



Retirement of Justice Mary Gaudron, AWL Patron

"Women who succeed are just ordinary women. Ordinary women are every bit as good as the extraordinary man"

So rang out the words of Justice Mary Gaudron in her speech delivered at her Retirement Reception on 25 January 2003. Justice Gaudron has been the Patron of Australian Women Lawyers since our inception in 1997. It was fitting therefore that upon her retirement from the High Court of Australia, AWL host a function to celebrate the contribution that Her Honour made to the law and to the inspiration that she gave to women lawyers around the country.

Mary Gaudron has achieved a number of "firsts" in her career in the law. She was the youngest person appointed as Deputy President of the Conciliation and Arbitration Commission, the first woman to take silk in New South Wales, the youngest person appointed as Solicitor-General of NSW and the first woman to be appointed to the High Court of Australia. Despite her long list of achievements, Her Honour described herself as an "ordinary woman".

Ruth McColl SC (a former AWL Vice-President and now a Justice of the NSW Court of Appeal), commented on Justice Gaudron's contribution to the law at the time of her retirement, "I think she has had an extraordinary humanising effect of the law; the strong views she expresses in cases involving discrimination and like issues are very influential and important in the development of the law in those areas. As a woman lawyer she has brought, too, a particular intelligence and an insight into women's issues, which has been important in the development of the law since she has been on the High Court."

Held on a hot, windy evening in Sydney, the AWL Retirement Reception for its Patron was attended by family, friends, colleagues and admirers of Justice Gaudron, all of whom danced, drank and ate the night away! Co-hosted by the Women Lawyers' Association of New South Wales, the event was a great success. As Her Honour remarked, "it has been the best party I have ever had"

President of AWL, Dominique Hogan-Doran presented Justice Gaudron with a retirement gift on behalf of AWL – a brooch designed by jeweller John Tarasin. Her Honour refused to accept the gift for herself, announcing that



she will pass the brooch on to the next woman appointed to the High Court of Australia, ensuring that the brooch becomes a symbol of women lawyer achievement into the future. Justice Gaudron wore the brooch proudly on her last day on the Bench.

In addressing the crowd, Justice Gaudron said that she has been asked by many people 'Why did you retire?' Her response – "Well, the truth is, the best chance of getting a second woman on the High Court was for me to go.So, we muffed it". She did go on however to comment, "The next appointment to the High Court will certainly be a woman. There will be women and there must be women, because we do make a difference".

Justice Gaudron paid tribute to "all the women who went before" and in particular Dame Roma Mitchell. She recalled that Dame Roma attended a women lawyers lunch in Sydney in the 1960's, which Her Honour also attended. She remarked on the admiration and inspiration that Dame Roma gave to women lawyers of that time and "...well, she was like everybody's aunt. Now I am probably like everyone's grandmother". She also thanked young women lawyers whom she said "have a lot of courage, grit and determination". She encouraged all women lawyers to "keep applying, keep fighting, as the battle is far from won".

She thanked AWL for organising the party, but "more importantly, for organising women lawyers and for working to make a difference".

Wendy Kayler-Thomson
Vice President



L-R Jennifer Batrouney SC, Megan Dixon, Justice Mary Gaudron, Noor Blumer, Dominique Hogan-Doran, Wendy Kayler-Thomson.

Themis:

The personification of law, is the first wife of Zeus. By him she has Dike (justice), Eirene (peace) and Eunomia (good order - Eu signifies good; nomia is the feminine personification of nomos, meaning law).

In the early 6th Century BC, in Athens, the politician and lawgiver Solon wrote poetry about his conception of Eunomia, instilled in Themis and praised Eunomia thus:

*Eunomia creates order and harmony in all things,
And at the same time puts chains on the unjust.
She makes rough things smooth, checks excess, dims pride
And withers the budding bloom of revenge.
She straightens crooked judgments, softens arrogant behaviour,
Stops acts of sedition, and puts an end to the
Anger of bitter strife.*

President's Report

AWL is the peak body of the women lawyer associations around Australia (www.womenlawyers.org.au/membership.htm). We exist to agitate on matters relating to the practice and advancement of women in the legal profession and a wide range of legal, social justice and equity issues affecting women and children.

Strengthening Constituent Bodies

AWL aims to facilitate and enhance the exchange of ideas and information both between our constituent bodies and with other national legal bodies. Projects that AWL is currently promoting within our constituent bodies include mentoring schemes, practitioner directories, model EO policies implementation, pay equity surveys, flexible work practices development and child care initiatives.

AWL has recently obtained a permanent seat on the national Law Council's Equalising Opportunities in the Law Committee (www.lawcouncil.asn.au). AWL is also represented on the Board of the National Women's Justice Coalition (www.nwjc.org.au) and helps oversee the Australian Virtual Centre for Women and the Law (www.nwjc.org.au/avcwl) that maintains the group email lists used by our constituent bodies. AWL also participates in consultations with other Non-Government Organisations (NGOs) with the Federal Office of Status of Women (www.osw.dpmc.gov.au) in addition to our frequent consultations with the Federal Attorney-General and his Department (www.ag.gov.au).

Workings of the Board

The Board of AWL meets by teleconference every third Thursday night and face-to-face (in rotating capital cities) at least twice a year. The next in person Board meeting will be held in Sydney on 20 September 2003. The Board keeps in touch day-to-day via our own email discussion list, which we use to discuss breaking issues and approve public statements by the President on behalf of AWL. A Directors' Protocol has been developed which assists Board members in fulfilling their statutory and fiduciary obligations as well as promoting regular reporting back to constituent bodies. If you would like an issue addressed by the Board, you can email us at awlawyer@ozemail.com.au or approach your local WLA President, who has observer status on the Board's email list. During 2003 the board has for the first time established a series of sub-committees and taskforces to target particular issues. These committees are each chaired by AWL directors and draw together women from Australia with expertise in areas including: Regulatory Issues, Work Practices, Briefing Practices, Legislative Review, Appointments and Leadership, and History of Women in the Profession.

The Board has prioritised a number of projects for 2003:

Promoting Women Practitioners

AWL has developed a new section of our website – Find a Woman Lawyer – to enable clients to find and access women lawyers around Australia (see www.womenlawyers.org.au/find_a_woman_lawyer.htm). AWL also plans to develop a national Women Barristers Directory (www.womenbarristers.com.au) and auspice the Australian Women Barristers' Network (www.womenbarristers.org.au).

Model Briefing Policy

A Model Briefing Policy has been developed with our constituent body the Victorian Women Barristers Association in response to the findings of the 1998 Victorian Bar Equal Opportunity Report (see www.vicbar.com.au/2_6_3.html). The central objective of the Policy is to promote non-discriminatory briefing practices. Chief Justice Michael Black

endorsed the need for action in a speech in 2000 (see www.vicbar.com.au/5_2_15.html) and has been active in promoting the judiciary's acceptance of the Model Briefing Policy to the profession. The policy has since been adopted in the Victorian Government's Legal Tender Requirements and AWL is working with its constituent bodies to promote adoption by the Federal and other State and Territory Governments.

In addition, AWL is developing with the NSW Bar's EO Committee Model Briefing Terms for inclusion in the solicitor-client retainer and developing workshops for practitioners in relation to briefing practices. Women barristers interested in participating in the working party should email awlawyer@ozemail.com.au.

Model Conduct Rules

AWL can give you preliminary assistance if you need help concerning a discrimination or harassment problem you may be experiencing at work. (www.womenlawyers.org.au/discriminationhelp.htm). AWL is working with the Law Council to ensure further amendments to the Model Conduct Rules to incorporate uniform rules on harassment and discrimination in the profession.

Flexible Work Practices

AWL will continue with its work on promoting paid maternity leave within the legal profession, which grew out of our submissions to the HREOC Pregnancy and Work Inquiry in 2002. Additionally, we will again lobby the Federal Government on tax deductibility of child care expenses and fee relief in respect of association membership and insurance costs for part-time practitioners. (<http://www.womenlawyers.org.au/current.htm> for more links).

Judicial Appointments Protocol

During 2003, AWL continues to push for the adoption of a transparent judicial appointments protocols by each of the Federal and State Attorneys-General and promote women jurists for specific upcoming appointments. Notwithstanding the acknowledged difference and contribution women make to the administration of justice, there is no gender equity on the Bench in Australia by any means. Nationally women make up about 15% of our superior courts – which in crude terms is only some 38 out of about 250 senior judges nationally.

AWL believes that there are many Australian women jurists who in any fair assessment of their integrity, their wisdom, their intellect and their judgement, meet any objective "merit" assessment for judicial appointment. The Board continues to actively seek out and promote women candidates for senior judicial office.

AWL will also be continuing our project to promote part-time magistrate and judicial appointments to encourage more women with dependent care responsibilities to apply and be accepted to those positions.

Dominique Hogan-Doran

President, Australian Women Lawyers

Australian Women Lawyers wishes to acknowledge the generous support of
MALLESONS STEPHEN JAQUES

AWL Board Members



President – Dominique Hogan-Doran

Dominique is a commercial/equity barrister practicing from Wentworth Chambers in Sydney, NSW. She was President of the Women Lawyers Association of New South Wales from 1999 to 2001. She has been a member of the NSW Bar Association's Equal Opportunity Committee since

1999 and a Director of the National Women's Justice Coalition since 2000. Prior to commencing at the Bar in 1995 she worked at Malleson Stephen Jacques in Sydney and was Research Director to Chief Justice Murray Gleeson (then of the Supreme Court of New South Wales). She graduated with First Class Honours in Law from the University of Sydney and the University of Oxford, where she was the Menzies Scholar. Dominique has three young children and is married to a lawyer.



Vice President – Wendy Kayler-Thomson

Wendy is an accredited family law specialist and a partner at the Melbourne firm, Aitken Walker and Strachan. She has been involved with Victorian Women Lawyers since its inception in 1996 and in 2001 was VWL Convenor. Wendy has been actively involved in many of VWL's projects aimed to raise the profile of women lawyers, to stem the tide of women leaving the profession and to enhance their participation at the high levels. Wendy has law and commerce degrees from the University of Melbourne and a Masters of Laws from Monash University.



Secretary – Juanita O'Keefe

After completing her law degree in 1993 in Tasmania, Juanita moved to Sydney, completed the legal practice course and was admitted to practice in 1994. She worked at Turner Freeman in the personal injury practice group acting for plaintiffs. In 1995 Juanita returned to Tasmania

and is currently an associate with Dobson Mitchell & Allport, Barristers & Solicitors. She practises in the areas of insurance litigation, public liability and workers compensation. Juanita has been involved in the Tasmanian Women Lawyers Association for the past 7 years and was President in 1999 and 2000.



Treasurer – Noor Blumer

Originally from Western Australia, Noor attended the University of Western Australia and studied Arts, before moving to Griffith in NSW to study law by correspondence through the SAB. Noor spent 7 years working for DEET in Griffith, studying law by correspondence, had four children along the way and was finally admitted in 1992. After several years in general practice specialising in litigation, Noor became a partner of Cater & Blumer Solicitors in 1998. At the time she was the first ever female partner of a law firm in the Riverina Law Society. Noor subsequently moved to Canberra and since 2000 has been a partner in Blumers Personal Injury Lawyers with her husband Mark Blumer. Noor has been president of the Women Lawyers Association of ACT for the past two and half years.



Narelle Johnson QC

Narelle studied law at the University of WA graduating with the degrees of B Juris (Hons), LLB and LL.M. She commenced employment with the Crown Solicitor's Office in 1983 attaining the position of Senior Assistant Crown Counsel before joining the independent Western

Australian Bar in 1994, practicing in the areas of general civil and commercial litigation. Narelle was appointed Queen's Counsel in 1998 and President of the Equal Opportunity Tribunal in 2001. From 1998-2000 she was President of Women Lawyers of Western Australia.



Jennifer Batrouney SC

After a four year stint in the Corporate Division at Blake Dawson Waldron, Jennifer signed the Victorian Bar roll in May 1991. Since that time she has specialised in tax and superannuation. Jennifer had two sons while at the Bar who are now 7 and 9 years old. She was a founding member of the Women Barristers Association in Victoria. Jennifer took Silk in November 2000, just after her 37th birthday, making her one of the youngest silks ever. Jennifer has enjoyed the challenge of being a member of the Inner Bar and the opportunity it offers to mentor other younger women at the Bar.



Jane Knowler

Jane is a law lecturer at Flinders University of South Australia. Her principal areas of teaching/research include Property, Equity, Remedies and Feminist Jurisprudence. Jane was admitted to practice in South Australia in 1990 and practised in commercial law – both general and litigious. She joined the Women Lawyers' Association of South Australia in 2002 and currently holds the position of Secretary.



Sandra Robinson

Sandra studied law part time, whilst working in the IT Industry in the Northern Territory Government. She completed her law degree in 1999 and worked as a legal officer in the NT Government, in the areas of Health and Correctional Services. Sandra is now a commercial lawyer with Hunt & Hunt, mainly involved in leasing, contracts, property transactions, and probate. She has been involved in the Northern Territory Women Lawyers Association since 2000, and is in her second term as President.



Megan Dixon

Megan is a Policy Advisor to the Queensland Attorney-General and Minister for Justice, the Honourable Rod Welford MP. Prior to taking up this role in late April 2001, she was a solicitor in private practice specialising in Industrial Law and Anti-Discrimination Law. Megan first became

involved in the Women Lawyers Association of Queensland in 1997, and is currently a member of WLAQ's Executive Committee.

Women Judicial Officers around Australia

Australian Women Lawyers have criticised the Federal Government upon their failure to appoint a woman to the High Court of Australia to fill the vacancy created upon the retirement of Justice Mary Gaudron.

Following consultation with AWL's constituent bodies (the state and territory women lawyer associations) and members of the Australian legal profession, AWL recommended to the Commonwealth Attorney-General six senior women judicial officers, currently serving on the Federal Court of Australia and various state Supreme Courts, for consideration. AWL has no doubt that those women judges are of sufficient merit, standing and experience to serve as a member of Australia's highest Court.

AWL has publicly congratulated Justice Dyson Heydon upon his appointment to the High Court and agrees that he is a highly regarded judicial officer. However AWL is disappointed that the High Court will now have no female member. There have been no women judges appointed among the last seven appointments to the High Court since Justice Gaudron's appointment in 1987 and Australia now stands alone amongst Western liberal democracies with no women on its highest appellate Court.

AWL rejects the proposition that there are no women of sufficient merit in Australia to warrant their appointment the High Court. AWL is concerned by press reports at the time of the recent appointment that suggest that the Federal Cabinet was considering appointing one of the six female judicial officers recommended by AWL, but instead chose to appoint a man.

It is the view of AWL that where there are women jurists of merit – that is, they have the intellect, integrity, wisdom and judgement that we would expect of a High Court judge – then they ought be appointed, particularly in circumstances such as this where a failure to appoint a woman of merit leads to no representation of women on the bench.

Why is gender important to the make-up of a Court? It is AWL's view that gender goes to the question of the credibility of the Court from the perspective of the people it serves. A Court should reflect the make-up of society and the differing perspectives of men and women. Women judges can bring a different approach to judicial decision making.

In 2003 AWL has created a special national committee to consider the question of the appointment of women to judicial office around Australia. Whilst the High Court now has no female member, the situation in other Commonwealth and State and Territory is little better. Women make up just 19% of all members of Federal Courts.

One of the important projects of the new Appointments and Leadership committee chaired by Treasurer Noor Blumer will be to establish a national and on-going record of the appointment of women to judicial office around Australia, and to maintain updated and accurate records of the number of women in judicial office.

COURT	JUDGES	WOMEN	MEN
Federal Magistrates' Court	19	6	13
Family Court (inc WA Family Court)	52	14	38
Federal Court	47	4	43
High Court	7	0	7
Total	125	24	101

Elections to the International Criminal Court

During late 2002, the Board of Australian Women Lawyers approached the Federal Government, urging the consideration of three women lawyers as possible Australian nominees for the newly constituted International Criminal Court ("ICC").

In our letters to the Minister for Foreign Affairs and the Attorney General, we argued:

"The elections for the International Criminal Court present an historic opportunity for nation states to ensure a prominent representation of women among judges and prosecutors."

Regrettably, the Government refused to adopt AWL's recommendations. Curiously, Foreign Minister Alexander Downer responded to our letter by noting that the ICC Statute requires that the election of judges ensure, among other things, fair gender representation and declared that the Government "supports this requirement". He continued:

"The Government regards it as very important that suitably qualified and experienced individuals of both genders are elected as Judges and the Prosecutor. The first Judges and Prosecutor of the ICC will forge the culture and credibility of the Court."

Nonetheless, between February 4-7 2003 in an historic development for gender representation on an international tribunal, seven women were elected to the ICC out of 18 judges. Through combined efforts of the many NGOs to advocate gender parity on the court, the ten women candidates were given tremendous support and visibility at various events. For details and background, see the following websites: Women's Caucus for Gender Justice: <http://www.iccwomen.org> and Coalition for the International Criminal Court: <http://www.iccnw.org>. For more information on the court visit its own site at www.un.org/icc.

Dominique Hogan-Doran
President

The Australian Women Lawyers Board

...on a break during our last face to face meeting in Melbourne during the Commonwealth Law Conference in April 2003.



World Women Lawyers Conference

Noor Blumer, Treasurer of Australian Women Lawyers, represented AWL and the Law Council of Australia at the World Women Lawyers Conference in London during July 2003. The conference is organised by the Women's Interest Group of the International Bar Association. In 2003, approximately 500 delegates attended from around the world

The conference was opened by Karen Mathis (Hall & Mathis PC, Denver, Chair and past Chair of various committees of the American Bar Association). She gave an impressive speech that highlighted the poor representation of women lawyers in judicial positions throughout the world. She had compiled figures on this subject and, without very many exceptions, the figures for the number of women graduating from law schools as reflected in higher levels of private practice and in the judiciary was about the same as it is in Australia - consistently poor.

Plenary sessions looked at the impact on women of various world conflicts and crises, and on the economic empowerment of women.

Chris Patten CH (who is best known as the 'last Governor of Hong Kong') spoke about the role of women in international conflict resolution. He suggested that there are a high proportion of educated women in Iraq who should be allowed to participate in the reconstruction process. Elizabeth Rehn who was previously the UNIFEM Independent Expert on a global assessment on the impact of war on women advocated the importance of witness protection schemes available for war crimes hearings. She stated that there are women in communities who are asked to give evidence, and are then left greatly vulnerable.



L-R. AWL Treasurer Noor Blumer and Nigerian delegates Udochi Heonacho and Olujemisi Abimbola.

Steven C Rockefeller of the Deutsche Bank and Chair of the Rockefeller Brothers Fund, New York, spoke about his involvement in the Grameen Bank. The Bank was set up to assist low income people, mostly women. Nine out of thirteen seats on the board are filled by women. Roshaneh Zafar, a lawyer from Pakistan runs the Bangladesh/Pakistani area for the bank. She stated that it is the Bank's view that credit is a human right, and it is their duty to provide financial services to those without access. Of the customers of the bank, 86% earn less than 0.66c per day. 50% of the women have lost a child of less than 2 years. 76% are illiterate. 55% live in one room houses with an average family of 7 people.

Karen Gross, Professor of Law at the New York Law School spoke to the delegates about financial literacy. Her research has revealed that 96% of Americans do not have sufficient skills to compare the differences between two different credit card loans. Generally women score 11% lower in the financial literacy tests than men.

The conference split into various different forums, including the following:

- (a) Women as academic managers and leaders;
- (b) International fraud;
- (c) Corporate governance;
- (d) Money laundering and terrorist finance;
- (e) Employment and Immigration law;
- (f) Adoption – benefit or blight?
- (g) Mergers and acquisitions;
- (h) Management,
- (i) Energy Law;
- (j) International approaches to gender awareness and judicial independence.
- (k) Multi-cultural business negotiations
- (l) Financing and refinancing – a telecoms case study
- (m) Marketing
- (n) The in-house counsel/private practice relationship
- (o) Privacy vs public good
- (p) Antitrust

The second 'Outstanding International Women Lawyer' award was presented at the conference to Judge Navi Pillay of South Africa. She was a Judge in South Africa and was involved in the most important decisions which gave the Robin Island Prisons, including Nelson Mandela, access to lawyers. Judge Pillay has just been appointed to the International Criminal Court but for the past several years has been involved in the African Tribunal on international crimes. She was involved in a decision on genocide which found that rape constitutes genocide and formulated the accepted definition of rape which is "the physical invasion of a person under coerced circumstances". This definition is now incorporated into the Rome Statute.

AWL thanks the Law Council of Australia for their financial support which assisted Noor to attend the conference.

Noor Blumer
Treasurer

Art Depicting Life

This painting by Chauvin was kindly donated to Australian Women Lawyers by Justice Callinan of the High Court of Australia. Depicting a woman advocate, the painting presently hangs in the Women's Robing Room at the Supreme Court of Victoria.



Women Lawyers and the Higher Education Reforms

Whilst waiting for the lifts in the library I have often stared at the faded stickers on the wall that declare 'HECS: bad for all, worse for women'. A relic from campaigns in the 1980s against the Dawkins higher education reforms—reforms which introduced HECS—these stickers have never struck me as particularly convincing. Any persuasive force they hold is reliant on a pre-existing understanding of how ongoing inequalities in our society result in disproportionate affects on women—a reliance which probably limited their role to preaching to the converted.

However, in recent months my memory has kept returning to these slogans. This is because the more I find out about the 'reforms' to higher education proposed by the Howard Government the more I can see how they will be indeed be so much worse for women, and women in law in particular. Unfortunately, in this case, there is no need to resort to vague assertions of inequality to argue how unequal this impact will be; no need because the inequalities in the legal profession remain so stark that no-one could fail to see that female law students will be much worse off if the Nelson reforms are implemented.

Higher fees: the incapacity to pay

The biggest change for all students in the government proposals will be a likely increase in university fees, whether HECS or full-fees, especially in elite degrees like law and elite universities like UNSW. If universities charge 30% extra on HECS fees, courses in the highest band—such as law—will increase to \$8355 per year, meaning that a 5 year Commerce/Law degree will cost \$41,775. Universities can also increase the number of full fee paying students to 50% of HECS places; places which cost around \$18 000 per year, with the total cost of a degree up to \$90 000.

The Government's argument is that law students should pay these high fees because they will be earning such high salaries later on—in other words they have the capacity to pay. Given the widespread reputation of lawyers as all earning squillions this argument seems persuasive; but unfortunately for women doing law it doesn't reflect the reality.

Women lawyers still earn substantially less than men. A 1991 study showed that only 10% of female law professionals earned over \$70 000, compared to 41% of their male colleagues. All available evidence indicates that not a lot has changed. Women continue to be under-represented in most legal fields and more significantly—in terms of their earnings—are least present in the very roles which earn the highest salaries. Whilst 60% of lawyers in the community sector are women, only 38% of lawyers in the corporate sector and 23% of women in private law firms are women. Given the big salaries are in corporate law and private practice this is a major factor behind women's lower earnings. Moreover, even if women are employed in these areas, they are far less likely to be at the top levels where the real money is to be made. In Sydney's large law firms a very small number of women are partners, consultants or special counsel. At Mallesons 16 out of 91 partners are women (18%), at Freehills 22 out of 101 (22%), at Allens 14 out of 92 (15%), at Blakes 17 out of 82 (21%), and at Clayton Utz 21 out of 75 (28%).

In terms of barristers the picture is even bleaker: only 12% of barristers in NSW are women. Again the figures are even lower for the highest earning barristers—Senior Counsel—there are only 7 female SC's in NSW out of a total of 308. Because the senior judiciary are drawn from this pool the numbers of women are also very low. In NSW only 4 of 45 Supreme Court judges are women, and are 8% of the state's judiciary are female.

Australia-wide the situation is marginally better: women account for 15% of the senior judiciary; however, we are the only liberal-democracy in the world to have no woman on our highest court. Only as magistrates are women making headway- but again these positions attract the lowest pay.

For years it has been argued that with sufficient time women will gain the same positions and status as men. But studies that have tracked men and women from the same graduating year show that 10 years later women have attained partner at a significantly lower rate. For 25 years women have been 35-50% of graduating law students and are at the top of their grades. Major barriers seem to lie beyond recruitment and have little to do with the historically smaller numbers of women lawyers.

Given all of this women law graduates will be in a much worse position to pay off their \$41,775 or \$90 000 debts. It doesn't matter how well they did at law school or how good a lawyer they are, these barriers to high salaries remain. In the section of Brendan Nelson's report which argues graduates will earn much more and thus have the capacity to pay higher fees, the Government acknowledges women graduates will earn only two-thirds of their male counter-parts. Strangely, Nelson did not offer to reduce the fees of female students by one third to reflect this.

Compounding interest & the biological clock

But that is not all. HECS debts are indexed to inflation, and so accumulate about 3% per year. Full-fee paying debts will attract an interest rate of 3.5% plus inflation, and so will accumulate by about 6.5% per year, or \$5850 per year on a \$90 000 debt.

The way the system works means it is imperative that you pay off most of your debt within the first 10 years of graduating, or you end up paying much more in interest. The problem is that women graduate from law at the earliest when they are 23, and often older. Therefore many women will take some time off within 10 years of graduation to have children. Given the insufficient maternity leave system most women will spend much of this time unpaid, not to mention the slower career progression women lawyers tend to suffer if they want to spend much time at all with their family. But just because you are not earning doesn't mean your debt isn't rising.

Narrowing the choice of careers

Because of the continuing inflexibility for lawyers in big firms and at the bar some women lawyers choose to work in the community or government sector so that they can better balance work and family. However, fewer women may feel they can make this choice if they have a massive university debt to pay. This will not only make life even more difficult for women lawyers, but will be a great loss to the community and government sector.

'Backing Australia's Future'...but not if you are a woman

The Government has delighted in playing on the stereotypes of lawyers as greedy cash-mongers who deserve no public 'subsidies' for their education. (Indeed, under the new package government subsidies for law will be so low—a mere \$1509 per year—the average law student will pay 120% of the cost of their education). Unfortunately for women lawyers, inequalities in the legal profession remain so great that even if they aspired to be greedy cash-mongers they would probably fail to reach their goal. For the rest of female law graduates, they will be saddled with huge debts that they are in a far worse position than their male counterparts to pay.

Frances Foster - Thorpe

Reprinted with permission from the July edition of "The Female Brief" by the women law students group "Fems Rea", Faculty of Law, University of New South Wales.

News Flash

Congratulations to AWL Board member Narelle Johnson QC on the announcement of her appointment as a Justice of the Supreme Court of Western Australia.

State of the Nation

Tasmania

The Women Lawyers Association of Tasmania was formed in 1976. It currently has about 30 financial members (commensurate in part with the small profession in Tasmania). The current President is Christine Trueman, a solicitor at Murdoch Clarke Solicitors who practises in family law.

The main objectives of the Tasmanian association are to:

- encourage and provide for the entry of women into the legal profession and their advancement within the profession;
- suggest and work for law reform;
- participate as a body in matters of interest to the legal profession;
- promote women's representation on all professional bodies;
- conduct and encourage research into women's position within the legal profession
- provide a common meeting ground for women lawyers.

In 1995 the Association outsourced a study of women in the legal profession to Jane Goodluck and plans to undertake a follow up project depicting the current situation this year. The Association conducts regular functions with guest speakers. The functions are well attended by members and non members.

Western Australia

The Women Lawyers Association of Western Australia was formed in 1982 and now has approximately 200 financial members. The current President is Penelope Giles, a Barrister practising general civil litigation

The main objectives of the association are:

- to provide a professional and social network for women working in the law;
- to further the understanding of and support for the legal right of all women;
- to make recommendations and work for the reform of the law and its administration particularly as it pertains to women; and
- to do all things as may be necessary or conducive to the objects of the Association.

These objects are currently being revised, to broaden them, and to more accurately reflect the full range of activities engaged in by the Association. Western Australia is in the process of establishing a system of State administrative review, including the establishment of a State Administrative Tribunal. The WA Women Lawyers Association is lobbying the State Government to ensure that at least 50 percent of the appointments are of women.

Victoria -Victorian Women Lawyers

Victorian Women Lawyers was formed in 1996 and now has almost 500 financial members. The current Convenor is Jo Renkin, a litigation lawyer at Lander and Rogers, Melbourne.

The objectives of VWL are to:

- provide a common meeting ground for women lawyers
- foster the continuing education and development of women lawyers in all matters of legal interest
- encourage and provide for the entry of women into the legal profession and their advancement within the legal profession
- work towards reform of the law
- participate as a body in matters of interest to the legal profession
- promote the understanding and support of women's legal and human rights

WVL has published a series of important publications on the status of women within the legal profession and the barriers to their progression within the profession, including the research publication "Taking up the Challenge". VWL has also published various guides to assist and encourage change in the profession including a guide to flexible work practices and a guide to flexible partnership. VWL regularly convenes forums designed to raise the profile of issues which affect women lawyers amongst the profession.

Victoria -Women Barristers Association

The Victorian Women Barristers Association was formed in 1993. The current Convenor is Fiona McLeod, a member of the Victorian Bar. It has approximately 80 financial members.

The main purposes of the association are:

- promote awareness, discussion and resolution of issues which particularly affect women
- identify, highlight and eradicate discrimination against women in law and in the legal system
- advance equality for women at the Bar and the legal profession generally
- provide a professional and social network for women barristers

One of the major achievements of the WBA was to persuade the Victorian Bar Council to commission a report into the position of women barristers at the Victorian Bar. The report – "Equal Opportunity for Women at the Victorian Bar" was groundbreaking and led to the creation of the Women Barristers Directory.

2003 marks the 10th anniversary of WBA, which will be celebrated at a dinner later in the year.

State of the Nation

Australian Capital Territory

Women Lawyers Association of the ACT was formed in 1989. The current President is Noor Blumer (also a member of the board of AWL). WLA ACT has about 35 financial members.

The main objectives of the association are to:

- promote knowledge of and access to the law and legal services
- provide a forum for the exchange of information and opinions on aspects of the law and its practise among women concerned in, affected by or interested in, the law and its practise
- publish and encourage the publication of, papers, articles and commentaries about the law
- promote lectures, seminars and conferences about the law
- co-operate with academic institutions and with other persons interested in the law in promoting the objects above
- make and disseminate reports, commentaries and submission in furtherance of its objects

ACT has a small profession and WLA provides a range of activities which provide opportunities for women lawyers to meet each other and members of the judiciary. WLA has consulted with government on a range of issues, including judicial appointments.

New South Wales

The Women Lawyers Association of New South Wales was formed in 1952. It currently has about 600 financial members. The current President is Liz Naylor, a family law specialist who recently established her own firm, Naylor-Stolier and Associates.

The aims and objects of the association are:

- to provide a common meeting ground for women lawyers;
- to foster the growth of a corporate spirit among women lawyers;
- to make suggestions and work for the reform of the law and administration of the law particularly as affecting women and children;
- to assist with such movements for the advancement of women as the Association may from time to time decide;
- to participate as a body in matters of interest to the legal profession

In 2002, WLA NSW celebrated its 50th Anniversary with a gala dinner in NSW Parliament House attended by over 20 founding members and addressed by long standing member Her Honour, Justice Mary Gaudron.

Since 1997, the Association has hosted the National Australia Bank Speaker Series, during which a range of successful women leaders have addressed members and guests on issues of importance and interest to women legal practitioners.

South Australia

The Women Lawyers Association of South Australia was formed in 1997 and now has approximately 115 financial members. The current President is Ruth Beach, a Senior Associate practising in commercial litigation at Cowell Clarke.

The main objectives of the association are to:

- achieve justice for and to support the legal rights of women
- advance equality for women in the legal profession
- identify and eradicate discrimination against women inherent in the legal system and in the community generally
- provide a professional network for women lawyers
- make recommendations and submissions on law reform

The association has provided a series of networking activities and lectures for women lawyers in conjunction with the Law Society of South Australia. In 2003 it is planning a joint project with the Bar Society of South Australia to increase the presence of women barristers at the independent bar

Northern Territory

Northern Territory Women Lawyers was formed in 1996. The current President is Sandra Robinson, also an AWL board member. NT Women Lawyers has about 40 financial members.

The main objectives of the association are to foster relations between members of the legal profession and the community and to provide a voice for women in the legal profession

The NT profession is small and the population of NT itself can be transient. There is a comparatively large population of young women lawyers in the Northern Territory. The NT Women Lawyers aims to involve all women lawyers in the Northern Territory in its activities and communicates via email to promote its programs and activities.



The Women Lawyers Association of Queensland was formed in 1978 and now has approximately 338 financial members. The current President is Jenny Hogan, a barrister who specialises in Family Law.

The objectives of WLAQ are:

- to promote the interests of women in the legal profession;
- to provide a common meeting ground for women in the legal profession
- to foster the growth of a corporate spirit among women in the legal profession
- to provide opportunities for the development and advancement of women in the legal profession
- to participate in the reform of the law and the administration of the law particularly as affecting women and children
- to participate in other matters of interest and relevance to the legal profession

In 2001, WLAQ held its inaugural Women Lawyer of the Year Awards which presented awards to the most outstanding Queensland Woman Lawyer of the Year and Emergent Women Lawyer of the Year. The awards are now an annual event which attract many of the judiciary, members of the Bar, legal profession and academia. Each year WLAQ also hosts the Una Prentice Dinner in which it presents Una Prentice Memorial Prizes to the top female graduates of each of the Law Schools in Queensland.

Women and the Law in East Timor

After a long struggle East Timor has founded a new nation. Sadly, East Timorese women continue to be victims of violence and very often violence occurs inside our own homes. We must not think that domestic violence didn't exist during Indonesia's occupation, that only our political enemies took the opportunity to abuse women. Domestic violence has existed in East Timor for a long time though largely hidden from public view or discussion.

Manuela Leong Pereira, Director of Fokupers, in an article published the Lao Hamutuk Bulletin (Vol 2 No 5 August 2001)

During 2001, Kate Halliday, then Northern Territory representative on the AWL Board, spent three months working in East Timor as a volunteer worker for FOKUPERS a women's organisation based in Dili. Kate received a grant from the Myer Foundation's Asialink program to work with Fokupers. The following is an extract of her report of her work there:

East Timorese women are now struggling to make their new legal system responsive to violence against women and to the needs of survivors of violence. The task ahead for East Timorese women and their supporters in this area is twofold: the development and promotion of laws that recognise equality of women and the development a legal system that adheres to rule of law and is free of bias due to political power or patriarchal beliefs about women.

East Timor inherited criminal laws from Indonesia that do not protect the rights of women to equality and freedom from violence. The laws on violence are at best obscure or non existent. Marital rape is not a crime.

Women lawyers in Australia can offer support to women in East Timor in the following areas. We can encourage our government and non government organisations to use their resources and influence to bring about change in the following areas:

Promotion of women in the legal profession

It is well recognised in Australia that promoting women in the legal profession is an important strategy to promote justice for women.

The legal system in East Timor is staffed largely by young inexperienced practitioners. We can encourage our government to provide specific support the education of East Timorese women through its aid programs.

Development of laws which will promote equal justice for women

We can encourage the East Timorese government to ratify and implement relevant international treaties. Support for the work of women's organisations such as Fokupers.

Support for community organisations working for equal justice for women

FOKUPERS is a women's organisation involved in education, support services and advocacy. Organisations such as this need sustained funding so they have time to establish themselves in the community. Australian aid organisations, including AUSAID, can play a key role.

Support for the prosecution of serious crime

Special panels of the Dili District Court have been established to try a serious crime which is prosecuted and investigated by the Serious Crimes Unit.

There has been considerable community frustration with the lack of progress of prosecutions for serious crimes with the result that many ngo's in East Timor have called for the establishment of an international tribunal.

The delays in prosecution of these crimes are mostly due to the complex nature of the investigation and prosecution, a lack of resources, problems in the management of the Serious Crimes Unit and the fact that many offenders are not in East Timor.

Since 1999 FOKUPERS has received reports of many gender related crimes which potentially fall within the category of serious crime. Many of these cases involved sexual abuse of East Timorese women at the hands of East Timorese men involved in the militias established by the Indonesians.

From the perspective of East Timorese women it is important that these perpetrators are held accountable by the new justice system in order to give a strong message to the whole community that this sort of violence is unacceptable and will be punished. The prosecution of this crime is relevant to the situation of East Timorese women both now and in the future.

Support for initiatives such as the Judicial System Monitoring Project

This is an important project established by an ngo called Lao Hamutuk. It monitors serious crime and some other selected cases, including an significant case of domestic violence, as part of a strategy to promote the rule of law and a fair justice system for East Timor.

Support for East Timorese women in cases of violence perpetrated by peacekeeping and UN staff

There have been a number of allegations of sexual abuse of East Timorese women by peacekeepers and CIVPOL. There are similar problems in other parts of the world where the UN has established a transitional administration (for example in Kosova). The UN must ensure accountability in this area or it risks encouraging notions of impunity.

Kate Halliday

In March 2003, the UN Commission on the Status of Women adopted a report that provided an overview of the situation of women and girls in Afghanistan in 2002 and gender-related assistance provided by the United Nations system. CSW noted that Afghanistan's emergence from 24 years of conflict has led to significant positive changes in women's lives: women are re-emerging as a political and economic force; they participated in decision-making on the peace process and the reconstruction of their country, they were appointed to serve in Government; women are returning to the workforce and women and girls were able to gain access to education. ¹

From 26 – 28 May 2003, Michelle Hannon (of Gilbert + Tobin) and Kate Eastman (of the Sydney Bar) travelled to Kabul to attend a conference organised by the International Human Rights Law Group in conjunction with UNIFEM Afghanistan and the Governments of Italy and Germany on Women's Rights, Law and Justice in Afghanistan. ²

The purpose of the conference was to enable women in Afghanistan to discuss the Islamic law and the place of women's rights in the rebuilding of the legal system in Afghanistan. Speakers and topics included:

- Advocacy for Women's Rights within the Islamic Framework with Zainah Anwar, Executive Director of the Sisters in Islam Kuala Lumpur,
- Muslim Women and Law, with Dr Sona Kahan, Advocate Supreme Court India
- Muslim Women and Leadership in Bangladesh, with Sultana Kamal, Executive Director of Aino Salish Kendra Bangladesh.
- Customs and Practices Impacting Muslim Women: Focus on Afghanistan, with Dr Hashim Kamali, Professor of Islamic Law and Jurisprudence at the International Islamic University Malaysia; and
- Human Rights in Muslim Tradition, with Dr Riffat Hassan, Professor of Religious Studies Program, University of Louisville, United States of America



L-R Kate Eastman and Michelle Hannon

Kate and Michelle attended on behalf of UNIFEM Australia to observe and participate in the conference. They also attended a number of meetings to explore how UNIFEM and Australian women lawyers may assist the Afghan women on an ongoing basis. They met with UNIFEM Kabul, Carlotta Ferrero of the Italian Embassy, Afghan Women's Network including Afghan Women Lawyers Association and Afghan Women Judges Association and Judge Asifa Kakar, Head of the Ministry of Women's Affairs Legal Department.

UNIFEM, with the support of the Italian Government, began its work in the justice sector in October 2002. The focus of programme has been to ensure women's NGOs and professional networks receive adequate resources and support to develop into effective and professional bodies that can influence the legal reform process with respect to promoting gender equality. Key civil society collaborating partners include the Afghan Women's Network, Afghanistan Women Lawyers Council, Afghan Women Lawyers and Professional Association, and Afghan Women Judges Association.

UNIFEM Australia is now working on strategies to provide ongoing support and assistance for the Afghan women by tapping into a network of Australian women and lawyers.

Kate Eastman

¹ Commission on the Status of Women, Forty-seventh session, 3-14 March 2003 The situation of women and girls in Afghanistan <http://www.unama-afg.org/docs/sgreports/Report%20of%20the%20SecretaryGeneral%20on%20The%20Situation%20of%20Women%20and%20Girls%20in%20Afghanistan%203%20Jan.%202003.doc>

² see http://www.hrlawgroup.org/resources/content/IHRLG_AfghanNatConfRpt.PDF

Congratulations

Justice Ruth McColl



Former Australian Women Lawyers' Vice-President, Ruth McColl SC, was the first woman President of the New South Wales Bar Association in 2000 & 2001. Ruth served as a representative of the Women Lawyers' Association of New South Wales on the AWL Board between its foundation in 1997 until 2000.

At her swearing in as a Justice of the Supreme of the New South Wales and a Judge of Appeal of the New South Wales Court of Appeal on 29 April 2003, Justice Mc Coll said

"All members of the legal community play a vital role in addressing unequal participation in the profession. It is the leaders of the profession who act as critical change agents to demonstrate their rejection of factors which limit participation, whether by women, the indigenous community or, indeed, any minority. Some factors may be relatively easily changed, for example, by the provision of adequate funding to redress economic inequality. Other factors are more substantial.

The recognition that merit comes differently packaged appears a relatively comprehensible concept. Yet experience tells that comprehension does not speedily turn into action.

Leaders of the profession must drive the process of change from the top. Equally, those who must give practical effect to the changing face of the legal profession, whether in employment or in briefing practices, also act as real forces of change. And those who are given the opportunity to participate must grasp it and make the most of it."

Profile

Senator Linda Kirk



Former Australian Women Lawyers Board member, and now Senator for South Australia, Linda Kirk is a graduate in Economics and Law (with First Class Honours) from the University of Adelaide, and Masters of Law from the University of Cambridge. She practiced law in private practice in Adelaide and then joined the University of Adelaide as a Lecturer in

Constitutional and Administrative Law in 1994. She served a term as a councillor of the Adelaide City Council from 1998-2000 and was an Australian Republican Movement delegate to the Constitutional Convention in February 1998.

Linda was Vice-President of the Women Lawyers' Association of South Australia and served as its representative on the AWL Board prior to her election to the Senate representing the Australian Labor Party in November 2001. She took office on 1 July 2002 and is a member of the Senate Legal and Constitutional Affairs References Committee and the Joint Migration and Treaties Committee.

Conference on Law and Feminism

From 19 - 21 June 2003, Flinders University Law School hosted the Feminist Legal Academics Workshop in Adelaide.

The workshop, which is held every 2 years, is an international conference which raises awareness of gender issues in law. It aims to promote an understanding of the position of women in the legal profession and the judiciary, to encourage discussion about law reform aimed at addressing the obstacles women experience under the law, and to develop theoretical and practical insights into law and gender. In pursuing these objectives F-LAW has played a significant role in research and education regarding gender and law in Australia.

The theme for the 2003 conference was "Legal Feminism – Now and Then?" Throughout the 1990s the feminist critique of law became a major, if controversial, part of the legal academy. This conference reflected on a decade of feminist legal scholarship, pedagogy and practice since the first Feminist Legal Academics Workshop was held in the early nineties. It posed the question "Has feminist legal critique become something which many of us do "now and then"?"

Issues that were debated included:

- What impact feminism had had on law and legal education
- Whether feminist legal thought had become more mainstream, or more marginalised.
- Whether academic legal feminism had become more, or less, connected to feminism in legal practice.
- Whether western legal feminism had responded adequately to challenges raised by Indigenous women, and women from other ethnic and racial minorities.
- What issues were raised by the growing internationalisation of feminist critique.

Plenary session speakers included Catherine Branson, Justice of the Federal Court of Australia, Susanne Cole, Judge of the Environment, Resources and Development Court, South Australia, Regina Graycar, Professor, Sydney University, Jenny Morgan, Professor, University of Melbourne, Rosemary Hunter, Professor and Dean, Griffith University Law School, Linda Matthews, Equal Opportunity Commissioner, South Australia, Margaret Thornton, Professor, La Trobe University, Ngaire Naffine, Professor, Adelaide University, Margaret Davies, Associate Professor, Flinders University, Irene Watson, Lawyer and Activist and Kathleen Mahoney, Professor of law, The University of Calgary.

A topic that was raised in a number of sessions was the lack of female representation in the judiciary. A number of speakers drew attention to the fact that women did not have equal opportunity with men so far as judicial appointments were concerned, particularly senior judicial appointments. It was suggested that significant societal changes, together perhaps with changes to the pool from which judicial appointments were made, were needed to alter this position. Judge Cole gave a brief account of the rate and direction of change concerning women in the legal profession over the past decade and put forward some options for individual and collective responses by female practitioners to the current legal environment in Australia. Professor Rosemary Hunter outlined the circumstances of and critically analysed the dispute concerning the Chief Magistrate in Queensland.

AWL Treasurer Noor Blumer and Board member Jane Knowler presented on the issue of women in the judiciary.

Echoing similar issues, Professor Mahoney's presentation looked at the career of the Hon Claire L'Heureux-Dube, recently retired judge of the Supreme Court of Canada, her contributions to the law, to equality and to the women's movement in Canada over her career on the bench. Professor Mahoney pointed out the high cost to the judge of her interest in equality and her feminist thinking – a theme that was picked up in other plenary and

parallel sessions by other speakers.

There were many other equally stimulating and interesting papers on topics concerning feminism and the legal profession, the family, equality, crime and battered women and feminism in legal education, presented by women from the legal academy, Women Lawyers' Associations and the practising profession. A selection of these will be published as a special edition of the Australian Feminist Law Journal later on this year.

Jane Knowler

History Making

Congratulations to Pamela Tate SC on her appointment as Victoria's new (and first woman) Solicitor-General .

Women Lawyers on the Web

AWL now maintains three websites.

The principal website, www.womenlawyers.org.au <<http://www.womenlawyers.org.au>> provides a range of information services and links, including speeches by prominent women jurists, policy and law reform submissions, discrimination assistance, as well as news and information about current projects.

During 2003 AWL has begun developing two further websites, www.womenbarristers.org.au <<http://www.womenbarristers.org.au>> , which will assist women barristers to organise and network across Australia, and www.womenbarristers.com.au <<http://www.womenbarristers.com.au>> , which will provide a national listing and professional profiling for women barristers.

Contact

Visit our website at:

www.womenlawyers.org.au

or email us at:

awlawyer@ozemail.com.au

Membership of Australian Women Lawyers is automatic upon your membership of any of our constituent bodies.

Contact your state or territory women lawyer association via our website for details.

"I see the Australian Women Lawyers as the beginning of a new era for women and for women lawyers, an era in which people realise that equality, equal justice and equality of opportunity are complex ideas, difficult to implement and achievable only by the sustained efforts of those committed to those ideals. They are not achievable simply on the basis that the doors are open, be they held open or battered down..."

AWL Patron, Justice Mary Gaudron upon the launch of AWL in 1997



AUSTRALIAN
WOMEN
LAWYERS