

Challans heads women lawyers

The Women Lawyers Association of SA Inc (WLASA) and the Women Lawyers Committee of the Law Society of SA are delighted to announce the appointment of Ms Amy Challans to the national post of President of Australian Women Lawyers (AWL).

AWL is the peak body responsible for representing women lawyer associations across Australia and the interests of female legal practitioners nationally. AWL was first established in 1997 and its patron is the Chief Justice of the Family Court of Australia the Hon. Diana Bryant AO QC.

Ms Challans' appointment to this national role is significant as she is the first South Australian to be appointed to the position.

Ms Challans brings a wealth of policy experience to the position through her long standing and active involvement on the Woman Lawyers Committee, the executive of WLASA and her position on the Law Council of Australia Equal Opportunities in the Law Committee. Ms Challans was first appointed a Director of AWL in 2010 and became its Vice President in 2012 and has been a member of the Women Lawyers Committee and WLASA since 2006.

This year proves to be an extremely busy year for Ms Challans as she brings AWL's fifth Biennial Conference to Adelaide October 3-5 and works closely with the Law Council of Australia to implement the recommendations from the National Attrition and Reengagement Study.

The following is an interview with Ms Challans conducted by former WLASA president Christina von Muenster.

What led to your becoming the President of AWL?

A number of factors have inspired me to become President of AWL, in particular statistics that continually reflect women facing ongoing barriers related to equal participation, recognition and promotion within the profession. Recent research conducted by AWL shows that despite 60 per cent of all law graduates being female since 2001, more female than male solicitors being admitted to practice in the last 12 years and female solicitors outnumbering male solicitors for the first 10 years of practice that only 7.91 per cent of women in Australia currently practice

as senior counsel at the independent bar (64/808) and 33.53 per cent of judicial positions being occupied by women Australia wide.

What do you see as the most important issues for AWL to address this year and in coming years?

There are number of key issues that AWL will be focusing on over the next two years. In particular, implementing key outcomes from the National Attrition and Reengagement study commissioned by the Law Council of Australia which was launched on March 14. AWL will also be focusing on the creation and adoption of a National Consultation Framework for Judicial Appointments, the introduction of an equity report card for the Australian legal profession, the adoption of genuine flexible work place practices and national child care reform.

What important events are coming up for AWL?

The key event for AWL in 2014 will be our fifth Biennial Conference which will be held in Adelaide on October 3-5. This event is the peak conference for female practitioners across Australia and will feature presentations by managing partners, senior counsel, barristers, academics, in house counsel, public sector practitioners and female judicial officers. I am really excited about the theme of this year's conference which is "Change. Challenge. Achieve". Equally, I am delighted to bring this conference to South Australia as it provides our State with a great opportunity to showcase its innovative and progressive leadership in the field of law reform, education and cultural change and to actively demonstrate its commitment and support of female legal practitioners nationally. I encourage all practitioners to keep an eye out for the official launch of the conference and to be a part of this great event.

What is your advice for young women entering the legal profession?

To be proactive in managing your career and taking a leadership role in unearthing, supporting and promoting your female colleagues. Too often women hope that someone else will see their talent without actively putting it out there to be seen. I can't emphasize enough, if nobody knows about you, if nobody knows what skills



you can bring to the table then how can others see your talents and provide you with opportunities? The challenge for many women is that this requires them to be proactive in recognising their talents and understanding that they have the power to create opportunities. I encourage all women to continually ask themselves "what steps am I taking to uncover my own talent, am I applying for roles, am I nominating to be on boards and committees, am I marketing myself, am I actively accessing a mentor or having job/ leadership coaching"?

I also encourage all women in the profession to ask themselves "what leadership role I am taking to unearth, support and promote the talent of my female colleagues in the profession? How am I actively supporting and promoting the talents of other women in the profession?" This requires women to take an active role in creating opportunities for other women by identifying and promoting the talent of their female colleagues. This can be done in many ways for example "Are you nominating female colleagues for awards or public recognition? Are you encouraging your female colleagues to apply for senior roles? Do you mentor or coach other female practitioners? Do you actively and deliberately refer or put your female colleagues in touch with opportunities?"

In terms of overall advice I encourage women not to overlook or discount the

group

power that they can generate at the local level and for them to be proactive in taking a leadership role relating to their own career and related to creating opportunities for other women.

What can South Australian law firms do to support women to encourage them to remain an active part of the legal profession in the longer term?

Employ genuine flexible workplace practices to support all parents to return to work after having a family for example offering part-time hours, offering job-sharing with lawyers of similar experience or have a "buddy" system between junior and senior lawyers, remote access to enable working from home and assisting

to change the expectations of clients and colleagues. Firms need also to keep in touch with women while they are on maternity leave by advising them of changes to things happening in the office and by inviting them to firm events. It is also important for women of childbearing age and those who are working part-time to continue to be given the same quality and proportionate quantity of work as their male and full-time colleagues.

I also encourage all firms to adopt and implement the Law Council of Australia's *Equitable Briefing Policy for Female Barristers and Advocates* to support women practising at the independent bar. This policy is available on their website.

Importantly, firms should actively encourage networking and mentoring between senior and junior female lawyers. One way this can be achieved is by becoming a Corporate Member of their State or Territory Women Lawyer Association which host several networking events each year. WLASA has recently launched a Corporate Membership of its organisation and I am very pleased to see that that many South Australian firms have already gotten on board.

For more information about AWL and WLASA please visit their respective websites:
www.australianwomenlawyers.com.au
and www.womenlawyerssa.org.au. **B**

Family Law Case Notes

By Rob Glade-Wright, *The Family Law Book*

Property – De facto thresholds – “De facto relationship” in dispute – Injunctions set aside for want of jurisdiction

In *Norton & Locke* [2013] FamCAFC 202 (18 December 2013) the Full Court (Bryant CJ, Murphy and Benjamin JJ) set aside interim injunctions to restrain an alleged de facto husband (the appellant) from evicting the respondent from a property or disposing of the property and requiring him to meet outgoings. The existence of a de facto relationship was disputed. The Full Court said (para 15):

“The terms of s 114(2A) are clear; the court’s power to grant injunctions pursuant to the section can only be granted ‘in a de facto financial cause’. There is no ‘de facto financial cause’ until a de facto relationship is established and the additional ss 90SK and 90SB conditions met ... [thus no] jurisdiction to make an order of the type contemplated by s 114(2A) ... ”

Property – Full Court upholds decision that leave to proceed out of time is not required in respect of a foreign divorce
In *Anderson & McIntosh* [2013] FamCAFC 200 (13 December 2013) the Full Court (Bryant CJ, May & Thackray JJ) dismissed

an appeal against Murphy J’s decision (in *McIntosh & Anderson* [2013] FamCA 164) where his Honour held that the 12 month time limit to institute property proceedings under s 44(3) of the *Family Law Act* refers to a divorce order made under the Act so does not apply to a divorce issued in a foreign jurisdiction.

Property – Property order set aside where the notion of “special skill” had been applied

In *Kane* [2013] FamCAFC 205 (18 December 2013) the Full Court (Faulks DCJ, May and Johnston JJ) remitted a property case for rehearing where the trial judge said (para 60) that “the law ... recognise[s] a principle in which weight is attributed to the special skill of a spouse”. The husband had argued that his investment of \$1,060,400 in shares in a company which grew to \$3,420,294 at trial in less than two years was a “special contribution” (paras 52-53). May and Johnston JJ said (paras 102-103) that “[t]he result in percentage terms ... [i]n our view ... demonstrates in very clear terms that excessive weight was given to the husband’s contribution ... [and] has brought about orders that are not just and equitable ... ”. Faulks DCJ agreed, saying (para 7) that “[t]

he Act [FLA] does not require and in my opinion the authorities do not mandate any such doctrine [of ‘special contribution’]”.

Adult child maintenance – Court varied maintenance order where twins had declined job offers

In *Wadsworth* [2013] FCCA 2043 (11 December 2013) Judge Monahan varied an adult child maintenance order made to enable twins to complete their tertiary education by reducing the maintenance payable from \$1250 per month to \$1000 per month. The father’s case was that he had “made tentative arrangements” for the twins to be offered “casual full-time employment”. The Court said at paras 67-68:

“ ... the Court is of the view that the twins’ decision not to actively seek any casual or part-time employment prior to the conclusion of their university studies amounts to a changed circumstance that may justify a variation to the current orders. (...) [While they] ... appeared genuine in their desire to concentrate on their university studies, their evidence that they proposed to study full time during most of their university vacation ... was not believable.” **B**