



AUSTRALIAN  
WOMEN  
LAWYERS

# Themis

ISSUE 10 - SEPTEMBER 2008



(1) Michelle Williams SC, Chief Commissioner Christine Nixon and Associate Professor Judith Fordham (2) Michelle Quigley SC, Pamela Tate SC and Judge Sue Cohen (3) Janean Richards and Professor Gillian Triggs (4) Mary Anne Ryan and Olivia Perkiss (5) Lisa Jarrett, Jessica Cordy and Janette Yeung (6) Proud sponsors LexisNexis (7) Susan Pryde, Michelle Quigley SC, Caroline Kirton, Justice Kathy Williams and Pamela Tate SC (8) Brooke Dellavedova and Judge Liz Gaynor

## AWL CONFERENCE REPORT

MARY ANNE RYAN  
FIONA MCLEOD  
OLIVIA PERKISS

Our second Bi-annual National Conference, Creating Justice, was a resounding success. The conference was held at the Sofitel Melbourne on 13 and 14 June 2008. Over 120 delegates attended from throughout Australia and New Zealand.

Chief Justice Marilyn Warren AC and Attorney-General Rob Hulls welcomed delegates at an opening reception in the Supreme Court of Victoria Library on the Thursday evening. Chief Justice Warren examined opposing views with respect to the net benefits to the profession of appointing women to judicial roles. In speaking of both the challenges and the privileges of appointment to judicial office Her Honour encouraged women lawyers to take up the opportunity of appointment if offered.

Following this the Victorian Attorney-General The Hon Rob Hulls affirmed his commitment to appointments and equal opportunity briefing principles and called on the bar and the profession to be more flexible and consider financial supports for new barristers, and the ability to undertake the bar reading course on a part time basis.

AWL announced the retirement of The Hon Mary Gaudron QC as our patron and the acceptance by Chief Justice Diana Bryant of the Family Court of Australia of the role. Her Honour delivered the keynote address "Creating Justice" and spoke of women who had been publicly and privately maligned including Teresa Brennan, the woman named twice post-mortem as the driver of a NSW judicial officer's speeding car and Heather Osland, convicted for the murder of her brutally violent husband.

**"WHAT WE NEED TO DO IS TACKLE THE CULTURE OF THE PROFESSION AND THE IMPEDIMENTS WOMEN FACE IN THE SOCIETY AS A WHOLE."**

Following Chief Justice Bryant, Chief Justice of New Zealand Dame Sian Elias, GNZM, QC delivered her paper in which she recognised the historical contribution of women to the law. Her Honour began with Ethel Benjamin, New Zealand's first female lawyer admitted to practice, who on 17 September 1897 became the first woman in the British Empire to appear as counsel in court. Google Ms Benjamin; her story makes fascinating reading.

110 years on, the NZ HREOC report showed women's progress had slowed or stalled. In New Zealand women make up 41% of the legal profession, 25% of judges, 16.8% of partners of large firms, 19 % of partners overall; and only 35% of barristers. Of 90 QCs, 11 are women. Her Honour spoke of the problems of peer deprivation, of measuring of women as 'women barristers' or 'women practitioners' – as outsiders in the profession in court, chambers or firms. Her Honour dismissed the blind faith held by some that it is only a matter of time before these imbalances are rectified. Dame Sian recalled

she was treated as something of a freak when she sought work as a new graduate. She suggested the traditional processes of appointments and even the move to change these processes by consultation and transparency are not enough to cure the current problems; what we need to do is

tackle the culture of the profession and the impediments women face in the society as a whole.

The conference was divided into various panels, space prohibits our addressing in any depth all 25 speakers, Themis will therefore refer to some of the highlights.

### FEMINIST JURISPRUDENCE

On the topic of sexual offences law reform, Justice Marcia Neave AO of the Supreme Court of Victoria spoke of the need to address the institutions and processes of the criminal justice system as well as the substantive law. She pointed to the poor conviction rate in sexual offences and the limited success of restrictions on cross-examination of complainants, despite significant law reform

in the area. She highlighted the ways in which decision making at all stages of the criminal justice process is affected by culture, experience, emotion and reason of the decision maker. This applied to police, prosecutors, lawyers and judges. Her Honour called for: review of police procedures for interviewing complainants, investigation and the decision to charge; proper resourcing of public prosecutors; review of the process of selection and training of prosecutors and defence lawyers; measures to address delays in court hearings; review of jury directions; supports for complainants giving evidence; and supports for those not proceeding with complaints or dealing with an acquittal after hearing. Finally Justice Neave also called for an examination of the role of feeling and emotion in rational decision-making and the assertion emotion has no place in the law.

Justice Neave was joined on the Feminist Jurisprudence panel by Dr Ann Genovese of the Faculty of Law, University of Melbourne and Professor Ngaire Naffine, Professor of Law, University of Adelaide. Both speakers inspired a great deal of discussion. It is impossible to do their papers any justice here, they are essential reading. The discussion following the panel was largely focussed on the relevance of the term "feminist" in 2008. Opinion varied with some delegates suggesting a new term was needed free of any "radical or negative baggage"; while others took an opposite view preferring to retain the term and use it proudly, seeing to do otherwise was to succumb to pressure. The discussion was spontaneous and unexpected, making it all the more stimulating.

### CRIME & CORRUPTION

Victoria Police Chief Commissioner Christine Nixon APM contrasted the past with what is needed in policing today: education, consultation and inclusiveness in the reform process, merit and skills in career advancement; a willingness to advocate change and acceptance of the "heat" this can generate; limiting access to information - both within the force and outside generally - to avoid criminal or inappropriate use of data; protection of her staff – both physically and morally – by implementing new ethical standards, "code of conduct not silence"; development of a quick and relevant discipline system that doesn't punish mistakes, but instead deals with the real issues.

Assoc Prof Judith Fordham outlined her study of jury reflections and the source and impact of intimidation of juries during trials. Some results were surprising, for example juror reports of feeling being intimidated by police and prosecutors. It became clear the reactions of family members were significant. 14% of jurors felt safe during or after trial, 32% feared recognition, 29% felt pressure by judge, 74% by other jurors. Judith's work is sure to have an impact on policy, but also the manner in which prosecution and defence perform and address juries.

Michele Williams SC reviewed the leading role the Victorian DPP Specialist Sex Offences Unit plays. Ms Williams advocates a specialist and consistent approach, believing this has the capacity to influence the functioning of the whole system, increase reporting, provide more just outcomes and confidence in the system and is less distressing for complainants. The unit has a near 60% resolution rate by way of guilty plea and is focused on early resolution. It is not unusual for a prosecutor to work out the "bottom line and go to defence and say this is what we will accept" – observing this turns the system on its head. It was clear that to achieve similar results, specialist education and training to bring about cultural change is needed.

### INDIGENOUS FORUM

This forum, Government Intervention in Indigenous Communities and the Apology – Where to From Here? was particularly memorable and we all enjoyed and were moved by the stimulating and lengthy dialogue between the panel and delegates following the speakers. Prof Larissa Behrendt led the discussion by asking: why is it we spend so much money on indigenous affairs and yet don't make a difference to socio-economic disadvantage? She went on to

show policies and spending were fundamentally underpinned by the failure of our legal system to support a strong human rights framework. Those of us with less knowledge of this area benefited from a short precise of the history of constitutional rights of indigenous Australians outlined by Larissa. She highlighted the enormous amount of money spent on funding in this area, though juxtaposed this against the enormous percentages spent on administration within indigenous affairs portfolios. A significant contributing factor is the situation whereby responsibility for health, housing and education is split, leading to tension between levels of government and stand offs. Professor Behrendt pointed to the tendency to spend money not on what works according to research, but on ideological streams – assimilation and mainstreaming, mutual obligation including welfare quarantining, unlocking aboriginal controlled lands. Professor Behrendt spoke of the "intervention" and the misinformation surrounding the so-called emergency. She warned suspending the Racial Discrimination Act and linking this suspension of rights to the provision of basic services was a very dangerous precedent; observing a safer approach would be a case-by-case basis. Lastly, Professor Behrendt expressed her strong support of a legislative bill of rights, arguing without it our system will always be vulnerable left with a lack of checks and balances.

Nicole Watson, a PhD student at the Centre for Aboriginal Economic Policy Research, Australian National University, spoke of 21 June 2007 being indelibly etched in her mind. That afternoon Ms Watson learnt of a Townsville jury acquitting a police officer of the manslaughter of a local aboriginal resident, arrested for trivial offence of public nuisance. She then watched a press conference outlining the serious of measures planned by the federal government as an "emergency response". She noted her despair the "intervention" made no attempt to implement the key recommendations of the Wild Report. Ms Watson went on illustrate the parallels between the intervention and the legislative and protectionist regime of the past, which transformed thousands of indigenous people into wards of the state in the last century. She spoke of the lawful movement of every aboriginal to within limits of reserves and that once detained they were deprived of ability to decide marriage, employment, practice of tradition, women were stripped of autonomy in the care of their children, and left unprotected from sexual violence and oppressive surveillance. Ms Watson reminded us of the anguish of the mothers, leaving reserves to work as domestic servants, straining family ties and exposing them to degradations. The State management of wages entrenched their poverty and squalor. Reserves were consistently underfunded and diseased spread from overcrowding. Ms Watson made a powerful argument the NT emergency intervention was a step backwards and has disempowered aboriginal women.

### DISCRIMINATION

Commissioner Elizabeth Broderick, HREOC, opened the Discrimination Panel with a paper that could not have been more timely. After the age of 40 the number of percentage of women practising law drops to around 25%. Is this the result of those participating in flexible or part time work find they are seen as lacking in commitment and therefore are sidelined in law firms to non-transactional work or paid to work part time, but expected to be available full-time at the end of blackberries? While 20 % of all partners are women, only 15% are equity partners. If we are to change this Commissioner Broderick suggests we need to start by making work practice a business issue, not a women's issue. The focus has to be on the outcomes not the inputs and the creative use of technology – to work productively from anywhere. Firms need to develop strategies to resist schedule creep; work needs to be redesigned work and ambition redefined to include family and nurturing it.

Commissioner Broderick encouraged delegates to "never apologise for who you are as a carer". She then went on to discuss paid maternity leave and the present productivity review. Some



(1) Attendees at the conference (2) Attorney-General Rob Hulls, Chief Justice of the Supreme Court of Victoria Marilyn Warren, Fiona McLeod SC and Caroline Kirton (3) Magistrate Felicity Broughton, Michelle Williams SC and Robin Hanigan (4) Chief Justice of New Zealand Dame Sian Elias, Chief Justice of the Family Court Diana Bryant, and Fiona McLeod SC (5) Chief Justice of the Family Court Diana Bryant (6) Justice Marcia Neave AO (7) Former AWL Presidents Jennifer Batrouney SC and Dominique Hogan Doran (8) Leonie Kennedy and former AWL President Noor Blumer

of the Commissioner's ideas to improve matters in our own profession were : the LCA model briefing policy, emergency child care schemes, sexual harassment policy at the bar and by Law Institutes, networks for women barristers, courts endeavouring not to set matters for hearing in school holidays, job-sharing, moving in and out of the profession without loss of seniority, requesting judges not to require written submissions over weekends. Plenty of food for thought!

Pamela Tate SC, Solicitor General of Victoria, closed the Discrimination Panel. Ms Tate began by reminding delegates that while considered for inclusion, a right of due process and equality at the time of the framing of the constitution, was rejected because it was seen that it would impact upon Chinese workers. Ms Tate's paper focussed on human rights charters and came from the starting point of equality requiring artificial and irrelevant distinctions be set aside; and in their place distinctions that are relevant taken account of. The discussion which followed was robust, and again we were particularly fortunate to have Dame Sian present to contribute, as the topic is pertinent to a number of jurisdictions presently considering the very question of the need for such charters.

#### COMMERCIAL LAW

Friday afternoon held a change of course, Fiona McLeod SC, Victorian Bar, opened the Commercial Law Panel with an overview of the responsibilities and duties of directors. Fiona reminded us we should not only be aware of this area of the law, to provide competent advice to our clients, but also be mindful of them ourselves. Many of us sit on boards, no matter how wealthy these organisations are the duties are the same.

Alina Humphreys, Senior Associate, Maurice Blackburn Commercial gave a paper on good faith by contracting parties. She argued the law presently imposed a positive implied duty to act in good faith and that this was in response to community standards.

#### INTERNATIONAL COMMERCIAL ARBITRATION

On Saturday the conference got a taste of International Commercial Arbitration. Professor Gillian Triggs observed it has been undeniably dominated by a small band of divas and dinosaurs, who for decades have kept this area of practice to themselves; however this was now dramatically changing. In days gone by the practical reality was sovereign states were only subject to claims at the diplomatic discretion of state of nationality. This provided no stability and certainty to encourage foreign investment. Parties are now subject to core principles, which enhance the creation of stable legal environments, thereby growing wealth within the regions. Professor Triggs emphasised bilateral treaties and free trade

agreements assist the arbitration process, and most importantly the significant impact of the 50-year-old NY Convention on the Enforcement of International Contracts. All these developments have enhanced development and investment; with most states within the Asian region having signed the convention. Delegates were reminded to always include an international commercial arbitration clause.

Professor Triggs was joined by Ms Kim Middleton, Senior Associate, Gadens Lawyers; Ms Georgia Quick, Special Counsel, Clayton Utz and Ms Emma Matthews, Secretary General of the Australian Centre for International Arbitration (ACICA). These three speakers gave interesting overviews of their own careers in this area. It was clear in the past it has been necessary to travel, particularly to Europe to practice in this area. All the panellist agreed this was no longer the case; however, it was still encouraged. Delegates were also interested in the opportunities for women in this area of law. All panellists observed that international arbitration had been dominated by men in the past, and men still outnumbered women significantly. However, more women are appearing and some as senior counsel. The barriers are the same in this area as generally found in the legal profession. More men have been practicing in the area, more men have experience, more men are appointed to represent parties. That might be about to change: one delegate asked "How do I get your job?!"

#### JUDICIAL DISCRETION

The final panel was on Judicial Discretion, speaking were Justice Shan Tennent, Supreme Court of Tasmania; Justice Susan Kenny, Federal Court of Australia and Justice Katharine Williams, Supreme Court of Victoria. The areas addressed in this panel were diverse and thought provoking.

The two overwhelming positives of the conference were the ability to network with other women lawyers and the facilitating of women lawyers meeting together in large numbers to discuss the law, the profession and their place in it. Delegates were afforded the opportunity to debate issues with the most senior and junior members of the profession, and to contribute to the development of AWL policy through the production of a conference communiqué, unanimously adopted on the final day.

#### GALA DINNER

One of the highlights of the conference was the Gala Dinner at the Garden Restaurant at the National Gallery of Victoria. Judge Liz Gaynor of the County Court of Victoria spoke passionately about the role of lawyers in creating justice.



(1) Sponsors Dinner: VLW executive members Christine Melis, Susan Pryde, Vivian Waller, Justine Lau and Kate Ashmore (2) Legal Laneway Breakfast: Simon Jacobson, Kate Ashmore, Christine Melis and Anne Winckel (3) Balmford J with former WBA convenors Caroline Kirton and Simone Jacobson, Christine Melis in back

## VICTORIAN WOMEN LAWYERS REPORT

CHRISTINE MELIS

There has been no time out between events and initiatives for the Victorian Woman Lawyers (VWL) Executive in the first six months of 2008 and the second half of the year is looking even busier!

VWL kicked off the year with a record breaking crowd at the annual Legal Laneway Breakfast. VWL joined other organisations in supporting this ever popular gathering of the legal profession to celebrate the start of the legal year with lattes, pastries and good company.

One of the first projects embarked on at the start of the year was to work on disseminating information to newly arrived migrant women and children which addresses their legal rights. So began the Migrant resources sub committee. The committee, made up of lawyers, educators, translators and public servants has been working toward producing information most conducive to the cause of educating migrants through audio and visual material.

The Convenor and Assistant Convenor have been meeting regularly with Mike Brett Young, CEO of the Law Institute of Victoria and principle sponsor of VWL, to discuss new joint initiatives and relevant issues to be tackled by both bodies. One such very successful event was the annual Dame Roma Mitchell Memorial Lunch in commemoration of International Women's Day. This year we addressed the federal government intervention on the Northern Territory. Our guest speaker, Olga Havnen, Head of Indigenous Strategy Development, spoke to a crowd of over 350 people over lunch at the RACV Club. Proceeds collected from raffle tickets went to the Red Cross.

VWL has continued to work together with its sponsor firms in addressing issues of concern to their lawyers. In a 'one of its kind forum', heads of transactional groups and senior managers with experience managing lawyers with flexible work arrangements are meeting for a candid discussion about the forces at play when addressing flexible work arrangements. The forum will be facilitated by Kriss Will. The forum specifically targets findings made in VWL's ground breaking '360 degree review: flexible work practices – confronting myths and realities in the legal profession'. The Convenor has also been making presentations to audiences of sponsor firms about the importance and benefits of VWL membership.

Other events this year have included:

- > Our annual sponsors' dinner at the Brasserie;
- > Sexual Assault forum in Gippsland;
- > The unveiling of the portrait of the

Honourable Rosemary Balmford;

- > Representation at the CEDAW Roundtables in Canberra on Migrant and Refugee Women's rights and Aboriginal and Torres Strait Islander women;
- > Lecture presented by Anne Winckel of Brooklyn Legal on 'Getting to the Top';
- > An inspiring event in collaboration with the Women Barristers Association (WBA) on 'Coming to the Bar'; and
- > A panel presentation for Law Week with Judge Felicity Hampel, Legal Services Commissioner, Victoria Marles and Office of Public Prosecutions principal solicitor, Vicky Prapas who spoke about their respective legal careers and journeys.

### ADVOCACY

VWL has continued to make its voice heard through government submissions on the law of abortion and then endorsing Model C as proposed by the Victorian Law Reform Commission along with Women's Health Victoria. VWL has endorsed submissions made by AWL on accession to the optional protocol and the inquiry into paid maternity, paternity and parental leave. VWL representatives met with the Attorney General, Rob Hulls, earlier in the year to discuss sexual assault reform and judicial appointments. VWL has made presentations to university students and in an exciting new initiative with WBA, is launching a mentoring program on 24 July between law students and members of the legal profession with her Honour Justice Marcia Neave as our 'champion'.

### MEDIA

VWL has made a real push this year to satisfy the needs of current and new members with more variety in activities and greater publicity. VWL is proud to say that its projects, views on issues and surveys and events have been covered in every edition of the Law Institute Journal this year. Our electronic newsletter, 'Women Keeping in Touch', has taken on a new look and feel, giving members the opportunity to read about current issues and initiatives of VWL as well as to keep abreast of events run by other organisations VWL shares a relationship with.

### TEST CASE WIN

VWL won a very important test case on Friday 27 June 2008. Justice French found that VWL is classified as a tax-exempt charity. His Honour's analysis of VWL's formation and evolution, activities, work within the legal profession, sponsorship, constitution and objectives, is very thorough.

The status of VWL has been articulated in detail by the Court, giving VWL's past and present executive committee, members and patrons, 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.

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'. The Court has characterised this disadvantage as a "social fact", giving VWL credence and relevance in our society.

#### UPCOMING EVENTS

VWL is very enthusiastic about its upcoming events in the second half of the year including:

- > A joint breakfast event with the LIV with the theme 'Shaping the future of women's rights' with speakers from the International Women's Development Agency and the White Ribbon Campaign at the RACV Club;
- > Our ever popular and fun Members and Guests' Night;
- > Our annual finance seminar with this year's topic being 'Smart Women and Smart Money';
- > A Seminar on Women, Sports and the Law;
- > Our annual Meet and Greet function in conjunction with WBA;
- > 'Setting up shop' at the annual Careers Fair for law students at the Convention Centre;
- > A joint event with Australian Corporate Lawyers Association;
- > Our biennial Lesbia Harford Oration with keynote speaker, Lin Hatfield Dodds
- > The launch of three new protocols by Ms Jaala Pulford MLC, Parliamentary Secretary for Industrial Relations, on working flexible hours, working part-time and working from home to coincide with the amendments to the *Equal Opportunity Act* 1996 (Vic)
- > The Lesbia Harford Oration with guest speaker, Lin Hatfield Dodds, President of the Australian Council of Social Services, National Director of Uniting Care Australia and the 2008 ACT Australian of the Year who will offer insight into the issue "Protecting Women's Rights".

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.

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## NEW SOUTH WALES REPORT

LEE-MAY SAW

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The first half of 2008 has been a period of opportunity and growth for the Women Lawyers' Association of New South Wales (WLA NSW). There are many fresh faces on the Executive Committee who have been behind the introduction and development of new projects and relationships for WLA NSW.

Our Planning Meeting on 19 January 2008 saw the introduction of a formal subcommittee structure to WLA NSW that implements subcommittees on which general members, and not only members of the Executive Committee, are involved. We currently have general members engaged in our Policy, Law Reform and Media Issues Subcommittee, and our Workplace Practices Subcommittee.

Written submissions to public inquiries that WLA NSW and its subcommittees have made so far this year include:

- > Submission by the WLA NSW Workplace Practices Subcommittee, to the Workplace Relations Policy Group, Department of Education, Employment and Workplace Relations, in response to the National Employment Standards Exposure Draft;
- > Submission by the WLA NSW Policy, Law Reform and Media Issues Subcommittee, to the Special Commission of Inquiry into Child Protection Services in NSW;
- > Submission by the WLA NSW Policy, Law Reform and Media Issues Subcommittee, to the Attorney-General's Department of

NSW, in response to the NSW Attorney General's Department Discussion Paper on the Selection Criteria for Judicial Appointments.

An exciting new project that WLA NSW has participated in is the University of Technology Sydney (UTS) Law Student Society Inaugural Women's Mentoring Program. We thank our Education Officer, Sarah Nam, for her energy and dedication in ensuring that this project has taken place.

Other events and functions that WLA NSW has supported include the International Women's Day Banner Project, International Women's Day Stall Project, University of New South Wales Women's Mentoring Program, and the University of Sydney Women's Mentoring Program.

Our existing projects and relationships have continued to grow while new ventures have been implemented. This was most noticeable at our major function this year, our "Celebrating Women in the Judiciary" cocktails held on 24 July 2008, where over 200 people were in attendance to celebrate the appointment of twenty-two women to the bench in the two and a half years since we last held this function in February 2007. Our speakers at this event were the Honourable Justice Margaret Beazley AO of the Supreme Court of New South Wales, Court of Appeal, Fiona McLeod SC, President of Australian Women Lawyers, and the Honourable Justice Jane Mathews AO of the Supreme Court of New South Wales. They all agreed that it was indeed a night for celebration.

WLA NSW has been very fortunate to have our Patron the Honourable Justice Jane Mathews AO of the Supreme Court of New South Wales as an active influence on our organisation this year.

The WLA NSW Executive Committee looks forward to the adventures that the second half of 2008 has to bring.

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## WOMEN BARRISTERS ASSOCIATION REPORT

CAROLINE KIRTON

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The year started well for the Women Barristers Association ('WBA'). In early 2008 Chief Justice Marilyn Warren AC agreed to become the Patron of WBA. On 21 April 2008 a celebratory function was held at the chambers of Fiona McLeod SC and Caroline Kirton in Owen Dixon Chambers West. The Chief Justice joined about 60 members and friends of WBA at the celebratory function.

On 8 May 2008 WBA, in conjunction with Victorian Women Lawyers ('VWL'), held an information evening *Coming to the Bar*. The purpose of the evening was to provide information to female solicitors and associates, who were considering a career at the Bar. The evening commenced with refreshments in the Essoign, where participants had an opportunity to meet WBA members on an informal basis. This was followed by a panel information and discussion session in the Neil McPhee room. Fiona McLeod SC spoke about gender issues at the Bar. Michelle Sharpe spoke about the chambers system and how it works in Victoria. Nandi Segbedzi spoke about the clerking system. Rosetta Stoikovska spoke about mentors and finding a mentor. Catherine Button spoke about commencing a career at the Bar from the perspective of a 'new barrister' and Caroline Kirton spoke about the Victorian Bar Readers Course. Deborah Morris, manager of the Victorian Bar Readers Course also joined us for the evening. Participants had an opportunity to speak with Deborah Morris about the Readers Course and ask her questions. About 60 solicitors and associates attended the event.

On 20 May 2008 Caroline Kirton joined VWL Convenor Christine Melis and solicitor Vanessa Filippin, in presenting a lunchtime seminar to Monash University Law Students. The seminar was

organised by Natalie Devitsakis, Women's Officer, Monash Law Students' Society. The theme of the seminar was *Will Waiting For Women Work?*

On 10 June 2008 WBA presented an Ethics in Litigation evening seminar at the Law Institute, as part of the Young Lawyers Lecture Series. The seminar was organised by Michelle Sharpe and the speakers were WBA members Samantha Marks, Anna Robertson, Michelle Sharpe and Caroline Kirton. The seminar covered topics such as the duty not to mislead the Court, abuse of process, failing to advise and act on instructions and ethics in mediation.

During 2008 Simone Jacobson worked with journalist Juliette Brodsky to convert the *Women Barristers in Victoria: Then and Now* exhibition into an electronic format. In June 2008 the enhanced electronic version of the exhibition was launched on the Victorian Bar website. This version includes a television interview with Joan Rosanove QC in 1965 from 'On Being a Sheila'.

In June 2008 WBA received a grant from the Legal Services Board for audio interviews of early pioneer women barristers and in some cases their friends and family. It is planned to also have a photo slide show to correlate with the audio. When complete this audio visual presentation will be placed on the Victorian Bar website. This project was initiative of Simone Jacobson.

In June and July 2008 WBA participated with VWL in the 2008 Law Student Mentoring Program. During June 2008 Michelle Sharpe worked on the development of this program with Kate Ashmor on behalf of VWL. The program was launched at Phillips Fox on 24 July 2008 by the Honourable Justice Marcia Neave AO.

During 2008 Simone Jacobson has worked with Juliette Brodsky to complete the editing of the e-film the *Oral History of Past Convenors*. Participants in the filming of the e-film were past Convenors: Judge Rachelle Lewitan, Judge Frances Millane, Judge Liz Gaynor, Judge Felicity Hampel, Fran O'Brien SC, Helen Symon SC, Fiona McLeod SC, Samantha Marks, Kim Knights, Simone Jacobson and Caroline Kirton. Each of the Convenors spoke about their experiences as being Convenor of WBA and the issues that faced them during their term as Convenor. The e-film was launched on the Victorian Bar website in July 2008.

In July 2008 Caroline Kirton retired as Convenor of WBA and Joy Ellera was nominated as Convenor.



(1) Joy Ellera

## NORTHERN TERRITORY REPORT

GEORGIA MCMMASTER

The NTWLA has had several "do's" since its new President, Lindy Morgan, took over in January 2008. Lindy organised an inspirational talk in March from a personal trainer about life/work balance and managing stress. As the invitation was extended beyond the legal field, there was a strong turn up from other professional women, who very much enjoyed the talk and the concept of our organisation. The next function was in May when Tricia Rushton spoke passionately about the activities of The Smith Family in the

Northern Territory.

Tug-of-war?? Yes, during our annual Law Week, NTWLA fielded a team in the competition held in the Mall – they were not victorious, but with teams like "Maleys Mudpigs" they were brave to enter at all! The last get-together was in honour of a much-missed colleague, Jane Mahoney, and for which her family sponsor an ever-growing collection of books located in the Supreme Court Library. Her contemporary, Jenni Daniel-Yee, gave a lovely speech remembering

### "LINDY ORGANISED AN INSPIRATIONAL TALK IN MARCH FROM A PERSONAL TRAINER ABOUT LIFE/WORK BALANCE AND MANAGING STRESS. "

Jane and her life in the NT legal community. Looking ahead, the NTWLA will honour our patron, Justice Sally Thomas, as the second longest serving judicial officer in the Northern Territory at a function in October, after the AGM in September.

## QUEENSLAND REPORT

OLIVIA PERKISS

### AGM

Our AGM was held on 25 June at the Queensland Law Society Auditorium where the following committee for 2008/09 was elected, unopposed:

President:	Olivia Perkiss
Vice President:	Susan McNeil
Secretary:	Kathryn Finlayson
Treasurer:	Janelle Payne
Social Secretary:	Jodi Gardner
Student Member:	Dominique Mayo
Ordinary Members:	Edith Bocaz, Amanda Campbell, Vanessa Gauthier, Fiona Headrick, Sandra Pearson, Ebru Upcin, Alexandra Waters, Danae Waters, Belinda Wilke

### FUNCTIONS

Since the last edition of Themis WLAQ has been involved in the following events:

- (1) On Saturday 16 February 2008, I attended with Sandra Pearson the Bar Association's Panel on Judicial Appointments at their Conference on the Gold Coast. Our attendance was well received in light of the contentious issues often surrounding the appointment process.
- (2) I also had the pleasure of representing WLAQ at the Western Australia Women Lawyer's Association Awards in Perth on 14 March. The evening coincided with one of the AWL face to face board meetings, so the AWL Directors were pleased to receive an invitation to the gala event. The event has given me a number of ideas and suggestions for our Awards evening, which is being held this year at the Marriott Hotel on Friday 12 September.
- (3) I attended both the QUT Faculty of Law Awards and the Griffith University Faculty of Law Awards to present the Una Prentice Awards to the winning recipients.
- (4) On 6 June 2008 I attended the launch of the opening of the Historical Display at the Brisbane Magistrates Court.

### APPOINTMENTS

WLAQ are pleased to announce the following appointments since the last edition:

- > On 19 November 2007 Ms Cathy Wadley and Ms Maxine Baldwin were both appointed Magistrates of the Magistrates

Court of Queensland;

> On 28 March 2008, Justice Leanne Clare was appointed a Judge of the District Court of Queensland; and

> On 28 July 2008, Kay Ryan (a founding AWL Director) was appointed a Magistrate of the Magistrates Court of Queensland.

#### UPCOMING MAJOR EVENTS

On Thursday 21 August, WLAQ hosted a seminar in the Bar Common Room titled "Work-Life-Balance." The seminar was presented by Dr Chris Day, a registered psychologist who specialises in managing workplace related stress. The seminar, which was held over a light lunch addressed the most common forms of workplace stress and included some tips on how to manage those issues to reduce the amount of stress in our work day. The seminar was informative yet entertaining, which left many of the participants feeling relaxed and at ease about returning to work that afternoon.

On Friday 12 September, WLAQ will be announcing the Queensland Woman Lawyer of the Year and the Emergent Woman Lawyer of the Year Awards at a formal dinner at the Marriott Hotel. The theme is 'The Times They are A-Changin'?-Perspectives of Women in the Law'. The night will include a panel discussion from speakers, Honourable Justice Margaret McMurdo AC, President of the Queensland Court of Appeal; Professor Leneen Forde, Chancellor of Griffith University; Ms Jean Dalton SC from the Queensland Bar and Ms Megan Mahon, President of the Queensland Law Society. The event is being sponsored by Julie Williams of Insolvency Turnaround Solutions.

On Friday November 14 WLAQ and Queensland Law Society

#### "WLAQ HAS ALSO LAUNCHED THEIR MENTORING PROGRAM"

have organised a joint educational seminar on everyday advocacy essentials, which will be run by Ms Kylie Downes of the Queensland Bar and Ms Annette Hennessey, Magistrate.

WLAQ has also launched their mentoring program, the 'Ladder Program', which is designed to encourage women in our profession to liaise with more senior practitioners for career guidance and direction. The program will run each year during the financial period. We have had a considerable amount of interest in this initiative, but due to this being the first year of the program we have decided to limit the first year to only ten mentor/buddy relationships so that we could closely monitor its progress.

#### SPONSORS

WLAQ would like to thank the following sponsors for their assistance:

> Minter Ellison Lawyers for the sponsorship of the Awards Dinner last August.

> The QLS for their continued support of the Association in providing not only a meeting room but the light refreshments for our monthly meetings.

> Grant Thornton, our Auditors who continue to provide not only WLAQ, but now AWL with pro-bono financial services.

## SOUTH AUSTRALIA REPORT

KERRY CLARK

#### FUNCTIONS

As has become a tradition, a number of members attended the International Women's Day breakfast hosted by Senator Penny Wong. It is always amazing to see so many women from all walks of life up so early in the morning to celebrate this important day. Once

again, "little old" Adelaide had the biggest IWD event in Australia.

WLASA joined with the Adelaide University Law Students Society to present a seminar about careers in the law outside of commercial practice. This was initiated by the students who noted that the university "Careers Fair" was dominated by the large firms.

#### "IT IS ALWAYS AMAZING TO SEE SO MANY WOMEN FROM ALL WALKS OF LIFE UP SO EARLY IN THE MORNING TO CELEBRATE THIS IMPORTANT DAY."

Speakers were arranged by WLASA including women from country practice, in-house legal, a community legal centre, Legal Services Commission, the Bar and small business.

Another seminar, aimed at junior to mid-level solicitors was held on the topic of negotiating salary, flexible work arrangements, performance reviews and promotion.

#### AWL CONFERENCE SCHOLARSHIP

Janette Yeung, a third year law student at Adelaide University was the recipient of a scholarship from WLASA to enable her to attend the AWL conference in Melbourne.

#### SENIOR COUNSEL APPOINTMENTS

The Chief Justice of the Supreme Court has published a new practice direction regarding procedure for application and appointment as "SC". The post-nominals "QC" will no longer be awarded. As part of the new consultation process, the President of WLASA will be invited to meet with the Chief Justice each year to discuss current applications.

#### MODEL BRIEFING

The Law Society of South Australia has adopted a model briefing policy aimed at furthering equal opportunity for women at the Bar. Unfortunately the introduction of this policy generated some controversy despite its innocuous content—an indication that there is still much work to do in this area.

WLASA conducted an "audit" of sorts of the women at the Bar in Adelaide and concluded that of the 30 women barristers, about one third engaged primarily in each of family, criminal or civil/commercial practice. We currently have three female Senior Counsel resident in SA (Lindy Powell QC, Sashi Maharaj QC and Maurine Pyke QC) and one Adelaidean silk (Melissa Perry QC) whose practice is now mostly in the eastern states. There is also one woman barrister in regional chambers (Sally Burgess, Port Augusta) and two who are hoping to join the Adelaide Bar this year.



(1) Five women readers took part in the Australian Bar Association's "Small Bars" Residential Advocacy Course organised by the Western Australian and South Australian Bar Associations and held in the Barossa Valley, South Australia 14 - 18 July 2008. Left to right are Kerry Clark, Gillian Anderson, coaches Ken Martin QC and Felicity Davis, GiGi Visscher, Katja Levy and Kerry Kovacs. The course, which is open to barristers from Tas, SA, WA, NT and ACT was extremely well received and will be held in WA in 2009.

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## ACT REPORT

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LEONIE KENNEDY

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The past six months has seen some historic milestones in the ACT. In February Justice Hilary Penfold was sworn in as the first woman resident judge appointed to the Supreme Court of the ACT. Justice Penfold was previously Commonwealth Senior Counsel. Justice Penfold's appointment was the first under the ACT Government's new selection process for judicial officers, which no longer rests solely on the nomination of the Law Society and the Bar Association but rather calls for applications Australia wide as well as nominations from ACT Women Lawyers and Australian Women Lawyers. Justice Penfold was selected for appointment from a strong field of applicants and nominations. ACT WLA co-hosted

**"THE PAST SIX MONTHS HAS SEEN SOME HISTORIC MILESTONES IN THE ACT. IN FEBRUARY JUSTICE HILARY PENFOLD WAS SWORN IN AS THE FIRST WOMAN RESIDENT JUDGE APPOINTED TO THE SUPREME COURT OF THE ACT."**

a breakfast for Justice Penfold and her brother Judge Richard Refshauge (a long time supporter of ACT WLA) held in April 2008. The co-host was ACT Young Lawyers Committee.

On 22 July 2008 Louise Donohoe of Blackburn Chambers was appointed as Senior Counsel, the first women Senior Counsel for the Territory. Louise trained in the law after a successful career as a nurse and while raising a young family single-handedly. No mean feat.

ACT WLA has hosted a number of breakfast seminars in the past few months including for the Commonwealth DPP, Chris Craigie SC as well as Nicole Hogg, Legal Counsel for the International Red Cross, Pacific Region. Both speakers drew a large crowd.

Some 20 ACT WLA delegates attended the second AWL conference in Melbourne in June, the second largest contingent after New South Wales. ACT WLA is currently enjoying an increase in membership and we are busy updating our website including hosting details of ACT women barristers on our website.

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## TASMANIA REPORT

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MARY-ANNE RYAN

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We've been working hard on redeveloping our website this year and are almost there; we've also adopted a new logo.

Justice Tennent agreed to become patron of TWL, our members are delighted Her Honour has accepted our invitation and we look forward to the benefit of her experience and thoughtful input.

Following some negative publicity surrounding judicial appointments, the state government has circulated a draft policy for comment aimed at greater transparency and consultation. TWL was invited to make written submissions and we are all keen to learn of the outcome of the review.

In May we held a cocktail party to welcome the newly appointed Chief Justice of our Supreme Court His Honour Chief Justice Ewan Crawford and acknowledge and celebrate Justice Tennent's assuming the role of patron.

**"JUSTICE TENNENT AGREED TO BECOME PATRON OF TWL, OUR MEMBERS ARE DELIGHTED HER HONOUR HAS ACCEPTED OUR INVITATION AND WE LOOK FORWARD TO THE BENEFIT OF HER EXPERIENCE AND THOUGHTFUL INPUT"**

Recently TWL held a seminar on financial planning for partnership. Aequis Financial Planning and NAB Business Bank spoke to this. A number of present or former partners of law firms attended as well as more junior members of the profession. The information provided and discussion generated gave members some knowledge of the financial aspects of partnership, which are traditionally not spoken of openly.

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## WESTERN AUSTRALIA REPORT

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REBECCA LEE

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### HEENAN-PAYNE PRIZE

WLWA has relaunched the Heenan-Payne Prize in 2008, having written to the universities in this State advertising the availability of the Prize. The Heenan-Payne Prize is a literary prize for law students recognising outstanding written work which examines an issue from the perspective of women. Applicants must also be able to demonstrate a commitment to social justice and equality. The Prize was established by WLWA in the early 1990's. Its aim has been to commemorate the work of two trailblazing women lawyers in Western Australia, Mrs Joan Heenan and Mrs Vivien Payne, and to encourage the study of feminist legal issues. The prize constitutes a payment of a sum of money, which has this year been increased to \$500. The prize is awarded to a law student who meets the required criteria. Submissions close on 30 November 2008. The winning entry will be determined by a selection panel comprising a judge, a senior legal practitioner and a legal academic, with the prize to be awarded at a WLWA function in early 2009. Our thanks go to Cathryn Timms for her assistance with the relaunch.

### CAREER SEMINAR

On 13 February 2008, Women Lawyers held a seminar headed "A New Year, A New Start: Giving Thought to your Future". The aim of the seminar was to assist members to broaden their horizons and consider areas of law which may benefit from more practitioners moving into those areas, and which could provide our members with good solid work (and income), as well as providing a service to the community. The Honourable Justice Jane Crisford, of the Family Court of Western Australia spoke on The Secret World

**"THE AIM OF THE SEMINAR WAS TO ASSIST MEMBERS TO BROADEN THEIR HORIZONS AND CONSIDER AREAS OF LAW WHICH MAY BENEFIT FROM MORE PRACTITIONERS MOVING INTO THOSE AREAS AND WHICH COULD PROVIDE OUR MEMBERS WITH GOOD SOLID WORK"**

of Family Law, a Speciality for the Future; Senior Commissioner Jennifer Smith of the Western Australian Industrial Relations Commission dealt with Industrial Relations, A Dynamic and Sought After Speciality and Elizabeth Heenan, Consultant, Marks & Sands Lawyers addressed Wills and Probate, Shaking Off the Bleakhouse

Label. The seminar was very well received, being fully subscribed and generating a number of new members for the association. We were particularly pleased that several law students signed up for membership and to attend the event. Many thanks to Anne Lopez and Anne Wood of the committee who organised this seminar. Thanks also to Kott Gunning who hosted the seminar.

#### **HONOURS DINNER**

On 14 March 2008, Women Lawyers held its seventh Honours Dinner. This year it was held for the first time at The Old Brewery. We had over 140 RSVP's and so the change to a larger venue was welcome. It was one of WLWA's biggest events yet, and also included the board members of Australian Women Lawyers. Fiona McLeod SC, President of AWL gave a short speech. Whilst the number of attendees no doubt reflected the popularity of her Honour Judge Schoombee and Gail Archer SC, our two special honourees, I believe it also reflects the growing stature of the event and the fact that it is such an enjoyable night. The Honours Dinner is a night where we celebrate the advancement of women in the legal profession. We get a chance to show our support and admiration for those women who have been appointed to the bench and as silk, and recognise and award those who have been successful by other means. This year's event was particularly special for Women Lawyers though, because one of the women being honoured was our immediate past president, her Honour Judge Schoombee. Our honourees were presented with our traditional gift, being a glass bowl made by The Melting Pot in the south west, infused with the colours of Women Lawyers - purple, green and white. I have been touched to see former recipients of this gift display it proudly in their judicial chambers and I trust the Judge and Gail will treasure it also.

Thank you to members of the Women Lawyers committee in particular Laura Michelmore for heading the organisation of this social event and Maria-Elena Cheshire, Elizabeth Needham, Cathryn Timms, Amanda Bishop, Elspeth Hensler and Judy Seif for contributions towards making tonight such a success. It was a real team effort.

#### **WOMAN LAWYER OF THE YEAR AWARDS**

The Woman Lawyer of the Year Awards were presented for the third time at this year's Honours Dinner. This year's winners are Celia Searle, Woman Lawyer of the Year; Donna Percy, Senior Woman Lawyer of the Year and Kate Davies, Junior Woman Lawyer of the Year. Congratulations to all winners and also to all the fantastic nominees. Women Lawyers continued to be blessed with fantastic nominations, but it is not only Women Lawyers which should consider itself blessed – it is also the legal profession and the community with having such talented and committed professionals amongst us. This year, extractions from each nominee's nomination form were read out at the dinner, because WLWA wished to acknowledge each of the nominees, given the great honour and achievement in itself to have been nominated for such prestigious awards. One of the things I found striking when I read the nomination forms was that the nominees had been willing to commit themselves to the betterment of the law, its practice and accessibility without necessarily seeking public recognition for their efforts. We are delighted that friends and colleagues were willing to put the nominees forward so that their achievements could be celebrated at the Honours Dinner. My thanks go to the Honourable Justice Wheeler, the Honourable Justice Crisford, her Honour Judge O'Brien, our Vice-President Elizabeth Needham and Laura Michelmore for being on the selection committee for the awards along with myself.

#### **SALARY AND PERFORMANCE REVIEW SEMINAR**

On 9 April 2008, WLWA presented a seminar headed "Negotiating a Salary Increase and Preparing for your Performance Review". Our speakers were Julianna Shearn of Shearn HR Legal and Kathy Reid, Senior Associate with Freehills, and the event was kindly be

hosted by Freehills. This seminar was for members only, and was one of our most popular with over 60 RSVP's, possibly because of the timing of the event in April when performance reviews and salary negotiations are occurring within the firms. Our thanks go to Belinda Coleman of the committee for so wonderfully organising this event, and many thanks to Carolyn Dearing and Cathryn Timms for pitching in.

#### **SUPPORT BY WA BAR ASSOCIATION**

In anticipation of the AWL Conference 'Creating Justice' in Melbourne from 12 to 14 June 2008, WLWA approached the Western Australian Bar Association to assist with the registration costs of some members attending. WABA generously agreed to contribute \$1,250 in funds to support up to 5 women lawyers from WA to attend the conference (payable as to \$250 each). WLWA then also decided to make available \$1,250. WLWA intended to pay the sum in part payment of the attendees' registration fees. This was a fantastic opportunity for our members, and whilst we initially had more people apply than there were places, in the end WABA and WLWA contributed to the registration fees of 6 people, the accommodation costs of a WA speaker at the conference and WLWA otherwise sponsored the conference in the sum of \$750.

#### **MENTORING PROGRAMME**

Our function in May was the celebration of WLWA's mentoring programme held at the Family Court at 5pm for a 5:30pm start on Thursday, 15 May 2008. We were delighted that the Honourable Justice Julienne Penny spoke at the function. The event was free to members and a great time was had by all. Many thanks go to Kathryn Hogan of our committee for organising this event, and thanks also to the members who, having been admitted over 10 years, have agreed to act as mentors. Their experience and wisdom could be just the help one of our other members may need in the future.

#### **SOCIAL PROJECT FOR 2008**

On 15 May 2008, Associate Professor Maria Harries launched WLWA's social project for the year, during the celebration of our mentoring programme. This year, WLWA is asking members to support the Fresh Start Recovery programme. Single mothers and women generally can make good use of donated ladies' clothing (especially for court appearances), baby clothing and equipment, toys and books. This is an opportunity for our members to clear

#### **"THIS YEAR, WLWA IS ASKING MEMBERS TO SUPPORT THE FRESH START RECOVERY PROGRAMME. SINGLE MOTHERS AND WOMEN GENERALLY CAN MAKE GOOD USE OF DONATED LADIES' CLOTHING (ESPECIALLY FOR COURT APPEARANCES),**

out their wardrobes and spare rooms for anything they may wish to donate. Howard Chambers (Attn: Judy Seif) and Freehills (Attn: Alex Scott-Hill) have kindly agreed to act as depots for goods. The project will run from May to October 2008. Thank you to Judy Seif who suggested this project.

#### **LUNCH FOR MEMBERS**

On Friday, 20 June 2008, the committee of WLWA invited the members of WLWA to join them for lunch at Annalakshmi On The Swan. The beauty of Annalakshmi is that it is a buffet style restaurant, where members when they left could individually pay what they wanted for the food they had eaten. A relaxed lunch was had by all. The committee is keen to foster the networking and friendship aspect of our organisation, and we will now act to make this a regular event.

Kind Regards  
Rebecca Lee

# VWL FOUND TO BE EXEMPT FROM TAX - AT LONG LAST!

LEANNE HUGHSON

In a decision handed down on 27 June 2008, His Honour Justice French of the Federal Court found that the VWL is exempt from tax.

In considering the objects and activities of the VWL French J decided that the VWL was a charitable institution established for purposes beneficial to the community within the meaning of the Income Tax Assessment Act 1936 and 1997.

On the evidence before him, His Honour formed the view that VWL's principal purpose was to remove barriers and increase opportunities for women in the legal profession in Victoria. He stated that the VWL

"...was established to overcome a well-known social deficit, namely the substantial under-representation of women in the legal profession, in its upper reaches and in the judiciary. Having regard to the social norms reflected in the *Sex Discrimination Act*, cognate State legislation and Australia's membership of the *Convention for the Elimination of all Forms of Discrimination Against Women*, that objective was a purpose 'beneficial to the community'...The wider purposes of the VWL which were adopted and endorsed ...placed the principal object in the context of a larger purpose which is of itself beneficial to the community."

As a result of this decision, the VWL will now be able to use all of its funds to carry out its purposes, without having to send substantial amounts to the ATO on account of income tax.

However there was another significant outcome of this case for the VWL and for women lawyers generally. That outcome was that Justice French took on judicial notice, the disadvantage of women practitioners in the legal profession. Judicial notice is a creature of the Evidence Act<sup>1</sup> which does not require that a matter be proved in Court where that matter is considered to be common knowledge.

The submissions made by the VWL to French J arguing that he should take the disadvantage of women in the legal profession on judicial notice was borne out of practicality. In this particular case, having to "prove" the disadvantage of women in the law would have taken up a great deal of the Court's time by requiring the authors of the research and the reports relied upon by the VWL and put into evidence, to give evidence about their research and reports before the Court.

Nevertheless, the fact that French J, was prepared to take judicial notice of the "historical and persistent disadvantage of women in relation to their participation and career advancement within the legal profession" has resulted in an acknowledgement and acceptance by an Australian Court that women lawyers are at a disadvantage compared to men lawyers. A watershed moment, some might say!

Justice French referred to the "longstanding 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...".

This observation of the Court's certainly puts paid to any views that the work of the VWL and in fact other women lawyers'

organisations is done.

## BACKGROUND TO THE CASE

The VWL's claim for tax exemption had its genesis many years ago. It began in the year 2000 with an application for a private ruling to the Australian Taxation Office ("the ATO") that the VWL was tax exempt on the basis that it is a charitable institution or an association established for community services purposes.

The ultimate outcome of that application for a private ruling was that the VWL would lodge income tax returns claiming that it was exempt, the ATO would reject those claims and the matter would be decided by a Court. The ATO agreed to fund the case in accordance with its Test Case Funding Program.

As agreed, VWL lodged its income tax returns for the years ended 30 June 1997 through to 30 June 2001 and claimed income tax exempt status. The ATO rejected the VWL's claims that it was a charitable institution, a public educational institution or an association established for community services purposes and issued the VWL with amended assessments which the VWL objected to. The decisions on those objections ultimately ended up before the Court.

## THE HEARING

The case was heard over 4 days in the Federal Court in October 2007 before his Honour Justice French.

The VWL contended that it fell within the category of a charitable institution having been established for a purpose beneficial to the community. That community was identified as either the public as a whole, alternatively the Victorian legal profession or Victorian women in the law.

In response to the ATO's decision on the VWL's objections, the VWL submitted that it was not an association that benefited only its members. The only evidence of benefit received by members, as opposed to non-members was the Journal Portia and, on occasion, discounted entry fees to seminars and functions.

Further the VWL submitted that, to the extent that any of its purposes could be regarded as political or lobbying, they were incidental to its principal objects and the VWL would not be eviscerated if any reference to legislative change were removed from its constituent documents.

Alex Richards QC and Karen Streckfuss for the VWL put the VWL's case to French J first and painstakingly took French J through large amounts of evidence in support of VWL's contentions.

The case prepared by Counsel and VWL's solicitors, Freehills was extensive. Due to her involvement with the VWL from its inception,

Alex Richards QC was able to draw on her own knowledge and relationships with past VWL convenors in order to provide French J with a picture of the activities of the VWL.

Whilst French J was required to consider the rules and objects of the VWL, the picture painted by Senior Counsel allowed French to see what it is that VWL actually do and what it did in those years. Evidence was given by each of the convenors of

the VWL throughout the years in dispute about the activities and projects undertaken by the VWL under each of their convenorships and this evidence is outlined comprehensively in the judgement. Former Chief Justice of the Supreme Court of Victoria, His Honour JH Phillips AC and Deanne Weir gave evidence about the formation of VWL. Kris Will also gave evidence about presentation and research conducted by the VWL. John Corcorane, a former Law Institute of Victoria ("LIV") President also gave evidence about the formation of the VWL and its relationship with the VWL.

French J found that the activities evidenced in Court were broadly in accordance with its objects during the relevant years.

The ATO put its case to the Court in half a day. The ATO contended that the VWL was not a charitable institution and that

<sup>1</sup> Section 144 Evidence Act 1995 (Cth)

not all purposes which are beneficial to the public are in fact charitable. It argued that to be exempt on the grounds of purposes beneficial to the community, the VWL must be of direct and general benefit to the public. The mere fact that it is for purposes which may tend to be of general public utility would not be sufficient. It argued that the activities of the VWL fell into the following classifications

- > Professional and social networking
- > Continuing professional development
- > Improvement of entry and advancement opportunities for women lawyers in the legal profession
- > Increased awareness of the contribution of women to the practice and development of the law
- > Advancement of women's rights/justice
- > Participation in law reform and matters of interest to the legal profession
- > Other activities not otherwise classified.

The ATO argued that the absence of a direct public benefit was

**"THE CASE WAS HEARD OVER 4 DAYS IN THE FEDERAL COURT IN OCTOBER 2007 BEFORE HIS HONOUR JUSTICE FRENCH."**

said to be evident from the objects of VWL directed to the provision of a meeting ground for women lawyers, their continuing education and development and providing for their entry and advancement within the legal profession.

The ATO finally contended that VWL's object to work towards the reform of the law was not charitable and was more than merely ancillary to the main objects.

As outlined above, French J disagreed with the ATO and found for the VWL that it was a charitable organisation entitled to income tax exemption. Whilst French J found for the VWL on the matter of it being a charitable institution and therefore exempt from income tax, His Honour did not reach a conclusion as to whether the purposes of the VWL were established for community service purposes and given his decision that VWL was a charitable institution it was not necessary for him to do so.

At the time of the writing of this article the Commissioner had not lodged an appeal. *11 July 2008*

## PRESIDENTS REPORT

FIONA MCLEOD

This year I have had many opportunities on behalf of AWL to be involved in a number of national and local activities and to contribute to discussion of issues of concern to women lawyers and lawyers generally.

The participation and advancement of women in the profession remains a key issue for the Board particularly in private practice and at the bars.

On a number of occasions I have been asked to comment in the press on the representation of senior women in the profession and on the bench. In June I wrote an article appearing in *The Australian*, noting that while a few firms were leading the way in terms of the number of women equity partners, the rest are languishing behind. Given that the business case for the retention and promotion of women has been well established for a number of years, the lack of progress is discouraging. I called upon firms to commit themselves to reaching a benchmark of 30% women equity partners within three years. Many firms are capable of reaching this target with a serious commitment to supporting equal opportunity policies and flexible working arrangements. Others will need radical cultural change.

Since our last newsletter AWL has nominated women for appointment to the Federal Magistrates Court, the Federal Court, the High Court and for the position of the President of HREOC. AWL supports broad consultation by the commonwealth and state attorneys general in relation to judicial appointments and we appreciate our inclusion in the process.

I have very much enjoyed the opportunity to attend a number of functions to celebrate the achievements of women lawyers. The first of these was in Victoria, the Women Barristers Association dinner in December last year. Then our board meeting in March in Perth coincided with a wonderful dinner to celebrate local women lawyers. I am looking forward to similar celebrations in Sydney at the end of July, in Brisbane in September and in Hobart before the end of the year.

## MARY GAUDRON RECEPTION FOR NEW WOMEN SILKS

On the welcome to new Silks at the High Court in Canberra on 29 January 2008, Justice Michael Kirby hosted the traditional Mary Gaudron reception for the new women Silks.

(1) Justice Kirby is pictured here with the new Silks (with Anna Katzmann SC, President of the NSW Bar Association and Kate MacMillan SC), on the balcony of his Honour's Canberra Chambers



(1)



(1) Mary-Ann Ryan, Olivia Perkiss and Fiona McLeod at face-to-face (2) Fiona McLeod SC, members of Scarlet Alliance and Jennifer Byrne of the Anti-Slavery Unit (3) Leonie Kennedy and Kym Duggan, Attorney-General's Department at the Commonwealth Attorney General's human rights forum in Canberra. (4) Attorney-General Robert McLelland with Fiona McLeod SC at the Commonwealth Attorney General's human rights forum in Canberra

We are excited to report to members that the Law Council has recently approved funding for a national gender appearance survey to be conducted by the Equalising Opportunities in the Law Committee and AWL jointly. The survey will refine the methodology of our 2005 survey and cover all States and territories. This is a major project that will need the support of the superior courts and the staff of those Courts. We look forward to contributing to this important project.

We are also reviewing our website. The address has now changed – so please change the address in your favourites menu - to [www.australianwomenlawyers.com.au](http://www.australianwomenlawyers.com.au). In time we hope to unveil an exciting new website providing easy access to historical and current projects and news of upcoming events.

## SECOND AWL CONFERENCE 'CREATING JUSTICE' 12-14 JUNE

Inspired by the call to action of our patron, The Hon. Mary Gaudron QC, we held our second biannual conference in Melbourne in June with papers and presentations focusing on the theme "Creating Justice". Mary urged us to get out and create justice – to contribute through research and debate, through cases and argument to the development of the common law in the search for justice. We were inspired by some wonderful speakers including our new patron Chief Justice Diana Bryant, New Zealand Chief Justice Sian Elias and our dinner speaker Judge Liz Gaynor. The conference was opened in the beautiful Supreme Court library by Chief Justice Marilyn Warren and Victorian Attorney Rob Hulls. Thanks must go to the many wonderful judges and lawyers who contributed to the program leaving us challenged and enthusiastic for more. So watch this space – the next conference will be held in Brisbane 2010!

The conference also produced for the first time a conference communique. Before the conference a document expressing policy objectives consistent with AWL's objectives was circulated in draft to each of the constituent bodies for input. Through the session papers and discussions and in many informal discussions during the course of the conference I received many valuable contributions and suggestions. At the final session our document was endorsed unanimously by the conference and adopted as AWL policy by the Board at our meeting the following day. And we have already seen results! The communique has attracted the interest of policy makers within AGs, the Office of Women and from a number of NGOs working to support women nationally and internationally. A copy of the communiqué is reproduced in the back of this *Themis*.

Conferences cannot take place without the dedicated contribution of our wonderful conference committee led by our extremely capable conference co-coordinator and dinner MC, board member Brooke Dellavedova. Nor can they happen without the support of our sponsors. We express our appreciation for all

our sponsors, in particular LexisNexis and the Attorney General's Department.

## AWL CONTRIBUTION TO LAW REFORM AND POLICY DEVELOPMENT

The range of our activities in this area has been unprecedented, largely encouraged by a receptive commonwealth attorney general and a rush of new policy ideas. I have very much enjoyed this aspect of the work and my discussions with various department executives and policy advisors.

AWL has been asked to contribute to a large number of government inquiries and policy discussions touching on the role of women, the protection and empowerment of women nationally and internationally.

In April I had the opportunity to attend the 2020 Summit and participate in the stream focusing on the future security and prosperity in the region and the world. I met many wonderful participants at the summit and am satisfied that issues of gender equality and the empowerment of women, human rights and the

rule of law were well represented in the final summit document. A personal highlight of the summit for me was being asked to facilitate a session on international law and human rights on the second day, having the PM wander in to our session and contribute to the discussion.

Leonie Kennedy and I attended the Commonwealth Attorney General's human rights forum in Canberra in April, an annual forum to encourage dialogue between

NGOs and the department and the exchange of ideas. We had the opportunity to raise issues concerning the Sex Discrimination Act, the commonwealth equal opportunity briefing policy and the implementation of a national action plan as contemplated by UN Security Council Resolution 1325.

I also attended a forum in Melbourne in May conducted by the Office of Legal Services on commonwealth tendering and the operation of the legal services directions. I am delighted the government has decided to adopt our recommendation to amend the legal services directions and mandate the reporting of government briefing to counsel by gender in terms of the number of briefs and fees paid. Previously this policy has been voluntary and complied with for about 25 per cent of government expenditure. The amended policy will permit the collation of accurate data on the briefing of women barristers and may lead point to the need for the adoption of targets in the future.

AWL was also invited to attend a joint roundtable on human trafficking in Canberra convened by Ministers for Home Affairs and Office of Women. I spoke about the failures of prosecutions for sex slavery in Australia, giving examples of jury charges in those trials and spoke in favour of judicial education on the impact of human trafficking. I also raised the issue of protection visa reform. I enjoyed working with NGOs including the Anti-

**"LEONIE KENNEDY AND I ATTENDED  
THE COMMONWEALTH ATTORNEY  
GENERAL'S HUMAN RIGHTS FORUM  
IN CANBERRA IN APRIL, AN ANNUAL  
FORUM TO ENCOURAGE DIALOGUE  
BETWEEN NGOS AND THE DEPARTMENT  
AND THE EXCHANGE OF IDEAS."**

Slavery Unit and Scarlet Alliance and with Elizabeth Broderick, the Sex Discrimination Commissioner to produce a program of recommended visa reforms consistent with our conference communique. Whilst in Canberra I also attended a demonstration by Scarlet Alliance at the Cambodian embassy protesting against new trafficking laws that has resulted in the detention and abuse of sex workers in Cambodia in the guise of dealing with human trafficking concerns.

In June AWL prepared and submitted our preliminary submission on a paid parental leave scheme. Special thanks to Lee-May saw for her work on this submission.

We have made submissions on accession to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), considered submissions on the Conventions on Torture and Rights of the Child. Further work is underway on the Senate Committee review of the Sex Discrimination Act and the House of Representatives inquiry into pay equity and defence white paper.

AGM – 13th September, Brisbane

Our AGM was held on 13 September in Brisbane, this was an opportunity to reflect on the year and set the agenda for the year ahead. Remember you are a member of AWL automatically if you are a member of your state or territory constituent body.

## JUDICIAL APPOINTMENTS

KERRY CLARK

In February, the first female justice of the Supreme Court of the Australian Capital Territory, Her Honour Justice Hilary Penfold was sworn in. AWL warmly welcomes Her Honour's historic and worthy appointment. In other "firsts", the ACT also appointed its first woman silk, Ms Louise Donohoe of Blackburn Chambers in July.

Justice Virginia Bell was appointed to the Supreme Court of NSW, Court of Appeal. Justice Jayne Jagot will commence as a Justice of the Federal Court of Australia (Sydney Registry) in September. Megan Davis, Mary Edmunds, Judith Fakes, Rhonda Jacobsen and Prof. Sharon Sullivan were all appointed Acting Commissioners of the Land & Environment Court of NSW.

Judges Christine Thornton and Jane Patrick and Acting Judge Barbara Cottrell were all appointed to the County Court of Victoria.

On 28 March 2008, Justice Leanne Clare was appointed a Judge of the District Court of Queensland, and in 28 July 2008, Kay Ryan

**"AROUND AUSTRALIA, NUMEROUS WOMEN WERE APPOINTED TO THE MAGISTRACY, LOCAL COURTS AND SPECIALIST TRIBUNALS - WE CELEBRATE THIS FACT AND LOOK FORWARD TO THE DAY WHEN FEMALE APPOINTMENTS TO OUR HIGHEST COURTS ARE SIMILARLY COMMONPLACE."**

(a founding AWL Director) was appointed a Magistrate of the Magistrates Court of Queensland.

Around Australia, numerous women were appointed to the Magistracy, local courts and specialist tribunals - too many to list here. However, we celebrate this fact and look forward to the day when female appointments to our highest courts are similarly commonplace. Congratulations to all these women for accepting these important roles in our justice system.

## MATERNITY LEAVE SUBMISSION

LEE-MAY SAW

On 2 June 2008, Australian Women Lawyers made a written submission to the Productivity Commission Inquiry into Paid Maternity, Paternity and Parental Leave.

The submission was adopted by the Women Lawyers Association of the ACT, Victorian Women Lawyers, and the Women Lawyers' Association of New South Wales. The position on paid parental leave put in the submission was further endorsed in the Communiqué document approved at the AWL Second National Conference and adopted by the AWL Board two weeks later.

In the submission AWL calls for a universal scheme of paid

**"IT IS THE POSITION OF AWL THAT ALL EMPLOYEES SHOULD BE ENTITLED TO THE PROPOSED UNIVERSAL SCHEME OF PAID PARENTAL LEAVE ON THE COMPLETION OF 12 MONTHS OF CONTINUOUS SERVICE WITH AN EMPLOYER,"**

parental leave to be introduced in two stages that can be summarised as follows:

### STAGE 1

- > 14 weeks of government funded paid parental leave at the federal minimum wage, 12 weeks of employee and employer funded paid parental leave at the federal minimum wage, and 26 weeks of unpaid parental leave, for all employees;
- > 26 weeks of government funded paid parental leave at the federal minimum wage, and 26 weeks of unpaid leave, for all persons who are self-employed.

### STAGE 2

- > 28 weeks of government funded paid parental leave at the federal minimum wage, and 24 weeks of employee and employer funded paid parental leave at the federal minimum wage, for all employees;
- > 52 weeks of government funded paid parental leave at the federal minimum wage, for all persons who are self-employed.

It is the position of AWL that all employees should be entitled to the proposed universal scheme of paid parental leave on the completion of 12 months of continuous service with an employer, and that all persons who are self employed should be entitled to the universal scheme of paid parental leave regardless of how long they have been self-employed.

In relation to legislative reform, AWL's written submission to the Productivity Commission's Inquiry calls for:

- > The ratification of Article 11.2 of the United Nations Convention on the Elimination of all Forms of Discrimination Against Women (1979), and of ILO Convention 183, Maternity Protection (2000); and
- > Amendments to the Workplace Relations Act 1996 (Cth) and Sex Discrimination Act 1984 (Cth).

The full written submission is available at the new AWL website address [www.australianwomenlawyers.com.au](http://www.australianwomenlawyers.com.au).

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## **AWL CONFERENCE JUNE 2008 FINAL CONFERENCE COMMUNIQUE**

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The objects of Australian Women Lawyers (AWL) are to:

- achieve justice and equality for all women;
- further understanding and support for the legal rights of all women;
- identify, highlight and eradicate discrimination against women in the legal system and in the community generally;
- advance equality for women in the legal profession; and
- create and enhance awareness of women's contribution to the practice and development of law.

AWL is concerned to eliminate both direct and indirect discrimination against women in the legal system and the administration of justice so that the legal system is more responsive to women's needs. AWL recognises the special vulnerability of women in society.

THIS CONFERENCE REAFFIRMS our commitment to achieving those objects through domestic and international measures and to the promotion of gender equality in domestic and foreign policy and REAFFIRMS our commitment to supporting international institutions and the international rule of law.

WE EXPRESS OUR SUPPORT for the following measures

### **DOMESTICALLY**

- The introduction of a **statutory or constitutional bill of rights**
- Constitutional recognition of the **standing and prior occupation of Australian lands, territories and surrounding waters** by Aboriginal and Torres Strait Islanders.
- The introduction of **universal maternity leave** which recognises the health and social benefit of at least six months maternity leave during early childhood which contemplates in the first stage:
  - an initial 14 weeks fourteen weeks of government funded paid parental leave at the federal minimum wage
  - thereafter 12 weeks of employer and employee funded paid parental leave at the federal minimum wageafter twelve months continuous service and
  - in the case of self-employment, 26 weeks of government funded paid parental leave at the federal minimum wage
  - thereafter optional unpaid leave of a further six months with guaranteed return to work at equivalent status

and in the second stage:

- 28 weeks fourteen weeks of government funded paid parental leave at the federal minimum wage
- thereafter 24 weeks of employer and employee funded paid parental leave at the federal minimum wage

after twelve months continuous service and

- in the case of self-employment, 52 weeks of government funded paid parental leave at the federal minimum wage
- thereafter optional unpaid leave of a further six months with guaranteed return to work at equivalent status

together with

- paternity, adoption and compassionate leave policies to support these objectives
- industrial relations reform strengthening the right to return to work to equivalent status after pregnancy, child birth and adoption leave
- industrial relations and discrimination law reform to strengthen laws prohibiting discrimination on the grounds of current parental status including pregnancy and future intentions
- the introduction of tax incentives for saving plans to be applied towards optional parental leave and contributed to superannuation in the event they are not taken up
- measures to encourage breastfeeding for a minimum of six months from birth
- flexible work place arrangements upon return to work

and in support of such policies

- Australia immediately ratify Article 11.2 of the United Nations Convention on the Elimination of all Forms of Discrimination Against Women (1979) and ILO Convention 183, Maternity Protection (2000).
- The Workplace Relations Act and Sex Discrimination Act be amended as required
- The amendment of taxation legislation as necessary and equitable to make **child care tax deductible**
- The implementation of **measures to achieve pay equity** for women
- The implementation of a **National Action Plan for Women** in accordance with Security Council Resolution SCR1325 October 2000 recognising that international peace and security are advanced when women are included in decision-making and when they contribute to peace-building.
- Increased attention on the **elimination of domestic and sexual violence** and the protection of victims of crime in the community and as complainants in civil and criminal litigation and with a particular focus on violence against Aboriginal and Torres Strait Islander women
- Review the provisions of the **Sex Discrimination Act** including an immediate amendment to ensure the availability of indirect discrimination on the ground of family responsibilities and the full range of remedies on this ground.
- Development of specific goals designed to **improve the financial literacy of women across the community.**

- The implementation of measures seeking to advance the **representation of women** including Aboriginal and Torres Strait Islander women and women from culturally and linguistically diverse backgrounds in senior decision making roles in policy making, public and private enterprise including law firms, the bars and the judiciary and aiming to meet the UN target of at least thirty per cent representation within the next decade and including:
  - The development of transparent criteria and broad consultation policies for the **appointment of judicial officers**
  - Improvement of existing **equal opportunity briefing policies** to introduce and monitor reporting mechanisms and briefing targets
  - The development of policies designed to encourage **flexible working conditions** for men and women
- Commitment to proper funding of legal aid schemes in civil and criminal jurisdictions and take steps to better co-ordinate the provision of pro-bono legal services.
- Support for specific measures to ensure **representation of Aboriginal and Torres Strait Islander women** in decision making roles at community and national level
- Commitment to consultation and re-engagement with Indigenous communities and in particular Indigenous women and to **review the Northern Territory 'intervention legislation'** and similar legislation and programs in other States with particular focus on the impact of:
  - the operation of the provisions of the **Racial Discrimination Act**
  - **conditional welfare** payments
  - **privacy** and the preservation of information communicated in confidence
  - the restoration of **rights of administrative review**
  - **punitive measures** and disincentives
  - restoration of **land rights**
- Commitment to implement the recommendations of the *Little Children Are Sacred Report* and the *Bringing them Home Report* including consideration of a **national compensation scheme** for the stolen generation.
- Review the **incidence of removal** of Aboriginal and Torres Strait islander children and placement with non-family and non-indigenous members and introduce measures to address unequal treatment.
- Reform Australia's **immigration policies**
  - review the system of mandatory immigration detention by providing for release of asylum seekers to the community at the earliest opportunity
  - Create a new '**complementary protection**' visa category to protect non-citizens from being returned to torture
  - Amend **criminal justice protection visas** to enable non-citizens trafficked into Australia to access health, welfare and legal services upon an offer of assistance to law enforcement agencies rather than provision of 'useful information'
  - **Amend Bridging Visa F** to comply with Australia's international human rights obligation not to subject people to 'degrading treatment'
  - **Amend the family reunion provisions** to ensure that the rights of children who are adopted and their family members are respected

## INTERNATIONALLY

- (1) Create an **Ambassador for Women** working domestically and internationally within the office of the Prime Minister with access across portfolio responsibilities including Foreign Affairs, Attorney-General's and the Office of the Status of Women and advising on issues impacting on women's status and wellbeing in Australia and internationally.
- (2) The introduction of measures designed to achieve **millennium development** goals, to predict and respond to the breakdown of civil and legal protections of women including domestic and state sanctioned violence and to improve the health, wellbeing and legal protection of women.
- (3) Introduce **international impact statements** for all domestic policy initiatives with international implications
- (4) Sign and implement **international convention optional protocols**:
  - the UN Convention on the Rights of Persons with Disabilities;
  - the UN Convention for the Elimination of All Forms of Discrimination against Women
  - the UN Convention on the Rights of the Child
  - the UN Convention against Torture
  - the International Covenant on Economic, Social and Cultural Rights.
- (5) **Support and implement the UN Declaration on the Rights of Indigenous Peoples** and the ILO Convention on the Rights Of Indigenous and Tribal People 169.
- (6) Support and actively participate in the **strengthening of the UN bodies** the Human Rights Council, The UN High Commissioner for Human Rights, the Commission for the Status of Women and the delivery of UN gender equality work including the gender equality architecture reform proposal to achieve gender equality and empowerment of women through properly resourced institutions.
- (7) Build supports for the rule of law in the region by **establishing technical assistance programs for law schools and legal training** particularly in Cambodia, Laos, Myanmar, Mongolia, Bangladesh and the Pacific Islands.
- (8) Remove the ban on **reproductive rights** aid and change the emphasis in reproductive rights from abstinence to health in the delivery of aid.

## MILLENNIUM DEVELOPMENT GOALS

The Millennium Development Goals (MDGs) were developed out of the eight chapters of the United Nations Millennium Declaration, signed in September 2000. The 8 goals and 21 targets include:

- Eradicate extreme poverty and hunger
  - > Halve, between 1990 and 2015, the proportion of people whose income is less than one dollar a day
  - > Achieve full and productive employment and decent work for all, including women and young people
  - > Halve, between 1990 and 2015, the proportion of people who suffer from hunger
- Achieve universal primary education
  - > Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling.
- Promote gender equality and empower women

- > Eliminate gender disparity in primary and secondary education preferably by 2005, and at all levels by 2015.
- Reduce child mortality
  - > Reduce by two-thirds, between 1990 and 2015, the under-five mortality rate
- Improve maternal health
  - > Reduce by three quarters, between 1990 and 2015, the maternal mortality ratio.
  - > Achieve, by 2015, universal access to reproductive health
- Combat HIV/AIDS, malaria, and other diseases
  - > Have halted by 2015 and begun to reverse the spread of HIV/AIDS.
  - > Achieve, by 2010, universal access to treatment for HIV/AIDS for all those who need it.
  - > Have halted by 2015 and begun to reverse the incidence of malaria and other major diseases.
- Ensure environmental sustainability
  - > Integrate the principles of sustainable development into country policies and programmes; reverse loss of environmental resources.
  - > Reduce biodiversity loss, achieving, by 2010, a significant reduction in the rate of loss
  - > Halve, by 2015, the proportion of people without sustainable access to safe drinking water and basic sanitation (for more information see the entry on water supply).
  - > By 2020, to have achieved a significant improvement in the lives of at least 100 million slum-dwellers
- Develop a global partnership for development
  - > Develop further an open trading and financial system that is rule-based, predictable and non-discriminatory. Includes a commitment to good governance, development and poverty reduction—nationally and internationally.
  - > Address the special needs of the least developed countries. This includes tariff and quota free access for their exports; enhanced programme of debt relief for heavily indebted poor countries; and cancellation of official bilateral debt; and more generous official development assistance for countries committed to poverty reduction.
  - > Address the special needs of landlocked and small island developing States.
  - > Deal comprehensively with the debt problems of developing countries through national and international measures in order to make debt sustainable in the long term.
  - > In cooperation with pharmaceutical companies, provide access to affordable essential drugs in developing countries.
  - > In cooperation with the private sector, make available the benefits of new technologies, especially information and communications

**FURTHER INFORMATION:**

Federal Office for Women Action Plan on Gender and Development

[http://ofw.facs.gov.au/equality/gender\\_equality/action\\_plan\\_gender\\_development.htm](http://ofw.facs.gov.au/equality/gender_equality/action_plan_gender_development.htm)

Work of the Sex Discrimination Commissioner

[http://www.hreoc.gov.au/sex\\_discrimination/index.html](http://www.hreoc.gov.au/sex_discrimination/index.html)

UN Millennium Development Goals

<http://www.un.org/millenniumgoals/>

End poverty campaign

<http://www.endpoverty2015.org/>

UN High Commissioner on Human Rights

<http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>

Commonwealth Ministers Responsible for Womens Affairs Meeting New Delhi 2000 <http://www.thecommonwealth.org/Templates/Internal.asp?NodeID=35244>

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## **STOP PRESS**

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At the time of printing our new board has been appointed. Congratulations to new president, Georgia McMaster, and new Vice President, Olivia Perkiss. Welcome also to new Board members Kim Knights(VIC WBA) and Chris Melis(VWL)!

**Themis Themis Themis  
Themis Themis Themis T  
Themis Themis Them**