanding of the damaging effect of the sexualisation and objectification of women and girls and calling out companies who spread such harmful imagery, Collective Shout aims to change a culture of sexploitation and work towards the elimination of violence towards women and girls in our society. ■



About the author

Linda Allison is a Director of Collective Shout. She is a policy and advocacy professional with 15 years' experience in the not for profit, property and early childhood sectors.

HOW TO BECOME GET INVOLVED IN THE WORK OF COLLECTIVE SHOUT

- **VISIT** www.collectiveshout.org and sign up for our newsletters
- **PARTNER** Sign up at our website as a monthly funding partner or a one off donor to support the campaign work <https://collectiveshout.nationbuilder.com/donate>
- **VOLUNTEER** Join our volunteer network at http://www.collectiveshout.org/volunteer_signup
- **APPLY** We have a vacancy on our Board. Expressions of interest can be lodged at www.collectiveshout.org/positions_vacant

PAST CONVENOR

VIRGINIA JAY (2006)



Virginia is an employment law and industrial relations practitioner with experience in legal practice and human resources in the private, public and not-for-profit sectors. She enjoys raising her family and being involved in her community.

How did you first become involved in VWL?

I became involved in VWL through the Work Practices committee. A senior woman lawyer at my firm, Georgina Frost, was chair of the committee and she told me about the VWL's work. As an employment lawyer and industrial relations practitioner, I have always been fascinated by the conditions under which people work and so it presented me with an opportunity to better understand the institutional and structural features of the legal profession preventing women from progressing in equal numbers to men.

I also greatly admired Georgina for successfully pioneering a job share arrangement in my firm and so I thought it would be a great way to get to know other interesting women lawyers. So I got involved.

What was a standout achievement for you in the year you were Convenor?

2006 was an exciting and extremely busy year, however the standout achievement during my time on the VWL Executive Committee was the release of the Work Practices committee report: *A 360° Review: Flexible Work Practices Confronting Myths and Realities in the Legal Profession* in 2005. The report examined the nature of flexible work in the legal profession and the consequences for those accessing it, including reduced quality of work and limiting career progression. ■

MAJOR SPONSOR

WOTTON + KEARNEY

What flexible work practices has Wotton + Kearney implemented?

Wotton + Kearney (W+K) is a relatively young firm that has grown from one office to a national presence since opening in 2002. Specialising in insurance law means we can focus on who we partner with, and the type of work we do. This singular focus and our continued growth has enabled us to progress the careers of our lawyers through continuing professional development while adapting to their changing work and career needs. Having grown to a firm of over 100 lawyers, we are in a strong position to offer a range of flexible working options.

Working remotely, flexible working hours, options for extended leave and career breaks are all regular examples of our track record to date. Supporting the differing demands for new parents through paid parental leave, breastfeeding facilities on-site and graduated returns to work are further examples of how we have evolved with the changing needs of our people. Over a quarter of our workforce has formal flexible working arrangements and our IT systems ensure that every professional can work seamlessly, whether remotely from home or as they move around our national network.

Senior Associate, Hope Saloustris (pictured) balances two young children with a successful legal practice, conducting litigation on behalf of defendants on instructions from their insurers and on behalf of corporate clients in relation to under deductible matters, all while working part-time.



Diversity at W+K is broader than maintaining key benchmarks; it is about how we treat each other and value the diversity of our backgrounds, strengths, experience and ideas. Focusing on flexibility has enabled us to progress the manner in which diversity is considered and encouraged. We are not complacent about our progress of recent years and three of our last four promotions to partnership were female internal candidates. Pleasingly, 64% of promotions in the last Financial Year were female, which is consistent with the level of female representation in our workforce. ■

Sarah Hobson, Business Development and Marketing Advisor

PAST CONVENOR

CHRISTINE MELIS (2008)



Christine is a barrister currently practising in New South Wales and Victoria. She practises in administrative law, inquests, commissions of inquiry, migration law and commercial law. In 2015, she launched the Empowering Women in the Law in PNG program for female legal trainees in Papua New Guinea. Christine continues to have an active interest in equality issues

and women's rights in Australia and around the world.

What was a standout challenge for you in the year you were Convenor?

The "VWL tax case" was both a challenge and ultimate achievement for the organisation in 2008. The Federal Court held that VWL qualified as a charitable institution for the purposes of exemption from income tax. In particular, the Court found that VWL's principal purpose was "to remove barriers and increase opportunities for participation by and advancement of women in the law profession in Victoria", and that this purpose was

"beneficial to the community". Significantly, the Court took judicial notice of the historical and persisting disadvantage of women in relation to their participation and career advancement within the legal profession. VWL could not have asked for a better win, led by an outstanding legal team!

Are there any areas in which you have seen little progress, or would like to see improve, in the advancement of women lawyers in Victoria?

I would like to see more women barristers on their feet in higher courts. I would like to see more men taking on family responsibilities and a legal culture that facilitates and accepts that practice. I would like to see gender equality factored into every policy and appointment made in every public and private legal institution. Finally, I would like to see greater transparency around pay for women in the profession.

What has VWL done for you personally?

It has given me a platform to drive an agenda for equality in the legal profession and the opportunity to understand and participate in public debate around equality more generally locally, nationally and internationally. It has also given me the privilege to meet and work with some incredible movers and shakers within our profession and people I have come to admire and hold up as mentors. ■

COURT OF APPEAL ADVOCACY PILOT A SUCCESS

KYLIE WESTON-SCHEUBER

ON 19 MARCH 2016, AN EXCITING NEW ADVOCACY PILOT PROGRAM TOOK PLACE IN THE COURT OF APPEAL, AIMED AT DEVELOPING AND ENHANCING THE APPELLATE ADVOCACY SKILLS OF FEMALE BARRISTERS.

Seven barristers appeared before a panel of judges in the Court of Appeal to argue a case based on the VSCA decision of *Beerens v Bluescope*. Each appellant and respondent spoke for 35 minutes, followed by a critique (and praise) from the Bench.

Justices Tate, Neave, Hollingworth, Zammit, Dixon, and Associate Justices Lansdowne and Ierodiaconou generously gave their time to sit as members of the Bench, with barristers including Susan Aufgang, Jennifer Firkin, Laura Keily, Maree Norton, Sarah Porritt and Bronia Tulloch appearing before them.

The background to the pilot program is the recognition of the dearth of women appearing before the Court of Appeal, especially in civil appeals. The aim of the pilot program is to assist in addressing the issue by providing advocacy opportunities for female barristers before a panel of judges.

Women Barristers' Association was proud to help coordinate the program with Justice Tate and hopes that this will be one of a number of initiatives to assist in addressing gender based inequality in the legal profession. ■

For further information about the program, please contact Kylie Weston-Scheuber on kylie.weston-scheuber@vicbar.com.au.



Image: Celeste Chandler, *Painted lady 6*, oil on linen, 66 x 61cm (SH Ervin Gallery)

PAST CONVENOR

ASTRID HABAN-BEER (2010)



Astrid is a barrister practising at the Victorian Bar in criminal law, public law and regulatory law. She sits on the Executive Committee of the Women Barristers Association, the Victorian Bar's Equality and Diversity Committee, and the Indigenous Justice Committee. She is the Victorian representative on the Law

Council of Australia's Equal Opportunity committee, a board member and volunteer at the St Kilda Legal Service Co-Op Ltd, and sits on the Law Institute of Victoria's Diversity Taskforce.

How has equality for Victorian women in the legal profession advanced since you were Convenor?

There appears to be more commitment from the wider profession and community. I see firms undertaking their own initiatives to support women in advancing their careers, and undertaking internal reviews into matters such as pay equity and numbers of women in particular practice groups. At the Bar too, there are many vocal leaders at all levels asking the hard questions and challenging the establishment when it comes to briefing practices, fees, and appearance work.

Are there any areas in which you have seen little progress, or would like to see improve, in the advancement of women lawyers in Victoria?

I would like to see a greater focus on diversity in the legal profession, of both men and women. There are women of culturally and linguistically diverse backgrounds in the law who I want to be seen, heard, supported and celebrated. ■

TAKING UP THE CHALLENGE*

GEORGINA FROST

WOMEN HAVE BEEN STUDYING LAW IN AUSTRALIA SINCE THE TURN OF THE CENTURY AND PRACTICING LAW SINCE THE 1920s, YET IN 1999 WE HAVE BEEN DESCRIBED AS THE FRINGE DWELLERS OF THE JURISPRUDENTIAL COMMUNITY. OVER 50% OF UNIVERSITY LAW GRADUATES ARE WOMEN, SO WHY AREN'T THERE MORE FEMALE PARTNERS IN PRIVATE LAW FIRMS, WHY DO WOMEN EARN LESS THAN MEN AND WHY DON'T WOMEN STAY IN LEGAL PRACTICE?

On 6 May 1999, VWL's 'Taking up the Challenge' report was launched. The report is not just another survey of existing work practices, attitudes and empirical evidence supporting the progress of women in the legal profession. The ultimate result of the report is a framework for change. The report summarises the major findings from various research resources from Australia and New Zealand to allow VWL to come up with an action plan that addresses the changing nature of work and what this means to lawyers and the law. This report confirms that there is sex discrimination and gender bias in the law.

As identified by the report, the main challenges facing law firms are:

- To encourage lawyers to identify and challenge the status quo to ensure that the issues facing women in the profession are seen for what they are and positive change is implemented
- To recognise the differing needs of lawyers as individuals and developing work practices and policies which allow for flexibility in terms of outside work commitments (not just families)
- To find alternatives to the traditional law firm structure, as partnership is not seen as conducive to lawyers who have interests outside the practice of law
- To identify opportunities for career development which are alternatives to partnership but still recognise the skills and expertise of more experienced lawyers
- All stakeholders in the legal profession to acknowledge the strengths which diversity brings to the practice of law

No single approach or strategy will solve the problem of gender bias in the profession overnight. The problems must be tackled on a number of fronts and involve a number of key players.

The report highlights the need for pooling and dissemination of information and networking between women lawyers in different states as well, as the development of various information and education opportunities for all members of the legal profession.

For example:

- Educating employers of lawyers to the value of flexible work practices and recognising the personal needs of employees to increase job satisfaction
- Recognising the cost of losing valued employees as a result of dissatisfaction with the workplace
- Lobbying government and law associations for legislative change or establishing procedural guidelines/rules of conduct for the profession



Image: Fern Smith, *Moving Landscape – 3. “Changing landscape”* 1919-1928, oil on canvas, 1000 x 760cm (<http://fernartz.com>)

- The support of key players in conducting future research to assess the needs of lawyers with family responsibilities
- Identifying the reasons for young practitioners exiting the profession
- Establishing the link between employee dissatisfaction, turnover and productivity
- Examining alternative organisational structures of legal firms

This report provides a starting point, and raises issues for further discussion and research, which could form the basis of future projects and activities. ■

Georgina Frost, *VWL Convenor* (1998)

*This article was first published in *Portia* 1999.



Image: Joanna Braithwaite, *Lucky dog*, oil on canvas, 190 x 190cm (SH Ervin Gallery)

PAST CONVENOR

KATE ASHMOR (2011)



Kate runs her own firm, Ashmor Legal, focusing on conveyancing, wills and powers of attorney. When she's not chasing a pre-schooler, MCing an event or tweeting, she chairs the board of Caulfield Park Bendigo Bank. She's a Past President of Australian Women Lawyers and Women's Agenda's chief legal columnist.

What was a standout achievement for you in the year you were Convenor?

2011 was a huge year for VWL and for me personally. We celebrated our fifteenth birthday with a cocktail party at Melbourne Museum and held a jam-packed calendar of innovative events including, for the first time, a CPD session and networking function in Warrnambool. The Law Student Mentoring Program grew to new heights and our membership numbers achieved record levels.

How has equality for Victorian women in the legal profession advanced since you were Convenor?

At a glacial pace. But as the last five years have shown, 'New Law' may finally be the catalyst that forces widespread systematic change. Law firms are being forced to cut overheads and offer flexible work in order to compete and be sustainable in the longer-term. This will directly benefit female lawyers seeking to work part-time or from home. And as more and more women become in-house General Counsel, they are leading the way with equitable briefing policies, forcing through change that may finally lead to the extinction of the dinosaurs. ■

JUSTICE IS TRULY BLIND: THE IMPORTANCE OF ABORIGINAL DIVERSITY IN THE AUSTRALIAN LEGAL PROFESSION

PENELOPE SCOTT

SINCE THE BEGINNING OF THE 16TH CENTURY, LADY JUSTICE HAS BEEN DEPICTED AS BLINDFOLDED TO REPRESENT THE IMPARTIALITY OF THE JUDICIAL SYSTEM.

With the advent of unconscious bias research, it is difficult to maintain the position that decisions are made impartially without race playing a role. Although there has been little research on unconscious racial bias in Australia, the impact can be seen in outcomes for Aboriginal people. Aboriginal people, despite being 3% of the Australian population, constitute 27% of the prison population. Since the 1991 Royal Commission into Aboriginal Deaths in Custody, the proportion of Aboriginal people in prison has doubled. This article advocates that Aboriginal diversity in the Australian legal profession could be one possible answer to unconscious racial bias.

Since the 1990s, a vast amount of research on unconscious bias has emerged, mostly from the United States. Social psychology literature has recognised that contemporary forms of prejudice are expressed in “indirect and subtle” ways. In a seminal study, Davido and Gaertner established that discrimination occurs “unintentionally or unconsciously”. There were two important findings: firstly, people tend to rationalise or justify their biases, particularly when the criteria are ambiguous; and secondly, people committed to the ideal of equality are still influenced by their implicit biases, despite good intentions. The latter discovery was ground breaking, as it had been previously assumed that discrimination was the result of deliberate thought processes.

There seems to be a lack of awareness surrounding the phenomenon of racial bias and its expression in the criminal justice system. In a 1998 study, Greenwald sought to establish the existence of unconscious racial bias using the implicit-association test. By measuring response times, the results

indicated that Caucasians have automatic attitudinal preferences for white people.

In the legal context, studies have shown that prosecutors, judges, jurors, and police officers can be influenced by unconscious racial bias. In the prosecution of offenders, empirical research has shown there are significant racial disparities. One American study found prosecution was sought twice as often when the victim was Caucasian than when the victim was African-American. Although different

THE AUSTRALIAN LEGAL
PROFESSION NEEDS TO BE
SUFFICIENTLY DIVERSE AND
REPRESENTATIVE OF THE
COMMUNITY TO ENSURE THAT
JUSTICE IS DELIVERED.

social factors are at play, it would be deeply troubling if similar patterns were to be found in Australia.

In Australia, it would be particularly problematic if prosecutors had implicit negative attitudes towards Aboriginal people. In a largely invisible process, prosecutors have significant discretion at key points of the criminal justice system, ranging from whether to oppose bail or to lay charges.

The case of Lynette Daley unfortunately suggests that unconscious racial bias could be operative in Australia. The mishandling of Lynette Daley’s case by Lloyd Babb SC, the NSW DPP, offers a rare insight into systemic

forms of racism that disproportionately impact Aboriginal people. The victim, an Aboriginal woman, had died of internal injuries in 2011 on a Grafton beach after violent sex acts were performed on her while she was in an intoxicated state. The DPP formally declined to prosecute twice, saying there was insufficient evidence. This was despite a scathing Coronial report and evidence that the injuries were more severe than that of childbirth and that the perpetrators had set fire to a blood-soaked mattress. It was not until a Four Corners story aired – six years after Lynette’s death – that Lloyd Babb SC reluctantly agreed to review his decision. In the midst of a media storm, shocked legal experts came forward stating there were solid grounds to prosecute the men.

The case highlights the importance of promoting and encouraging Aboriginal diversity in the legal profession. The business case is based on evidence that organisations benefit from increased diversity in the workplace. In this context, the most significant advantage of Aboriginal diversity in the legal profession would be better high-quality decision-making, which is critical in legal contexts. Organisations with diverse workforces are more creative because they can access a wider array of experiences, viewpoints and perspectives. In doing so, they can offer a better service to their customers, whether they are victims, such as in this case, or otherwise. One can only wonder what would have happened differently if an Aboriginal lawyer were responsible for handling Lynette’s case.

There are obvious complexities, but Lynette’s case highlights the intersectional nature of racism and sexism in denying access to justice for Aboriginal communities. From the perspective of Lynette’s family, how can it be said that the Australian justice system is fair? Consistent with the premise of equality before the law, all lives must have equal value irrespective of race. The Australian legal profession needs to be sufficiently diverse



and representative of the community to ensure that justice is delivered.

While there are a number of social matters which should be acted upon in order to address the systemic racism permeating the criminal justice system, Aboriginal diversity in the legal profession is a critical step towards minimising the harm unconsciously caused to Aboriginal communities. The contributions of Aboriginal lawyers should be valued because they could potentially curb the operation of unconscious racial bias. For this to happen, the barriers that Aboriginal lawyers and students face need to be addressed. ■

About the author

Penelope Scott is a Policy Officer with the Victorian Department of Premier and Cabinet working in treaty and self-determination.

A lawyer and published equality author, she is currently studying Masters of Employment Law at the University of Melbourne.

Image: Mirra Whale, *Head in the clouds*, oil on linen, 112 x 92cm (SH Ervin Gallery)

WHERE DO WE WANT TO BE IN FIVE YEARS? AUSTRALIAN WOMEN LAWYERS 6TH NATIONAL CONFERENCE ELSPETH HENSLER

'WHERE DO WE WANT TO BE IN FIVE YEARS?' WAS THE THEME FOR AUSTRALIAN WOMEN LAWYERS' 6TH NATIONAL CONFERENCE (AWL 2016), WHICH WAS HELD IN APRIL THIS YEAR IN PERTH.

Conferences should have their challenges and, in that spirit, we chose the theme because it is a question that most of us hate to answer.

AWL 2016 was the last AWL conference to be attended by the Honourable Justice Diana Bryant AO as AWL's patron. Her Honour gave the keynote speech, sharing her perspective on the past and future directions for women in the law, including within the judiciary, and issues for women and children in family law. Her Honour's paper, "A view from the top of the hill – a retrospective by an activist woman lawyer" is available at the conference website and well worth reading.

The Gala Dinner address was given by Senator Penny Wong who generously had her photo taken with nearly everyone at the dinner (including members of the house band, Soozie and the Misfits). Senator Wong's comments about future directions for women in the law, and women generally, addressed so much more than the usual round up of statistics. Her humour and humanity shone through in her hopes for women's achievement and leadership, and in her stories of being ambushed by a four year old, intent on preventing the Senator from leaving for work.

The most memorable highlights of the conference include:

- The speech by the Honourable Robyn Layton QC AO as she received the AWL Award
- The silence that descended as Professor

Colleen Hayward AM described the real ongoing consequences of living through the eras of stolen generations and how those experiences may, or may not, play out in relation to constitutional recognition for Aborigines and Torres Strait Islanders

- The many and varied words of wisdom from Professor Rosalind Croucher AM and Elizabeth Heenan about building resilience to thrive as a lawyer
- Tax deductible Louis Vuitton – only Jennifer Batrouney QC could weave this nugget into a talk about the non-tax deductibility of childcare expenses
- Queensland barrister Kylie Hillard and Senator Linda Reynolds discussing how social media comments and information 'automatically' shared by smart phones are exploited by stalkers



Image: (from left to right) Verity Shepherdson, Seva Iskandarli, Senator Penny Wong, the Honourable Chief Justice Diana Bryant AO of the Family Court of Australia

and perpetrators of family violence, and recent research on young people's (sad) reactions to images of a bottle being thrown at a woman, and

- Most memorably, hearing women from every Australian State and Territory talk about issues for, and initiatives by, women lawyers in their jurisdictions – from the ACT's 'Mummy is a lawyer' court tours, to the difficulties facing women criminal law barristers in earning a living at the Bar because of poor pay scales, to the effects of intersectionality, and the good, bad and ugly in between.

Helping me face the task of organising were event managers All Occasions Group, past president Amy Challans (Women Lawyers' Association of South Australia), vice president Ann-Maree David (Women Lawyers' Association of Queensland), secretary Juliet Behrens (Women Lawyers' Association ACT), treasurer Suzanne Kirton (the Victorian Women Barristers' Association) and Bronwyn Haack (Northern Territory Women Lawyers' Association). Locally, I was supported by past president Rebecca Lee, founding member of AWL Clare Thompson, past president of Women Lawyers of Western Australia (WLWA) Tina McAulay and WLWA treasurer Susan Diamond. I am very appreciative of their ideas and support.

I am also very grateful to the Honourable Carmel McLure AC QC, President of the Court of Appeal and patron of WLWA, the Honourable Justice Tony Siopis of the Federal Court of Australia, the Honourable Michael Mischin MLC, Attorney General for the State of Western Australia and custodian and traditional owner of Whadjuk Nyungar country, Ingrid Cumming, for welcoming the delegates to the conference.

Final thanks, of course, to our sponsors – Foley's List (Gold sponsor), Western Australian Bar Association (Gala Dinner sponsor), DLA Piper (Welcome Reception sponsor), South Australian Bar Association (Keynote Session sponsor), New South Wales Bar Association and the College of Law (Session sponsors), the University of Notre Dame Law School (Morning Tea sponsor), Gordon & Jackson (AWL Award sponsor) and Foley's List, Griffith University Law School, SCALES Community Legal Centre and Thomson Reuters (Satchel sponsors) – and supporters, including the Perth Convention Bureau, Tourism WA and the Government of Western Australia.

Photos of AWL 2016 are available at AWL's Facebook page. A number of speaker presentations and supporting papers, in addition to those mentioned above, are available at the conference website: <https://aomevents.eventsair.com/QuickEventWebsitePortal/australian-women-lawyers/2016-conference/Speaker>. ■



About the author

Elspeth Hensler is President of Australian Women Lawyers and a former President of Women Lawyers of Western Australia (WLWA). She practices as a barrister in commercial matters. She is a member of the Western Australian Bar Council and the Advisory Board of Notre Dame University Law School. In 2014 Elspeth received the Western Australian Attorney General's Community Service Law Award and the Western Australian Bar Association Distinguished Service Award. In 2015 she was named WLWA Woman Lawyer of the Year.

PAST CONVENOR

VERITY SHEPHERDSON (2013, 2014)



Verity served as Convenor in 2013 and 2014. She chaired the Networking Committee for several years and has represented VWL on the board of Australian Women Lawyers since 2015. Verity's legal practice includes a wide range of intellectual property and consumer law matters, as well as large disputes relating to contractual and product liability issues.

What was a standout achievement for you in the years you were Convenor?

I am proud of the work VWL did during my two years as Convenor. This included the excellent work of making legal information more accessible to migrant women, discussing the broad impact and consequences of media and online misogyny, and undertaking research regarding pregnancy and return to work (including making a submission to the Australian Human Rights Commission on this topic). VWL also started work on new work practices protocols, which were launched in 2015.

What does VWL have to offer women lawyers of today?

Clearly, VWL has an important role to play in protecting the position of women in the legal profession, and in helping to strive for equality. Trying to reach a position of equality in a profession that was built by men, for men – and which excluded women completely until quite recently – is not an easy task. It requires a collective approach, and it requires contributions from women (and men) from all parts of the profession, and all levels of experience. VWL should be central to that effort. ■

A LEADING QUESTION

ANNA FRANCESCA BELGIORNO NETTIS

UNDER-REPRESENTATION OF WOMEN IN TOP POSITIONS BEGINS BEFORE PRACTICE.

Most law graduates are females yet women fill less than 25 per cent of the legal profession's senior positions. My research on a law student senior position suggests the imbalance starts earlier. Even before practice, there is a women and leadership issue.

My research focuses on Victoria's law student society (LSS) president position because LSSs are the official representative bodies of law schools. So, to be accurately representative, female presidency ratios would match female cohort ratios. Yet, at Victoria's highest ranked law schools (Melbourne, Monash and Deakin University) whose cohorts are over 55 per cent female, 22 per cent or less of presidents have been women. There is under-representation of many student groups in LSS presidents. However, because women make up the majority of law cohorts, our under-representation deserves attention.

NOMINATING ONLY WHEN NEEDED

2015 Monash careers director Tess Birch was never contested for her LSS roles. Given her LSS experience and others' encouragement, "[when] no one was going for president ... I pretty much accepted I was going to do it". When another male candidate showed interest, Ms Birch chose other opportunities over nominating. Similarly for 2014 Melbourne secretary Erin MacMullin, "the deciding reason [against nominating] was that there was someone else running who could do a good job".

Meanwhile, at the LSSs with less competition for presidency there are more women presidents. For 2016 ACU president Mardi Grivas, "getting the role was not too competitive". For 2016 RMIT president Elise Steegstra, the other potential candidate was not interested, so she ran uncontested. Victoria University's 2016 woman president also ran unopposed.

Table One

LSS*	Women LSS Presidents (%)	Women LSS Elected Committee members (%)	Female students at LSS's law school (%)
Melbourne	15 since 1887	45 since 2013	55 since 2008
Deakin Burwood	15 since 1997	37 in 2016	59 since 2008
Monash	21 since 1964	56 since 2015	58 since 2008
RMIT	43 since 2008	75 in 2016	55 in 2012 and 2014
La Trobe	57 since 1994	60 since 1994	not received
Victoria University	60 since 2011	50 in 2016	not received
Deakin Geelong	75 since 2013	61 since 2014	50 estimated
ACU	100 since 2013	60 in 2016	60 estimated

* The only Victorian LSS not mentioned is Swinburne University LSS as it began in 2015, meaning its data has less relevance to this research on long-term trends. All data is up to, not including, 2016/2017 LSS elections.

This pattern of women nominating for presidency when someone is needed to fill the role alludes to how presidency's appeal to many interviewed women is helping others. Ms MacMullin considered nominating to have an impact on the community. "It wasn't about being the best president there ever was."

Ms Birch says, "If I [ran], the LSS would've been in good hands. I would've felt good about that."

2015 Deakin competitions director Amy Mann would have – although did not – run "for the LSS's continued success".

Community-centred motivation, according to 1987 Melbourne president – and 2015 Australian Bar Association president Fiona McLeod SC, is crucial to leadership. "Really wanting it is not why you should be doing a leadership role. I think you should [consider leadership] because you feel you can make a contribution. That might make younger women more comfortable in saying 'here's how I can make a contribution. I'm going to have a go'."

The major disadvantage outweighing presidency appeal for many interviewed women was the time commitment. 2010 Melbourne president Romily Faulkner says, "It's like running a small business".

Table Two

LSS	Women LSS Presidents (%)	Women LSS President candidates (%)	Female students at LSS's law school (%)
All figures since 2008			
Deakin Burwood	11	13	59
Monash	22	25	58
Melbourne	22	32	55

Ms MacMullin says “It’s difficult to keep up your personal friendships”.

Melbourne’s presidency often exceeds 30 hours per week. Ms Faulkner explains, “People weigh up time in comparison to other benefits, so perhaps [women] don’t perceive the position to have enough countervailing benefits in terms of achievable impact”.

How do we make leadership’s benefits, for women, outweigh its negatives? We could change how leadership is defined. If we frame leadership around helping others, instead of ourselves, different people may see the role as worthwhile.

NOT SEEING WOMEN LEADERS

2015 Monash president Jemima Roe explains how seeing a woman LSS president affected her. “I’d always wanted to run partly because I saw a female in the role in my first year.” Yet since 2010, only two women presidents at Victoria’s top three LSSs ever saw another woman resident before nominating themselves. And since 2008, only 23 per cent of the people running for president have been women. According to Ms Mann, “It’s not that males are getting elected over females. It’s that females are not running”.

When women run for women-less leadership positions, they transform gender imbalances among those running, whether they get the position or not. What if we encourage and congratulate women for already considering leadership, irrespective of end results? As Ms McLeod says, encouragement is “a crucial thing ... many women don’t think of themselves until [encouraged]”. Encouragement to nominate could change whether women consider leadership roles; and considering ourselves for such roles is a crucial step to obtaining them.

WHY IT MATTERS

Unlike presidency, women LSS committee numbers are far more representative. 2010 Monash president Victoria Lanyon says this student leadership issue mirrors the professional one. “You’re basically dealing with your CEO level . . . that one top job.”

Why have women in top LSS jobs? Presidents often decide their organisation’s focus and LSSs often have much financial and faculty support. Consequently a president’s focus can indirectly impact many student experiences.

As a woman, I am inevitably more likely to prioritise gender imbalances. I am thrilled that, as president, I could support my committee’s gender equality initiatives – from Australian Human Rights Commission president Gillian Triggs and columnist Clementine Ford speaking to our students, to diversity mechanisms for male-dominated positions.

I am also thrilled that, through this research, I have highlighted how the women-in-leadership issue starts early. ■

This article was first published in the November edition of the LIV Young Lawyers Journal.



About the author

Anna Francesca Belgiorno-Nettis is the outgoing 2015-2016 President of the Melbourne University Law Students’ Society (MULSS) and a Melbourne Juris Doctor student. She was the first woman MULSS President in six years.

MAJOR SPONSOR

KING & WOOD MALLESONS



What initiatives has King & Wood Mallesons taken to address unconscious bias?

Much has been written about bias, conscious and unconscious, to the point where it has perhaps risked being unfairly relegated to the category of 'overused management jargon'.

Whilst there may be some element of saturation around how the word is used, it would be wrong to lose sight of what really matters here. Bias is real and often forms part of the standard operating rhythm in workplaces. However the sooner it can be repositioned in strategic and functional activities the sooner it can become a genuine commercial and cultural opportunity for change.

As Yassmin Abdel-Magied says in her TED talk 'What does my headscarf mean to you?' 'Bias is not an accusation. It's something that has to be identified, acknowledged and mitigated against.'

The bias 'call to action' starts with education and context. The many highly credible external research and academic studies may be met with nods in agreement around the table but in truth they are less likely to create a 'hearts and minds' connection for

leaders and decision makers. To make it real, it needs to sit with our own people and processes. For King & Wood Mallesons, that has meant looking at each key point in the employment life cycle and asking ourselves 'what role could bias or stereotyping play here?' then consciously introducing 'bias interrupters' into our strategy, committees, processes, education and decision making. An example of this is our 'blind CV' approach to graduate and clerkship recruitment, which is now formalised in our National Graduate Recruitment Diversity Principles.

From a process point of view our approach has been simple - manually redacting all key identifiers out of applications including name, gender, age, address and school. Once de-identified, applications then go through a 'double read' where each is read by two different reviewers and ultimately to a diverse interviewing panel. Our recent campaign also incorporated the RARE contextual recruiting system to provide an even more holistic process.

We are transparent with candidates about what we are doing and why it matters, which creates trust and an insight into our firm values. Similarly, we have worked with our recruitment committees and key decision makers in relation to bias and stereotyping.

Blind recruiting is one component of our overall approach to diversity and inclusion. Being intentional about our people, processes and practices means we are better positioned to actively seek out and promote differences to further equality. ■

Kellie Wade, National Diversity Manager

PAST CONVENOR

KIRSTEN ADAMS (2015)



Kirsten is a senior legal counsel in an Australian listed company. She previously spent over 15 years in private practice, with a large national firm in Melbourne and an international firm in Melbourne, Hong Kong and London, practising in mergers and acquisitions and regulatory law. Her legal practice is now focussed on complex commercial contracts and regulatory matters.

How has equality for Victorian women in the legal profession advanced since you were Convenor?

True flexible work options, partnership pathways for women with caring responsibilities, like for like pay equity assessments and

innovative merit-based remuneration models are still mostly pie in the sky aspirations for women lawyers in Victoria. However, I think women in business are leading the charge for professional women everywhere, including women in the legal profession. Women in general counsel roles are using their power as purchasers of legal services to demand equal representation of women and men on external legal teams and when briefing out to barristers. There are more and more women on boards, and this is slowly changing what leadership looks and feels like. When the clients of law firms start imposing gender-based conditions on the acquisition of legal services, the partners of those law firms have no choice but to sit up and take notice.

What does VWL have to offer women lawyers of today?

To my mind VWL offers women lawyers, at all stages of their career, an instant network, a sense of community, a means to tap into social issues and genuine opportunities to build professional skills directly transferable to legal practice. In 2016, VWL offers women practitioners an edge. ■



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Image: Laura Jones, *Selfie*, oil on linen, 71 x 61cm (SH Ervin Gallery)

PORTIA GEACH MEMORIAL AWARD

CLAIRE DALGLEISH

IN THIS EDITION VWL IS DELIGHTED TO REPRODUCE WORKS OF PORTRAITURE SUBMITTED BY WOMEN ARTISTS AS ENTRIES FOR THE 2016 PORTIA GEACH MEMORIAL AWARD. THE ANNUAL AWARD EXHIBITION IS HELD AT THE SH ERVIN GALLERY, IN THE ROCKS, SYDNEY.

Established in 1965, the Portia Geach Memorial Award provides \$30,000 to a female artist 'for the best portrait painted from life of some man or woman distinguished in Art, Letters, or the Sciences.' Founded by Kate Geach in memory of her sister Portia Swanston Geach (1873-1959), the annual exhibition and prize celebrates Portia's legacy of art, portraiture and feminism. Portia was an artist, social activist and feminist. She painted feverishly throughout her life and consistently hired female chauffeurs to drive her Buick motorcar.

Portia was born in Melbourne and studied at the Melbourne National Gallery School from 1890 to 1896. In 1896 she won a scholarship to the schools of the Royal Academy of Arts in London where she studied under the tutelage of John Singer Sargent (1856-1925). Portia was a prolific artist, exhibiting in Paris, London, and New York, however, her work was never acquired by Australian state institutions in her lifetime. The reception of her work among her contemporaries was ultimately a reflection of the exclusion of women from the Arts at the time and explains her relatively unknown profile in mainstream Australian art history.

At the beginning of the twentieth century, male artists did not have to make the same sacrifices as female artists; they were able to choose a career in the Arts without social stigma. On the other hand, women were bound by the responsibilities of marriage and children. To live independently, a woman risked being shunned by, and alienated from, society. For Portia and her female counterparts, it was difficult to overcome the sexist characterization of their work. They struggled for recognition.

Although feminism has paved the way for equal opportunity for Australian women in most workplaces, gender equality in the Arts lags significantly behind. When the Portia Geach Memorial Award was established in 1965, only two women, Nora Heysen and Judy Cassab, had won the Archibald Prize for portraiture in 1938 and 1960 respectively. In 2016, only 12 women have won the highly regarded prize in the Archibald's 92 year history.

Although female artists today have greater liberties than Portia had in her time, many still struggle to obtain balance between work, family, relationships and a sense of identity. The Portia Geach Memorial Award is a forum for female artists to articulate these difficulties through their portraits by referencing social, political, and personal themes.

The Award has established a forum for artists to form connections with their contemporaries and develop their professional networks. It presents an opportunity for both emerging and established female artists to develop their exhibiting profile and it also opens doors to new ventures.



Image: Camellia Morris, *Stella Downer*, oil on canvas, 101 x 76cm (SH Ervin Gallery)

High profile artists such as Wendy Sharpe, Prudence Flint and Ann Cape, consistently enter the award despite their established profile, whilst younger artists such as Laura Jones, Tamara Dean, and Loribelle Spirovski have the opportunity to gain exposure and develop networks amongst their peers.

The Portia Geach Memorial Award is recognised as one of the most important celebrations of the talents and creativity of Australian female portrait painters. It has played a major role in supporting the profile of the nation's women artists. In the spirit of Portia Geach's legacy, the Award will continue to enable contemporary Australian women artists to exhibit and ensure a representation of diversity in contemporary portrait painting. ■

Claire Dalgleish is the Curatorial Assistant of the SH Ervin Gallery

FILM REVIEW: AUDRIE & DAISY

ALEXANDRA HODSMAN

AUDRIE & DAISY IS THE NEW DOCUMENTARY BY AWARD-WINNING WIFE-HUSBAND FILMMAKERS BONNIE COHEN AND JON SHENK. IT CHARTS THE TRUE STORIES OF TWO AMERICAN TEENAGE GIRLS WHO WERE SEXUALLY ASSAULTED BY BOYS THEY CONSIDERED TO BE THEIR FRIENDS. BOTH ASSAULTS WERE FILMED ON MOBILE PHONES, AND THEN SHARED ON SOCIAL MEDIA.

Fifteen-year-old Audrie Potts passed out, intoxicated, at a school party in 2012. Three classmates stripped her, defaced her body with obscene messages in permanent marker and then digitally raped her. The documentary harrowingly reveals the panicked Facebook messages Audrie sent to the boys the next morning demanding an explanation. Within a week Audrie had hung herself. This jarring opening sets the tone for an emotionally wrought documentary.

Fourteen-year-old Daisy Coleman was found by her mother at 5am on her front lawn, dumped there three hours earlier by the boy who raped her, with chunks of ice in her hair and frost bite on her toes. As popular opinion turns against Daisy, the bubbly blonde cheerleader transforms into a heavily pierced Goth who commits self-harm; a shell of her former self. At one point in the documentary, Daisy's pencil drawings of her trauma turn into a charcoal-style animation that plays back scenes from her memory. This haunting tactic is a powerful emotional tool, demonstrating the complex darkness that plagues those suffering from depression.

The success of this documentary lies in its simplicity. Stylistically, Shenk and Cohen do not break any ground. The use of talking heads is effective as it provides a more holistic perspective – interviewing relatives, friends, the boys involved, and police. It explores the crimes in horrifying detail and, just as shockingly, the culture of victim blaming that pervaded both rapes.

Audrie and Daisy is difficult to watch but delivers a powerful and important message. It advocates for discussion around the subject of rape culture and for the devastating effects of online bullying. This vital conversation will soon be taking place in homes across the globe since the documentary has recently been acquired by the video-streaming service Netflix. ■



BOOK REVIEW: THIS HOUSE OF GRIEF

CARA FRIEDMAN

ROBERT FARQUHARSON IS A CLASSIC AUSSIE BLOKE. HE HAS A WIFE, THREE SONS, LOVES A BEER AT THE PUB, AND WORKS HARD TO MAKE ENDS MEET.

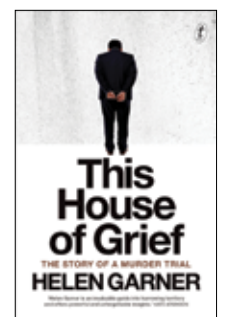
His simple pursuit of success and security is no stranger to those of us chasing our own versions of the Great Australian Dream. Through Garner's eyes we experience the trial and re-trial of this man for the murder of his three sons – Jai (10), Tyler (7) and Bailey (2) – on Fathers' Day in September 2005.

The book is set predominantly in the grandiose Victorian Supreme Court – Garner's proclaimed House of Grief. The robes and wigs, family dynamics,

and private whispers she shares with the student shadowing her, all paint an intriguing picture. From the outset we experience a constant tug between reason and emotion in Garner's observations.

Garner briefs us on the case theories: either Farquharson, while driving his sons, blacked out in a coughing fit and unconsciously plunged his car off a highway and into a dam; or, hurt and depressed following the breakdown of his marriage, and seeing his ex-wife move on with another man, he carried out a triple infanticide. By the time we read *This House of Grief*, we know the outcome of the trials: he is guilty and serving a life sentence in jail with a minimum of 33 years.

Despite this knowledge, Garner urges her readers to delve beyond any preconceived ideas of a jealous man driven to murder. For instance, we see how Cindy Gambino, Farquharson's ex-wife, is convinced of his innocence (at least for the duration of the first trial). Gambino's initial belief in Farquharson causes us to question our conceptions of this man and what really happened on that tragic day in 2005.



Garner's curiosity is infinite and compelling. Complex legal argument is neatly distilled; technical evidence is recounted with clarity and precision; the jury's emotional responses are vividly captured. She also examines elements one might routinely overlook – the faintest of juror gestures; the judge's earring.

This House of Grief does not merely recount the murder trials and all their attendant pain and anguish. Garner's journey is more spiritual. She explores the human condition – her own included – replete with all of its failings, biases and vulnerabilities. She shows us that love is not always benign, try as we might to conceive of it that way.

Finally, Garner understands that there is more at play in a criminal trial than uncovering the 'truth' and that, in any event, the 'truth' will fall somewhere outside the tidy alternative scenarios presented in a courtroom. ■

BOOK REVIEW: THE NATURAL WAY OF THINGS

CARA FRIEDMAN

IN CHARLOTTE WOOD'S *THE NATURAL WAY OF THINGS*, WE MEET YOLANDA, VERLA AND EIGHT OTHER WOMEN AS THEY WAKE, IN A DRUG INDUCED HAZE, IN AN ASYLUM, FAR FROM HOME. AN ELECTRIC FENCE ENCLOSES THEM. THERE ARE MURMURINGS OF KOOKABURRAS AND COCKATOOS, AND WE KNOW WE ARE IN AUSTRALIA, BUT WHERE?

The characters are captives. They are subjected to brutal beatings, violent submission, extreme hunger and hard labour. Their hair is shaved. It is the removal of something inherently feminine.

Guards Boncer and Teddy, and nurse Nancy, are the womens' captors – authoritarian and vicious. In placing Nancy in a position of power vis-à-vis the women, Wood shows us that it is not only men who are the enemy of female empowerment.

Why are they here? We learn that the women, referred to throughout as 'the girls', are united by their past: they have all been victims of sexual scandals or assaults. And they are being punished for it.

Here lies Wood's strongest theme: what it means to be female – and feminine – in a man's world, and the shame and submission that are commonly intertwined with womanhood. Wood delves deep into these questions, and grapples with the concept of power and where it ultimately lies. When questioning how the outside world would be reacting to the 'missing girls', the narrator remarks on the passive ways in which violence against women is



discussed: saying that a 'girl was attacked' instills the notion that womanhood itself is the cause of these things, 'as if the girls somehow, through the natural way of things, did it to themselves'. We are reminded that the reporting of violence against women consistently takes this passive voice.

The trajectory of the friendship between Yolanda (physically attractive, tough, animal-like in her needs) and Verla (more introspective and poetic) is fascinating. Their bond is formed not through words, but shared experience. The reader is never sure whether the women truly like each other, or whether it is a 'best of a bad bunch' scenario.

Slowly, we see a silent yet deep understanding forged between them. In a particularly affectionate (yet desperately sad) moment, Yolanda and Verla find a dying kangaroo trapped in the forest. They treat the creature with care and compassion; the kind that seems impossible given their own predicament. After all, they are exhausted and starving, at the brink of demise. Wood demonstrates the softness and warmth of which women are capable, no matter the context. In this moment, Wood also continues to blur the lines between captor and captive; master and slave; dominant and submissive, showing us that none are fixed roles.

In the second half of the novel, we witness a shifting of power. The women develop strength. For some, like Yolanda, this is illustrated in physical strength; for Verla, it is in mental endurance; for others, it is in mere survival. In these reactions to adversity, Wood demonstrates that power can be manifested differently and, contrary to popular thinking, that there is no 'correct' way. Wood nudges the reader to extrapolate this idea further: just as there is no 'correct' way of being a woman, there is no 'correct' way of feminism, be it liberal, radical, postmodern, or something completely different.

The novel is many contradictory things: cruel, soft, angry, absurd, touching and raw. Dystopic in its vision; but also standing for so much more – *The Natural Way of Things* shows us that there is no real 'winner' in gender wars. ■

PODCAST REVIEW: ARE WE THERE YET?

ISABELLA KELLY

THE “WOMEN, WORK, EQUALITY” SLOGAN OF THE *ARE WE THERE YET?* PODCAST IS AN APT DESCRIPTION OF THE DISCUSSION BY ITS HOSTS, LINDA BETTS AND BARBARA DALTON. BETTS AND DALTON BRING A WEALTH OF EXPERIENCE TO THEIR ROLES, AND YOU DON'T NEED TO SEE THEIR RESUMES TO GRASP THAT THEY KNOW WHAT THEY ARE TALKING ABOUT.

Episode one of the podcast, *The Good Girl Syndrome*, explores ‘the occupational hazards of being female’. From the moment we are born, we are bombarded with ideas of how to be a ‘good girl’ – be polite, don’t make a fuss, work hard and make sure you accommodate others’ feelings. These notions fundamentally impact our world view and how we operate in the workplace as adults. Symptoms of this widespread syndrome include an uncontrollable eagerness to please, compulsive over-apologising and always playing by the rules.

In the end, the hosts say, being a nice girl only gets you so far. We plough away, sweat beads on our brows and stacks of paper on our desks, as we watch our less diligent (male) colleagues climb the career ladder at an alarming pace.

The hosts discuss the plethora of literature that has been published for women, by women, to help redress our own niceness. “Lean in!” says Sheryl Sandberg, “Nice girls don’t get the corner office!” says Louis Frankel, “I need a bloody wife!” says Annabel Crabb. Many of these books preach the same message: stop being scared of being perceived as a bitch, get involved in office politics, don’t over-apologise, and for goodness sake, please don’t bring your baking to the office (not sure if I agree with that last sentiment – cupcakes are always a good idea). Although these books can be useful, the hosts warn that we have to be careful here; many of them blame women and advocate

that they change their behaviour to act like men. Instead, we need literature that addresses the need to change the cultural norms that demand that women (and men) behave in certain ways.

The hosts advise that to tackle the life sentence of being just too damn nice, we need to:

- reflect on our own family messages and how they impact our behaviour at work
- examine how we may be stuck in ‘good girl’ behaviour at work, for example, doing those extra tasks no one else wants to do, and
- when we see others not taking women seriously, name it!

This podcast is informative, interesting, engaging and sheds new light on the age old question, “so, are we there yet?”. By the way, the answer is no, we are not even close. ■

RECIPE: FESTIVE STRAWBERRY SALAD

RITSA BALFOORT

THIS SIMPLE SALAD HAS ALL THE COLOURS OF CHRISTMAS AND IS A YULETIDE FLAVOUR BOMB. THE ADDITION OF MINT REALLY GIVES THE SALAD A FRESH LIFT AND A GORGEOUS AROMA AND IT IS THE PERFECT ADDITION TO THE SUMMER CHRISTMAS TABLE.

INGREDIENTS

100g baby spinach leaves
100g rocket leaves
Punnet chives, sliced
Leaves from half a bunch of mint, sliced
250g punnet strawberries, hulled and sliced
180g Persian feta, drained (oil reserved), crumbled
40g flaked almonds, toasted
Balsamic glaze

PREPARATION

1. Place the spinach and rocket in a large bowl. Add chives, mint and strawberries. Drizzle over the reserved oil and toss to combine.
2. Arrange the salad in a large serving platter.
3. Scatter over crumbled feta and almonds and drizzle liberally with balsamic glaze. Serve immediately.

Serves 6



Ritsa Balfourt is a Senior Associate at MinterEllison specialising in insurance law.

RECIPE: RAW ROCKY ROAD

LILIAN DIKMANS

Gluten-free | Dairy-free | Vegan

INGREDIENTS

For the base:

- 1/2 cup extra virgin coconut oil, melted
- 1/2 cup raw cacao powder
- 1/4 cup nut butter
- 3 tablespoons pure maple syrup
- Pinch of sea salt
- 1 cup raw brazil nuts
- 1/2 cup raw pistachio nuts
- 1 cup unsweetened coconut flakes
- 3/4 cup dried cranberries

For the topping:

- 1/4 cup extra virgin coconut oil, melted
- 1/4 cup raw cacao powder
- 1 tablespoon pure maple syrup
- 1/4 cup unsweetened coconut flakes

PREPARATION

1. Line a 20cm x 20cm square cake tin with baking paper.
2. To make the base, mix the melted coconut oil, cacao powder, nut butter, maple syrup and sea salt together in a large bowl until well combined. Add the brazil nuts, pistachio nuts, coconut flakes and cranberries and mix until everything is coated in the chocolate mixture. Set the mixture aside in the fridge for a few minutes until the mixture thickens slightly, then pour it into the lined baking tin, spreading it out in an even layer with the back of a spoon. Return to the fridge.
3. To make the topping, mix the melted coconut oil, cacao powder and maple syrup together until well combined.

Retrieve the tin from the fridge and pour over the topping mixture in an even layer. Sprinkle over the remaining coconut flakes and return to the fridge for a few hours to set.

4. Once set, remove the slab from the tin and cut into pieces with a sharp knife. Store in the fridge or freezer.

Makes 20 pieces



Lilian Dikmans is a lawyer-turned-blogger and recipe developer from Melbourne who stepped out of the corporate world to pursue her passion for food, health and fitness. She specialises in nourishing desserts and quick and easy nutrient-dense meals that can be incorporated into her busy lifestyle. She shares her recipes and tips for healthy living on her blog Real Food Health and Beauty rfhb.com.au and on instagram [@liliandikmans](https://www.instagram.com/liliandikmans).

Photography by Lilian Dikmans





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SPECIAL REPORT

FROM THE SPONSORSHIP OFFICER, JACKIE GILLIES

2016 UPDATE

The work of VWL would not be possible without the ongoing support of its principal sponsor: the Law Institute of Victoria and its major sponsors: Allens, Ashurst, Corrs Chambers Westgarth, Clayton Utz, K&L Gates, King & Wood Mallesons, Maddocks, Maurice Blackburn and MinterEllison.

This year, the following major sponsor firms generously hosted a VWL event:

- Allens hosted *Remembering Ms Dhu: Incarceration of Indigenous Women*
- Ashurst hosted a panel discussion on *Climbing The Career Ladder: Career Progression For Women In The Legal Industry*
- Corrs Chambers Westgarth hosted *Outcomes of the Royal Commission into Family Violence*
- Clayton Utz hosted *Gender, Sexuality and the Legal Profession*
- K&L Gates hosted the launch of the *Law Student Mentoring Program*

- King & Wood Mallesons hosted *Family Violence in Australia: Migrant Women Slip through the Cracks*
- Maddocks hosted the *Warren Moot competition*
- Maurice Blackburn hosted *Not Yours to Share: Legal responses to non-consensual distribution of private sexual material*, Panel Discussion, and *Closing the gender pay gap: How to negotiate your pay, conditions & employment contract*
- MinterEllison hosted our *AGM and Christmas Drinks*

In addition, special thanks goes to the following firms for their support:

- Russell Kennedy hosted *Tackling Sexism, Sexual Harassment and Gender Discrimination in the Workplace*
- Nicholes Family Lawyers hosted *Resourcing Yourself: Professionally and Personally*
- Hall & Wilcox hosted *Addressing Unconscious Bias*
- Lander & Rogers hosted *Flexibility and Teams: Making it Work Together*
- Coulter Roach sponsored *Regional Career Development And Leadership*

- Gordon & Jackson List hosted the *Women Barristers Lunch Series*
- Victorian Government Solicitors Office hosted *Progression and Promotion for Women Lawyers in Government*, and
- Taylor Root sponsored the *2016 Members & Guests Night*

VWL is pleased to welcome new Major Sponsor, Wotton+Kearney and new Associate Sponsors, Justitia, Nicholes Family Lawyers and Sigma Executive. We look forward to working alongside our sponsors during 2017 and beyond.



Image: Jackie Gillies

Photography by Dan Soderstrom

SPECIAL REPORT

FROM THE TREASURER, LIZ COOPER

2016 UPDATE

In 2016 VWL received almost all of its sponsor revenue on time, welcomed its first regional sponsorship for a function in Bendigo and increased membership earnings.

Of note, almost half of the VWL members are student members which show the Association's importance to younger lawyers in establishing and maintaining their legal network.

Function revenue was kept low across a number of events in the interests of providing value to our members. Three quarters of all revenue earned was from the Lesbia Harford Oration. The interest income was consistent with the prior year, showing continued conservative investment of the VWL surplus funds.

On the expenses side, administration costs reduced a little and accounting costs were

unchanged. The AWL membership fee reflected a shift to six monthly payments to the AWL, with half of 2016's fee paid to AWL before year end. The costs associated with Portia stayed high, showing the continuing popularity of and demand for a quality publication. The website expenses have greatly increased through the year with the implementation of the new and improved website.

By far the greatest increase in expenses was in the costs of functions. The membership committee invested in taking VWL brand to regional areas, holding functions in Bendigo, Shepparton and Geelong. Members and Guests, the Lesbia Harford Oration and the Sponsors Dinner were also expensive but were focused on maintaining the long-term viability and relevance of VWL.

VWL recorded a modest surplus consistent with prior years. The overall surplus occurred despite the increased expenditure on improving memberships.

FOCUS AREAS FOR 2017

From a finance perspective, 2017 will see

VWL face challenges to its sponsorship income and the executive will be reviewing the structure of our sponsorship program.

The emphasis will continue to be the delivery of high-quality, funded seminars and networking opportunities to members, with retention of members being the objective. Final VWL accounts will be provided at the AGM and draft accounts will be posted on the website.



Image: Liz Cooper

Photography by Dan Soderstrom

NETWORKING

MICHELLE BERRY AND NATALIE PLUMRIDGE

ROLE

To hold a variety of events that support women's professional development by creating opportunities for networking, mentoring, career planning and information exchange.

2016 ACHIEVEMENTS

The Networking Committee's extensive portfolio of events in 2016:

- The *Inaugural VWL/WBA Speed Networking Event*, convened by the fabulous Fiona McLeod SC
- The *20th Annual Members' and Guests Evening*, this year facilitated by comedian/television personality turned graduate lawyer, Corinne Grant
- *Climbing the Career Ladder*, with engaging and informative panelists, Jane Harvey, Shivani Pillai, Shobana Richmond, and Melanie Wilkinson
- The annual *Coming to the Bar* event, hosted in conjunction with the Women Barristers' Association, and

- The *VWL Annual General Meeting* and (more importantly) the Christmas Party!

SPECIAL MENTIONS

Thanks to our fabulous committee for their hard work and dedication: Hannah Dunai, Allie Guegan, Elizabeth Guarino, Tessa Hawthorn, Nina Janic, Alexandra Jelley, Deborah Kliger, Rebecca Lemish, Chloe McGuinness, Annika Memery, Sheree Molloy, Chloe Parker, Sophie Lefebvre, Bonnie Phillips, Olivia Roslaniec, Merryn Skehan, Ella van der Schans, Elisa Turco, Claire Walczak and Skye Wyldie.

REFLECTION

This year, VWL celebrated 20 years of supporting and advancing women in the law. In our view, the importance of networking and creating relationships cannot be underestimated. Effective networking is about creating and sustaining relationships with a group of people who can share advice, assistance and exchange information. The Networking Committee feels strongly about the importance of creating relationships and always 'helping a sister out'.



Images: Co-chairs, Michelle Berry and Natalie Plumridge

Photography above and below by Tess Kelly

WORK PRACTICES

MEG LEE AND SOPHIE BROWN

ROLE

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

2016 ACHIEVEMENTS

Our key event for the year was *Flexibility and Teams: Making it Work Together*. The panellists at this event gave a candid insight into the hurdles and requirements to building a successful team of employees who work flexibly.

The event complemented our 2015 publication of the *Flexible Work Protocols: A Best Practice Guide for Productive and Engaged Legal Workplaces*.

Our primary research and publication focus for the year has been the gender pay gap and what law industry employers and employees can do to combat it.

See the VWL website to learn more about the gender pay gap and the flexible work protocols.

SPECIAL MENTIONS

Special mentions to Jane Doyle and Kate Simpson for organising the flexible work panel and ensuring the event ran smoothly.

REFLECTION

The Committee faces up to the struggles women lawyers face at work. It can be a confronting challenge to continually interrogate and critique your own professional environment. VWL provides a supportive and important network to share stories of challenge and go on to achieve change. It is through the Committee that we meet trailblazers – accomplished and emerging – who spur us on to make the legal industry a better place for women lawyers.



Images: Co-chairs, Meg Lee and Sophie Brown

LAW REFORM

VANESSA SHAMBROOK
AND AMY JOHNSTONE

ROLE

To monitor state and federal law reform bodies, participate and encourage discussion on law reform activities that impact on and interest our members.

2016 ACHIEVEMENTS

- Not Yours to Share – panel discussion exploring whether Australia should introduce laws to make it unlawful to share, or threaten to share, private sexual material without consent
- Submission to the proposed Fair Work Amendment (Gender Pay Gap) Bill which proposes to remove restrictions on employees' rights to disclose information about pay or earnings
- Body Image and the Law – the committee is continuing to explore whether Australia should introduce laws that require all models to have a minimum body mass index and all

photoshopped images to include a statement to that effect

- Continued commitment and financial support for the Indigo Foundation, supporting women to attend law school in Afghanistan

SPECIAL MENTIONS

Thanks to each of our 2016 committee members who volunteer their time and energy to participate and contribute.

Maurice Blackburn Lawyers for hosting our 2016 event.

REFLECTION

Sophie Brown, a lawyer at Lander & Rogers, encouraged and worked with the committee on our main areas of focus for 2016. We congratulate her on her new role as co-chair of the Work Practices Committee.

Thanks to our guest speakers at the committee's Not Yours to Share panel discussion, Susan McLean, Tim Watts MP, Dr Nicola Henry and Belinda Lo, for contributing to the discussion of the legal and policy responses to the non-consensual distribution of private sexual material.



Images: Co-chairs, Vanessa Shambrook and Amy Johnstone

Photography by Dan Soderstrom

WOMEN IN GOVERNMENT

TESSA PLUECKHAHN
AND BIANCA PARIDAEN

ROLE

To showcase the talented women devoting their legal skills to public service, and encouraging women who work in, or want to work in the public sector, to think big about their careers and engage in robust discussion of topical issues.

2016 ACHIEVEMENTS

The Women in Government Committee has had a stellar year in 2016. We held a careers seminar co-hosted with the VGSO where a subject matter expert, a team manager and a policy project manager spoke about the diverse career options available for legally qualified women in government.

Our second event, held with the support of Russell Kennedy Lawyers, involved a panel of great minds discussing sexism and gender discrimination in the public sector, with a particular focus on Victoria Police's response to the Victorian Human Rights Commission's report into sexual harassment in Victoria Police.

SPECIAL MENTIONS

Special mentions go to our generous speakers; Michelle Rowland, Emily Nance, Lisa Gandolfo, Catherine Dixon, Assistant Commissioner of Police Luke Cornelius, and Raelene Sharp, as well as our tireless committee members.

REFLECTION

Women make up the majority of the public sector workforce, and we look forward to another year promoting the interests and wellbeing of women lawyers in government.



Images: Co-chairs, Tessa Plueckhahn and Bianca Paridaen

Photography by Tess Kelly

MEMBERSHIP

CHARLEY BRUMBY-RENDELL AND HANNAH COHLEY

ROLE

To broaden the membership of VWL within the profession and community. We ensure that VWL attracts and retains a diverse membership, and keeps in touch with members' needs and interests, including via initiatives that accommodates the different conditions in which women lawyers work and creating links with practitioners in suburban and rural areas.

2016 ACHIEVEMENTS

This year, VWL decided to establish a new Membership Committee to broaden its membership base by hosting events for regional and LGBTI practitioners which included:

- Networking events in Shepparton and Geelong

- A conversation with the Commissioner for Gender and Sexuality, Rowena Allen, on sexuality and the legal profession, and
- A presentation by Magistrate McGarvie on career development and leadership in regional areas.

SPECIAL MENTIONS

Thanks to Stephanie Millione, our Convenor, who provided much needed support when entering unknown territory. We would like to thank all the committee members, particularly those who helped get new events off the ground. Finally, to all those who attended the new suite of events.

REFLECTION

Melbourne and regional VWL members continue to inspire and encourage the work of the Membership Committee. Committee members have provided invaluable insight and input into ways the VWL can reach out to all current and future members.



Images: Co-chairs, Charley Brumby-Rendell and Hannah Cohley

Photography by Tess Kelly (top) and Jam on Your Collar (bottom)

CULTURAL DIVERSITY

ELVA ZHANG AND BIYA SUN

ROLE

To undertake projects that disseminate legal information to women from culturally and linguistically diverse (CALD) backgrounds and to promote cultural diversity within the legal profession.

2016 ACHIEVEMENTS

In July, the Committee ran its inaugural event, a panel discussion on providing culturally sensitive legal advice to CALD women experiencing family violence. The audience heard from an engaging panel consisting of Magistrate Noreen Toohey, InTouch lawyer Jane Penberthy, InTouch psychologist Jennifer Dawson and case worker Adisa Muminovic.

The Committee has also printed multilingual cards designed to assist CALD women experiencing family violence. The cards have initially been printed in Arabic, Chinese and Vietnamese. To date, we have distributed over 2500 cards to a variety of organisations that have contact with CALD women. We hope to be able to expand the project to other languages in the future.

SPECIAL MENTIONS

Thank you to the wonderful panel at our July event, whose insight and enthusiasm made the evening a great success.

REFLECTION

There is still much to do to make the legal profession responsive to cultural diversity, both within the profession and the wider community. We are looking forward to continuing to contribute to this goal through another year of exciting projects in 2017.



Images: Co-chairs, Biya Sun and Elva Zhang

Photography by Tess Kelly

JUSTICE

JESSICA DAWSON-FIELD AND MIEKE MATIMBA

ROLE

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

2016 ACHIEVEMENTS

The Committee has continued our focus on family violence and endeavoured to raise awareness about this important human rights issue. In order to do so, we have held the following events:

- Panel discussion about family violence and migrant women with barrister Roz Germov, Asylum Seeker Resource Centre lawyer Emily Singh, and Nabila Farhat from Shakti Women's Refuge, and

- Panel discussions about the implementation of recommendations from the Royal Commission into Family Violence with Rosie Batty, Rob Hulls and Marion Hansen and moderated by Tarang Chawla.

Also, we have drafted submissions for the Victorian Government's Gender Equality Strategy and conducted interviews with human rights practitioners for the VWL website.

SPECIAL MENTIONS

We would like to especially thank committee member Rosalind Gilson for her work in drafting submissions and Stephanie Burn for organising speakers for our events.

REFLECTION

We continue to be inspired by the women working at the front line to tackle family violence. Through our events, we have met some inspiring women such as Emily Singh who works tirelessly for the ASRC and Rosie Batty who continues to raise awareness about family violence.



Images: Co-chairs, Jess Dawson-Field and Mieke Matimba

Photography by Tess Kelly

COMMUNICATIONS

HILARY TAYLOR AND ISABELLA KELLY

ROLE

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

2016 ACHIEVEMENTS

Another bumper edition of Portia!

Other 2016 achievements include our bi-monthly e-newsletter, VWList, actively promoting VWL's events and activities in the media (both print and social) and working with a new platform for the VWL website.

SPECIAL MENTIONS

Thank you to our wonderful committee members: Kristen Adams, Jessica Awad, Claudia Brkic, Hilary Browning, Cara Friedman, Alexandra Hodsman, Caroline Jones, Alexandra Lane, Katie Lishman, Amanda May and Libby Riekert.

Thanks also to our generous feature contributors.

REFLECTION

In the law, we use language in a very purposeful and deliberate way.

Making working environments gender inclusive and diverse involves being thoughtful about how you speak to, and refer to, other people. Any woman who has been called a "girl" or is on the receiving end of an email addressed "Dear gents" will understand.

2016 Australian of the Year and former Army chief, David Morrison, and the Diversity Council of Australia this year launched the #WordsAtWork campaign to encourage people to stop using exclusive and gender-based language in the workplace. As a general rule, if you wouldn't use the word to describe a man, don't use it to describe a woman.

We encourage the campaign and strive to be conscious of the language we use in and outside the workplace.



Images: Co-chairs, Hilary Taylor and Isabella Kelly

Photography by Dan Soderstrom

ABOUT VICTORIAN WOMEN LAWYERS

VWL'S OBJECTIVES ARE TO:

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



Image: Elizabeth Barden, *Dr Susan Carland*, acrylic on linen, 56 x 76cm (SH Ervin Gallery)

GET INVOLVED!

JOIN A COMMITTEE

PLAN OR HOST AN EVENT

BECOME A MENTOR OR MENTEE

COMPETE IN OR JUDGE A MOOT

CONTRIBUTE TO NEXT YEAR'S PORTIA

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

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