



AUSTRALIAN
WOMEN
LAWYERS

Themis

Issue 4 • March 2004



Board of Australian Women Lawyers,
February 2004

MALLESONS STEPHEN JAQUES leads the way in equitable briefing practices

Mallesons Stephen Jaques have become the first national law firm to adopt a National Equality of Opportunity Briefing Policy in partnership with Australian Women Lawyers.

"Mallesons is demonstrating outstanding judgment and leadership in the private sector on this issue. It is expected that other private law firms and briefing agencies will follow their example" said Ms Batrouney S.C.

The Policy states that, in selecting the best counsel for the brief, all reasonable endeavours should be made to:

- identify female counsel in the relevant practice area; and
- genuinely consider engaging such counsel; and
- regularly monitor and review the engagement of female counsel; and
- periodically report on the nature and rate of engagement of female counsel.

Mr Eric Mayne, National Partner, Practice of Mallesons said that: "We think that it is an excellent initiative and are delighted to be part of it. We have briefed our partners on the policy and our commitment to it."

She said that initiatives such as the NEOBP were a response to figures such as those recently released by Victorian Attorney-General Rob Hulls which disclosed that, while females made up about 18% of the Bar, they received only 6% of the value of the briefs offered by government panel firms.

Ms Batrouney S.C. emphasised that the Policy is NOT one of affirmative action – all it requires is that briefing agencies identify women practicing in the relevant area and genuinely consider engaging them.

"It is simply a matter of getting women advocates onto the radar screen." said Ms Batrouney S.C. "We look forward to working with Mallesons in implementing the policy."

President's Report



Jennifer Batrouney SC
President, AWL

Australian Women Lawyers is the peak national body representing women lawyers throughout Australia. It has over 1600 members and is growing in strength and influence day by day. It is made up of 9 constituent bodies from all of the states and territories in Australia. All of these bodies are represented on the Board. Our Patron is retired Justice Mary Gaudron.

This is my first report for Themis as President of Australian Women Lawyers. As such, it is only fitting that I commence by paying tribute to my predecessor, Dominique Hogan-Doran, who did so much to catapult AWL into the public eye and make it a powerful agent for change. She was a board member for four years, completing her term as the President in 2003. On behalf of the members of AWL I thank Dominique for her tireless work on the board of AWL. Dominique remains AWL's representative on the National Women's Justice Coalition.

I felt humbled and daunted as I stepped into Dominique's shoes, but I have been assisted by a committed and cohesive Board, who have been very supportive.

Appointments

We have celebrated many appointments since I took up the Presidency on 12 November 2003, the most notable being the appointment of Justice Marilyn Warren as Chief Justice of Victoria in December. She is the first female Chief Justice in any Australian jurisdiction and her appointment has been applauded throughout the community. The Chief Justice has been a strong supporter of women lawyers and I refer members to her speech "Promoting Difference" which is on our website: www.womenlawyers.org.au.

In addition, Justice Susan Crennan was appointed to the Federal Court of Australia, Judge Toni Kennedy has been appointed Chief Judge of the Western Australia District Court, Justice Lindy Jenkins has been elevated from the District Court to the Supreme Court of Western Australia, Justice Ruth McColl, a former AWL board member was awarded an AO and Judge Rachelle Lewitan, the founding Convenor of the Women Barristers' Association, was awarded an AM.

Liaison—Courts—Attorneys-General

AWL continues to liaise with representatives of the courts and governments in relation to issues affecting women lawyers. We met with the federal Attorney-General Philip Ruddock in November last year and will be meeting with the Shadow Attorney-General Nicola Roxon in late February. We have also been discussing the establishment of a national database of appearances by gender with the Federal Court.

National Equitable Briefing Policy

AWL is continuing to work hard to ensure that female barristers enjoy equality of opportunity in the allocation of briefs. I have been invited to sit on a Law Council working party, which is formulating a National Equitable Briefing Policy at the request of the Standing Committee of Attorneys-General. We expect to be able to circulate a draft for comment by our constituent bodies in the near future. We will then do our best to ensure that the Policy is adopted throughout government, private and corporate briefing agencies, in accordance with appropriate implementation guidelines.

Sexual Harassment in the Workplace

AWL submitted a comprehensive response to the draft Code of Practice for employers in relation to sexual harassment in the workplace. Virginia Jay, the Chair of Victorian Women Lawyers Work Practices Committee, prepared this submission. We thank Virginia and all those who contributed to the response and look forward to the release of the final Code in due course.

I was honoured to meet with the Executive Committee of Victorian Women Lawyers in February. I will be making regular contributions to their quarterly publication "Portia" in order to keep them up to date on AWL's activities.

AWL was one of the sister organisations who supported the inaugural "Portia's Breakfast", an initiative of the Victoria Law Foundation to mark the opening of the Legal Year. This was an inspirational event attended by many enthusiastic women lawyers who were entertained by the Legal Women's Choir and their rendition of "I am Lawyer." I hope that similar events will be conducted in other jurisdictions in the future.

Brisbane Meeting

AWL had its first face-to-face Board meeting for 2004 in Brisbane in late February and we are looking forward to a very productive all day session to plan our activities for the year. The Board normally meets every month by telephone hook-up and has 2 face-to-face meetings per year.

Conference Honouring Mary Gaudron

I will be speaking at a conference convened by the University of Melbourne Centre for Comparative Constitutional Studies to honour Mary Gaudron's contribution to Australian Law on 5 March 2004. Other speakers include Chief Justice Marilyn Warren, Justice Susan Kenny of the Federal Court and Nicola Roxon MP, the Shadow Attorney-General.

Issues AWL is pursuing in 2004

- a) Encouraging briefing agencies to adopt the National Equitable Briefing Policy;
- b) Child care issues, including roadening the FBT exemption;
- c) Encouraging firms to adopt an internal EO policy;
- d) National Barristers Web Directory;
- e) National ongoing court gender based appearance study;
- f) Encouraging law firms to post their EO policies on their websites;
- g) Producing an AWL Empowerment and Leadership Booklet;
- h) Research into the issue of part time practicing certificates;
- i) National AWL conference in 2005; and
- j) Student law student association liaison on AWL website.

I look forward to a very busy and productive 2004.

Jennifer Batrouney S.C.
President, Australian Women Lawyers

AUSTRALIAN WOMEN LAWYERS WISHES TO ACKNOWLEDGE THE CONTINUING GENEROUS SUPPORT OF MALLESONS STEPHEN JAQUES

Adoption by Same Sex Couples - the end of ACT Sexuality Discrimination

Julie Dobinson, Solicitor,
ACT WLA Inc Committee Member

In February 2004 the ACT Legislative Assembly passed two Bills which deal with discrimination on the basis of sexuality. Both Bills, namely the *Parentage Bill* and the *Sexuality Discrimination Legislation Amendment Bill* were introduced into the Assembly in 2003.

The main purpose of the *Parentage Bill 2003* is to remove discrimination based on sexuality and relationship status. The Act consolidates provisions from three Acts into one statute which deals with the legal recognition of parentage and family relationships. The *Artificial Conception Act 1995*, the *Births (Equality of Status) Act 1988* and the *Substitute Parent Agreements Act 1994* are repealed and relevant provisions included in the *Parentage Act*.

The substantive changes in the Act are extending the meaning of "parent" and removing discrimination in adoption.

The *Parentage Act* recognises the reality of families with same sex partners and the meaning of "parent" has been extended to include parents other than a mother and a father. The parentage presumptions are also extended so that same sex domestic partners as well as opposite sex domestic partners are presumed to be parents when a child is born within a domestic relationship.

The *Adoption Act 1993* has been amended to allow the Court to consider non-heterosexual couples as potential adoptive parents.

The *Sexuality Discrimination Legislation Amendment Act* amends the *Discrimination Act 1991* to provide additional protection from discrimination on the grounds of sexuality. The amendments make it unlawful to vilify a person on the grounds of sexuality, trans-sexuality or HIV/AIDS status. The Act also contains an amendment to the *Crimes Act 1900* to address the issue of the availability of the defence as provocation in the case of a non-violent homosexual advance.

Amongst other things, the new Act will enable same sex partners of deceased workers to make claims pursuant to the *Workers Compensation Act 1951*.



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redrawn for Jennifer Batrouney SC.

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Attorney-Generals 12th NGO Forum on Domestic Human Rights

Noor Blumer, vice-president of AWL attended this Forum on 28 November 2003, representing AWL.

This forum is an opportunity for the Commonwealth Government Attorney-General's Department to report on the progress of their activities to various non-government organisations. We were given a report on the committees systems from the Office of International Law by Rebecca Irwin from the Public International Law Branch. Ms Irwin presented a comprehensive explanation as to the operation of the committees dealing with international human rights and for the systems for reporting back periodically on measures taken by the various participant countries to implement obligations under treaties in their domestic jurisdiction.

For instance, the latest report on racial discrimination has been lodged by Australia with the UN in Geneva just prior to the forum but the Women's report has still not been produced, but is apparently close to finalisation (as at that time).

Concerns were raised by Suzie Clark from Amnesty International about the denial of treatment to immigration detainees by psychologists and psychiatrists.

There was concern expressed by Erica Lewis of the YWCA that the answer given with respect to the women's report is the same as was given some time ago and that there seems to be considerable delay in providing that report.

There was a most interesting presentation about people trafficking and the issues involved and what the Australian Government has done to sensitively process those women who have come into Australia as virtual sex slaves. Those processes were generally approved by the forum participants and there was some desire expressed that such guidelines should be in place for ordinary refugee detainees.

The Attorney-General, the Honourable Phillip Ruddock, appeared in the afternoon to answer questions on notice. He expressed feeling dissatisfied with the process where he virtually just read out questions that had been put on notice in writing previously with the written answer. That was a lengthy process and quite frustrating for all involved and the Honourable Minister expressed that he would prefer a more personally engaging format for the next forum. He did allow some questions at the end and on behalf of AWL I asked questions about the model equitable briefing policy which had been dealt with at the recent SCAG meeting. Mr Ruddock expressed that he had no difficulty with the idea of briefing women as he had three women lawyers in his family, but he did not want it to become a de facto prescriptive policy.

There was a most passionate and interesting presentation from the new president of HREOC, John von Doussa QC and much material was provided as to the continued improvements at HREOC to make their processes efficient and approachable.

There were many other presentations, most of them very interesting but at the end the most disturbing question came from a young woman representing the Donor Conception Support Group of Australia, who made a moving plea for the people who were conceived as a result of donor sperm insemination to have legal rights to access to information about their fathers and possible siblings.

Most of the questions on notice had been put on behalf of the organisation, Australian Lawyers for Human Rights, and it is hoped that AWL will put questions on notice prior to the next forum.

When a Kiss is not a Kiss

Anna Candler

THE BANE of every business woman's life is the corporate kiss. In an era when the laws determining business behaviour have been laid down, the corporate kiss has somehow escaped scrutiny. The corporate kiss ensures that the men in the room see you as a woman first and a business colleague second. Men don't kiss men - even on the sports field. In reality, the business world is one continuous sports game, and the corporate kiss is a part of the induction strategy.

There are three types of corporate kisses: the new kid, the spy and the reserve bench. Each has its own nuances and rules.

The new kid kiss happens when you have won a new job and are meeting the rest of the team. He is marking out his territory - making sure that his team knows you are his. Men understand territory; boys have it knocked into their heads from the first time they learn to play team sports - know your position and play to it. By the kiss, the players understand the coach likes your skills and wants you on his team. However, your move to join the team means things will change. From the moment of the kiss, the existing players set about deciding whether they will allow you to stay.

The spy kiss occurs when you have known the kisser in a previous life. The kiss, with accompanying dialogue, tells his team that you are his confidante and you and he have secrets. Not that he sees it this way. His view is that you are there to help him out. He thinks he is being friendly. He has a game plan that needs some fine-tuning. Something is amiss and he wants an assistant coach - except now the team places you in the "not to be trusted" category. The questions that haunt them are how much will you tell the coach and what spin will you put on it. They have their patch to protect and the only way out for them is to get the coach to doubt your advice.

The third type is the reserve bench kiss. This comes when a team member is so ignorant of the rules of corporate power he thinks he can copy the behaviour of the coach. The reserve bench is no threat to a corporate woman, unless she considers the attention flattering and drops her guard. Then the kiss becomes the opening salvo in the game of corporate seduction.

Anna Candler is a consultant in corporate communications and strategy. Her email address is candler@thesixhats.com

This column first appeared in Australian Financial Review BOSS magazine - February 2004

UK's First Woman Law Lord Appointment

Gabrielle Martin, Solicitor, NT Director, AWL, President NT WLA Inc.



Dame Brenda Hale has become the UK's first woman Law Lord. Dame Brenda has been a member of the UK Law Commission (1984) and was the first academic lawyer to be appointed as a High Court judge (1993). She spearheaded groundbreaking challenges to the law on children, divorce and mental health. Dame Brenda was quoted as saying "there are plenty of

lawyers around from whom to pick a judiciary which would be more reflective of the general population - more women, more religious and ethnic minorities ...etc. This matters because democracy matters. The judiciary may or should be independent of government and parliament but ultimately, we are the link between them and the people." Unlike Australia, the UK, Canada and New Zealand all have women judges in their highest courts.

Profile



Nicola Roxon MP
Federal Shadow Attorney-General
Shadow Minister Assisting the Leader on the Status of Women meeting with Jennifer Batrouney SC on 26th February 2004

Supporting AWL, Model Briefing in the Commonwealth including recording briefs and supportive workplaces for women.

How proud are we of this Woman Lawyer! Ms Roxon MP is in line for the top job should there be a change of federal government later in the year.

After a distinguished academic performance with first class honours from Melbourne University in 1990 as well as the Supreme Court Prize for top law graduate, Ms Roxon has worked in various positions, including as associate to our patron, Justice Mary Gaudron, as an industrial law solicitor and for the National Union of Workers.

Ms Roxon has been the federal member for Gellibrand since 1998 and her latest appointment was preceded by great performances as shadow minister for Population and Immigration and for Children and Youth. She is also the current National Convenor of the Labor Women's Network.

"As Labor's Shadow Attorney-General and spokesperson on the Status of Women, I look forward to working closely with AWL and its associates to help promote the vital role of women in the legal profession.

Labor has already committed to having a Commonwealth equal opportunity briefing policy (as opposed to the current Government that doesn't even see the need to keep records on who it briefs).

Even more importantly, we are committed to introducing REAL choices for women who want to combine their work and family commitments - a 14 week paid maternity leave scheme, and a push for greater recognition of part-time work rights, will be two such measures.

Women lawyers don't have to prove anything in terms of their competence and commitment - what they need are supportive work places and work practices that enable them to use those talents in a way that works for them and their families."

Nicola Roxon MP
Shadow Attorney-General
Shadow Minister Assisting the Leader on the Status of Women

WBA 10 Years Celebration Launch 'Raising the Bar'



Past Convenors of the WBA

The WBA of Victoria celebrated its ten year anniversary in fine form just before Christmas. Members and supporters of WBA in the form of barristers, solicitors, judges including our new Chief Justice Marilyn Warren, and various other luminaries, attended a function which began in the magnificent and historic surrounds of the Supreme Court Library.

After an opportunity to chat and mingle, the historic first public screening of the film "Raising the Bar" occurred. Fiona McLeod SC, then convenor of WBA, worked hard arranging the interviewing for and collating of this fabulous film which provides an overview of the history of women at the Victorian Bar. It is entertaining, informative and very moving.

It includes historic footage of the life of the first barristers of the female persuasion at the Victorian Bar, and interviews with many current judges and silks, and of a junior barrister being the face and voice of the future. As Fiona said in introducing the film, it is "part documentary and part theatre, and its aim is to record and reflect in some small way the views of a generation." Judging from the buzz of excitement in the Library after it was shown, the film will be in great demand.

After the film, a photograph was taken of the 10 convenors of the WBA since its inception, with the exception of the very busy Solicitor-General Pamela Tate SC who arrived after the photo was taken. (By the marvels of digital technology we now have an historic photograph of all ten convenors for our records, in which the Solicitor-General floats a little ephemerally above the others!)

We then retired to the Essoign Club where we had a very enjoyable dinner. Justice Sally Browne was wickedly entertaining with a speech touching on the serious issues of equality and gender bias, which in passing detailed certain foibles and quotable quotes of some of those of a masculine persuasion on the Bench. Samantha Marks, current convenor, thanked Her Honour and spoke briefly about the 10 years of achievements with which WBA has been involved, and the exciting future ahead.

Editors comment: The film 'Raising the Bar' is excellent and is worthy of film nights for students and women lawyers associations – there wasn't a dry eye in the house!

Noor Blumer – Appointments and Leadership sub-committee

This subcommittee was unsuccessful in its application for funding from the Office for the Status of Women for a project to have in place a proper process for collation, monitoring and studies on the progress of women in judicial office in Australia.

The project would have involved comparisons of the policies and processes in other common law countries with practices in Australian jurisdictions in an attempt to work out what processes are successful in improving the percentage of women in judicial positions.

One of the main problems is in obtaining Australian statistics. AIJA website has not been updated since May 2002 and AWL is constantly being approached by organisations and the media to provide them.

So, in an attempt to remedy that, we wrote to all departments of justice, federal, state and territories on 8 January this year. The efficiency of the responses can only be described as sad. Only about two of the nine responded with the statistics and future contacts we had asked for. One said they would but didn't until chased. One provided very old statistics. Several didn't reply at all. After dozens of telephone calls, emails and further letters, all statistics and contacts were provided by 19 February 2004. With a bit of luck, now that all the right contacts have been made, it will be a lot quicker when we go for an update in three months time, which is the intention.

So, here they are – please let us know if they are not correct! We have only included substantive, not acting, positions and have not included registrars, masters or commissioners.

Substantive only State/Territory	As at February 2004 Judges & Magist. (totals)	Judges & Magist. (Women)	%
C'wealth			
High Court	7	0	0%
Federal Court	47	6	13%
Family Court	51	16	31%
Federal Magistrates Service	22	6	27%
TOTAL	127	28	22%
N.T.			
Supreme Court Magistrates	7 10	1 2	14% 20%
TOTAL	17	3	18%
QLD			
Supreme Court	24	7	29%
District Court	35	5	14%
Magistrates	81	20	25%
TOTAL	140	32	23%
N.S.W.			
Supreme Court/ Court of Appeal	47	5	11%
Land & Environment District Court	7 80	1 18	14% 23%
Industrial Relations Comm.	10	3	30%
Magistrates	135	41	30%
TOTAL	279	68	24%
A.C.T.			
Supreme Court	4	0	0%
Magistrates	9	3	33%
TOTAL	16	3	19%
VIC			
Court of Appeal	10	0	0%
Supreme Court	20	3	15%
County Court	58	18	31%
Magistrates	99	30	30%
TOTAL	187	51	27%
TAS			
Supreme Court	6	0	0%
Magistrates	12	2	17%
TOTAL	18	2	11%
S.A.			
Supreme Court	14	2	14%
District Court	18	4	22%
Industrial Relations Court	5	1	20%
Industrial Magistrates Magistrates	3 36	1 8	33% 22%
TOTAL	76	16	21%
W.A.			
Supreme Court	17	4	24%
District Court	22	6	27%
Magistrates	41	9	22%
TOTAL	80	19	24%

TANZANIAN WOMEN LAWYERS ASSOCIATION LOOKING FOR CONTACT AND SUPPORT

Anette Schoombee, Barrister, WA Director AWL

AWL has been approached by the Tanzania Women Lawyers Association ("TAWLA") who are looking to establish contact with other Women Lawyers Associations around the world. TAWLA is hoping for an exchange of ideas and for support with their legal aid project. It was interesting to learn that there are Women Lawyer organisations in such far away places as Tanzania. However, TAWLA is not that different from our associations, as its goals are also to provide mutual support and guidance to women lawyers in their professional advancement, as well as promoting and safeguarding women's legal and human rights generally.

They too have an annual celebratory dinner to celebrate the appointment of TAWLA members to higher positions. They have recently celebrated the appointment of 4 women judges.

In addition to promoting the above goals, one of TAWLA's main activities is to run a Legal Aid Clinic for women and children. The Clinic is staffed by permanent personnel, but to a large extent kept going by the voluntary assistance of TAWLA members. Over the years TAWLA has helped thousands of women at its Legal Aid Clinic and represented hundreds in the courts. Both the number of women and children needing TAWLA's assistance and the number of TAWLA members willing to donate their time to legal aid clinics has increased remarkably over the last few years to the extent that TAWLA has totally outgrown its small office. Accordingly, TAWLA set to work and raised TShs. 35 million (approximately AU\$41,000) to purchase a run down property as their new office premises. However, they require another TShs 40 million (approximately AU\$46,000) to renovate the property. TAWLA intends to do the renovations over a period of time as money becomes available.



Grant Pierce, the Managing Director of Resolute (Tanzania) Limited ("Resolute") has taken on the project of assisting TAWLA in finding the necessary funds for the renovations. Resolute is a wholly owned subsidiary of Resolute Mining Limited, a West Australian based mining company, which has a very active social development and environmental program. Grant has lived in Tanzania for 5 years and spends the majority of his free time working on social development projects. He was awarded the Medal of the Order of Australia for his personal contribution to social development in rural Tanzania. He is working in close association with Mwanaidi Maajar, the current chairperson of TAWLA.

It seems a good idea for Women Lawyers to support a social project that benefits women or children from time to time. For example, last year, Women Lawyers WA were approached by the management of a women's prison in Perth to assist with their program of teaching prisoners grooming and social skills so that they have a better opportunity to be successful at employment interviews upon their release. Women Lawyers WA ran an extremely successful campaign collecting suitable clothing and other items, including baby wear and toys for prisoners with babies, and organised an official handover day at which everything was very gratefully received.

If you think it worthwhile to support TAWLA and its project, one idea would be to hold a function in your state and to use the profits from that function as a donation to TAWLA. Grant Pierce has offered to do a presentation about Tanzania and TAWLA when he is next in Perth and Victoria and he is also trying to wrangle something to get Mwanaidi an around-Australia ticket. Our associations' members may be very interested to find out how African women live in the rural and city areas, how they are affected by the laws and the legal system and what TAWLA is doing to assist. Africa women are often the most remarkable persons who manage life against great odds and always smile! Also, if we think our laws are discriminatory against women, Tanzania's laws will probably be an eye-opener. TAWLA has some videos that show what their organisation is all about and the work that they do.

If your geography is not the best, you may like to know that Tanzania is on the East coast of Africa just south of Kenya and east of Uganda. It is best known for its tourist attractions of Mt Kilimanjaro (the highest mountain in Africa and highest free standing mountain in the world), the Great Rift Valley and Serengeti National Park where the great animal migrations take place. Tanzania is also the cradle of mankind and home to the "Nut Cracker Man". It has had a relatively stable post-colonial period since 1961, even though the population consists of 120 different ethnic groups. However, none of these groups represents more than 10% of the population and all of them speak a common language, Swahili, in addition to their native tongue. The population lives to a large extent off subsistence farming in different ways in different areas. The country is politically stable, with crime levels low and a good human rights record.

If you are interested in finding out more about TAWLA or supporting their legal aid project, please contact Anette Schoombee on 08-92200436 or aschoombee@francisburt.com.au.

Women Lawyers speak at retirement ceremony of Victorian Chief Justice

On 17 October 2003, the then Chief Justice of Victoria, John Harber Phillips retired. When planning his retirement ceremony the then Chief Justice realised that no woman would be present at the bar table if the traditional practice was adopted of having only the Attorney General, head of the Bar Council and president of the Law Institute speak. As he was Patron of Victorian Women Lawyers (VWL) and a keen promoter of women in the profession he asked Victorian Women Lawyers to speak. This break with tradition highlighted the role of women in the profession and it was a great honour for Victorian Women Lawyers to participate. As Chief Justice of Victoria and Patron of VWL, now Professor John Phillips was an active supporter of women lawyers. He helped to instigate the working parties that precipitated the founding of VWL, mentored committee members, guided the development of many initiatives and actively participated in forwarding an agenda for change in the profession. In her address then convenor of VWL Jo Renkin said:

"...With your Honour as our patron, VWL has had a great friend. Even more importantly however, with your Honour as Chief Justice, the women lawyers of this State have had a friend and mentor. Someone who has recognised that he can make a difference to his women colleagues' professional lives, who has grasped the relevance of the issues facing women in the law and sought to make change where it was observed it should be accomplished.

The significance of your decisive action in these matters should not be underestimated.

Building friendship, offering wisdom with grace and sincerity, provoking action, and questioning the status quo - all traits of your Honour's leadership of women lawyers as Chief Justice and Patron of VWL..."



Women Lawyers Association of NSW Committee

Mentally Ill Criminal Offenders in New South Wales

Tania Evers, Barrister, Vice-President Lawyers Reform Association

Committee Member NSW WLA

On Tuesday 10 February 2004, the Ethics Section of the Law Society, in conjunction with the Lawyers Reform Association held a forum at the Law Society titled De Facto Life Sentences for the Mentally Ill chaired by Tania Evers.

The discussion focused on the appropriateness of retaining ministerial discretion as to whether forensic patients ('not guilty' by reason of mental illness) will be released back into the community.

Each speaker expressed their personal view that it was not appropriate to retain the ministerial discretion as the decision should be a non-political one and reflect the informed recommendations of objective experts. Some of the speakers views are expressed here.

Robert Wheeler, Solicitor in Charge of the Mental Health Advocacy Service of the Legal Aid Commission of NSW expressed concern at the length of time recommendations for charges for forensic patients, including moves to hospitals outside the gaol or conditional release, were being processed by the Ministers office. He also expressed concern at the decline in the numbers of forensic patients who were being approved for conditional release despite recommendations by both experts and by the Mental Health Review Tribunal that they be released.

Dr Stephen Allnutt, Forensic Psychiatrist gave a passionate outline of the difficulties encountered by forensic patients within the prison system, the prevalence of mental illness within the gaol system and the review that has been conducted by himself and Mr Tony Butler on mental illness amongst NSW prisoners. Most of the speakers talked about the misconception in the community about mental illness generally and about forensic patients in particular.

The final speaker was Dr Richard Matthews, Chief Executive Officer of Corrections Health Service and currently acting Director General, Strategic Development at the NSW Health Department. Dr Matthews outlined the current government policy in relation to forensic patients and future directions of the government including a total review of the Mental Health Act including the Mental Health Act as it applied to forensic patients.

Papers were produced by most of the speakers and will be posted on the Lawyers Reform Association website info@lra.org.au. The papers include a brief analysis on the law relating to the mental illness defence and the question of fitness to be tried.

State of the Nation

Australian Capital Territory

Women Lawyers Association of the ACT (Inc) was formally incorporated in 1989, but it has a much longer history. The current President is Linda Crebbin, a founding member of Australian Women Lawyers. The Association has a very active committee of eight. Presently, there are 53 members in total.

In 2003 the association amended the Constitution to non-discriminatory language, which means otherwise qualified men can join the association.

This year they plan to hold monthly breakfast forums where speakers of note can inform and entertain our members, and the broader profession – a continuation of some similar evening sessions last year. Over 50 attended a breakfast on 5 February 2004 to celebrate the commencement of the legal year. The Law Week dinner is traditionally organised by WLA ACT Inc and Dawn Casey is the speaker at this years dinner in May.

Already in 2004 the association has been active in drafting submissions in relation to the ACT Government's discussion paper on the review of the Territory's Protection Order legislation. The Model Briefing policy has gained the support of the Chief Minister and Attorney General, Jon Stanhope and is also supported by the ACT Bar Association. While the ACT Law Society is now supportive of transparency in the process of judicial appointments, unfortunately this has not been implemented by the government – but the women lawyers of the ACT will keep working on it.

New South Wales

In October 2003 NSW WLA had its annual AGM with the election of a diverse and dynamic Committee whose charter for 2004 is, amongst other initiatives, to improve communication with our members, continue mentoring of female law students and introduce a more formal structure for mentoring of senior female solicitors to assist them in progression within their careers.

In December 2003 the Committee held a Strategic Planning Day from which an action plan and timetable for implementation was developed.

The WLA NSW Committee recognises the importance of working together strategically with the legal profession and the community at large. This commitment is enhanced by Committee members holding one or more positions on various Boards and Committees, some examples include, inter alia,

Marilyn Bartole - Member NSW Law Society EEO Committee
Juliet Bourke - President of the NSW EEO Practitioners' Association
Megan Cassidy - Member NSW Young Lawyers Business Law Committee

Samantha Edwards - Member of NSW Youth Advisory Council
Tania Evers - Vice President, Lawyers Reform Association
Catherine Henry - President, Newcastle Regional Law Society NSW
Shauna Jarrett - Councillor, NSW Law Society
Anna Katzmann SC - Junior Vice President NSW Bar Association
Elizabeth Maconachie - Member, Medico-Legal Society Committee

WLA NSW's first event for 2004 on 2 March, will be a breakfast seminar for International Women's Day with special guest speaker The Honourable Justice Annabelle Bennett of the Federal Court of Australia speaking on the topic of "Law and Science".

Victoria – Women Barristers Association

The Women Barrister's Association has had an eventful few months.

In November, we were extremely proud that Justice Marilyn Warren was elevated from the trial division of the Supreme Court to take up the position as Chief Justice of the Supreme Court. In December, we farewelled our tireless convenor, Fiona McLeod, who had completed her term. Fiona has produced a superb video "Raising the Bar" which is reported separately in this newsletter. We were one of the 'sister' organisations hosting the "Portia's breakfast" initiated by the Victorian Law Foundation to celebrate the opening of the legal year. We attended drinks for women barristers at the Federal Court hosted by Chief Justice Black in February. Looking forward, the WBA will host drinks for the recent appointments and the new silks on 1 April.

The Victorian Bar has introduced compulsory CLE and the WBA is monitoring the system to ensure that it does not impact adversely on women barristers who have family commitments (almost all CLE sessions are held at 5.15 pm). We are also continuing to organise the Victorian Women Lawyers Achievement Award, which will be held in early 2005.

Current membership is 107 including 12 judicial members. There are about 280 women barristers at the Victorian Bar. Samantha Marks is the current convenor of the WBA and the Assistant Convenors are Jennifer Batrouney S.C. and Michelle Quigley S.C.

Victoria – Victoria Women Lawyers.

Victorian Women Lawyers convenor is Sarah Coffey, who is also a corporate counsel at NEC. Sarah can be contacted by email at sarah.coffey@nec.com.au. Having sadly farewelled our founding patron, former Chief Justice of the Supreme Court of Victoria, John Phillips on his retirement, VWL was thrilled when the new Chief Justice (and first woman appointee in the role) Marilyn Warren accepted our invitation to be Patron. We are looking forward to a really exciting association with her Honour.

A varied and exciting calendar of events awaits women lawyers in Victoria this year including:

- Dame Roma Mitchell Memorial Luncheon at which The Honourable Mary Gaudron will speak;
- A monthly calendar of events of both a social and educative nature;
- The launch of a human rights themed essay competition;
- Research about women lawyers, career progression and flexible working opportunities;
- Monthly lunches with judges - a group of 10 -12 women lawyers with less than 4 years in practice have an informal lunch with an eminent woman judge.

Queensland

The Women Lawyers Association of Queensland had a busy end to 2003, hosting its Annual Christmas Drinks function at CQ Gallery in Fortitude Valley.

The Association is in full swing in terms of planning for events in 2004. Organisation for the Una Prentice Dinner, at which the leading female graduates of each of the Queensland law schools is presented with a prize, is well under way. The Association also hosted members of the AWL Board at dinner when they attend Brisbane on the weekend of 27-28 February.

In addition, planning is under way for the Association to host a breakfast function at the National Family Law Conference which will take place in Queensland later in the year. The Association also plans to post historical photographs, uncovered in a recent cleanout of Association records, on its website in the near future and, perhaps, to undertake a short retrospective of the history of the Association.

South Australia

The Women's section of the Law Society was formed in 1989 and had its position cemented by the formation of Women Lawyers' Association of South Australia Inc in 1997. It currently has approximately 100 financial members. The president is Jane Knowler, a lecturer at the Flinders University School of Law in South Australia.

In keeping with its objective of providing a professional network for women lawyers, the association held a drinks function with members of the judiciary in early December last year. In addition to providing an informal, convivial setting in which women lawyers were able to converse freely with judges and magistrates, the evening also celebrated the recent appointments of 4 women to the South Australian bench – Justice Ann Vanstone to the Supreme Court, Judge Patricia Kelly to the District Court and Penelope Eldridge and Maria Panagiotidis as stipendiary magistrates.

In announcing the appointments the then Attorney General Paul Holloway remarked that for the first time in South Australia's history 2 women would be sitting on the Supreme Court Bench at the same time. WLA applauds this but hopes that it won't be too long before there are 3, 4 and then 7 women sitting on the bench at the same time.

Dame Roma Mitchell (the first woman appointed to the Supreme Court in 1965) had hoped to live long enough to "see the appointment of women to the Benches of the superior courts being accepted as not worthy of particular comment." That time it seems is still to come, and to bring it forward WLA of SA Inc is hoping to run a series of research projects, mentoring programmes, seminars and networking functions this year.

Western Australia

Women Lawyers WA were very pleased to see a number of significant appointments of women made to the judiciary over the recent weeks.

Judge Antoinette Kennedy, formerly a Judge of the District Court, was appointed Chief Judge of that Court, while Justice Lindy Jenkins, formerly a Judge of the District Court, was appointed as a Justice of the Supreme Court. Jane Crisford SC was appointed as a Judge of the District Court and Vivienne Edwards and Vickie Stewart took up positions as Magistrates.

Women Lawyers WA has had a busy close to its yearly programme. In August a very successful seminar on financial planning was co-hosted together with Bank West. Pippa Elliott of Momentum Planning spoke about the need for women to plan their investment strategies with a view to their overall life goals. In September Her Honour Justice Ruth McColl addressed a Women Lawyers lunchtime seminar on "A view from the top". She gave some very interesting insights into the reasons why women barristers are still exposed to discriminatory briefing practices.

Women Lawyers were also very fortunate to have Justice Michael Kirby of the High Court agree to speak on "Women in the Law: Progress or Doldrums?" His view was that in spite of all the progress, there were still too many doldrums. In October Women Lawyers hosted a breakfast seminar by Dr Anne Powell, Cardiologist on women and cardiac health. A very successful Christmas party for Women Lawyers was co-hosted in November with Bank West.

Our first function for 2004 will be the Annual Honours Dinner on 5 March which will be in honour of the appointments mentioned above and in honour of Justice Narelle Johnson who was appointed to the Supreme Court last year.

Northern Territory

NTWLA has about six functions per year to provide busy female professionals with the opportunity to meet and support each other. In October 2003, NTWLA Inc held its first Wine & Cheese Night. It was a great night for those who were able to attend. Notably, Lyn McDade, the newest female member of the NT Bar Association, attended, as did Rex Wild QC and Jack Karczewsk QC. NTWLA Inc congratulated Lyn on her joining the Bar and wished her well. NTWLA Christmas drinks in November 2003 and most recently, drinks at William Foster Chambers with several female barristers who talked about "Life at the Bar". There were over thirty women who enjoyed the night. The next event is "Twilight Bowls" and team events are being planned.

The NTWLA Committee met on 19 January 2004. The Committee is busy planning events leading up to the Annual General Meeting in August 2004. Several short-term projects are on the planning board. We will be calling for volunteers to form sub-committees to plan and run the Awards nights for the best Top End and Central Australian Woman Lawyer for 2004 and another sub-committee to carry out a review of the Constitution so that we can vote on any amendments at the next Annual General Meeting.

Tasmania

Women Lawyers Association of TAS Inc ended 2003 with a cocktail party and AGM in November. Their guest speaker was Chief Justice Nicholson of the Family Court of Australia. The event was held at the Royal Tennis Club and a great success.

The committee plan to start the new year with a cocktail party in March. Topics for planned guest speakers include legal/medical research in the area of Genetic engineering, a Magistrate to speak about defacto property and the New Relationship Act in Tasmania and a Management Consultant to run a seminar/workshop about Flexible Partnerships.

This year the committee is aiming to set up a TWL website.

The President and committee have committed to continue to foster and maintain contact with the Attorney General, Judy Jackson, and continue to provide advice, opinion and consult on matters relevant to Women Lawyers, the latest project being the Equitable Briefing Project. The committee also continued to push for reform in the area of Part Time Practising Certificates in Tasmania.

In June/July this year a further cocktail party for the judiciary will be held to target newly admitted practitioners who will enjoy the opportunity to speak with Supreme court judges, Federal Court magistrates, Family court judges and Magistrates in a relaxed and informal environment.

At the end of March TWL will have a stall at the University of Tasmania at their Careers Fair to encourage and talk to young lawyers and new members.

AWL Board Members



President—Jennifer Batrouney S.C.

Jennifer Batrouney is a Senior Counsel at the Victorian Bar, practising in administrative law, tax and superannuation. She completed her articles at Blake Dawson Waldron and after 3 years was called to the Bar. She signed the Bar Roll in May 1991 and took silk in 2000. She has been a member of the Law Council's taxation committee since 1991 and was a State Councillor of the Taxation Institute from 1997

until 2002. She was a member of the Superannuation Complaints Tribunal from 2001 until 2003. She sits on various Victorian Bar committees, including the Legal Education and Training Committee and the Professional Indemnity Insurance Committee. She is assistant convenor of the Women Barristers' Association and President of Australian Women Lawyers.



Vice President – Noor Blumer

Originally from Western Australian, Noor attended UWA and studied Arts before moving to Griffith NSW to study law by correspondence through the SAB. Studying and working full-time and 4 children later, Noor was admitted to practice in 1992. After moving to Canberra in 1998, Noor served for 3 years as President of WLA ACT Inc. and specialises in personal injury litigation, in partnership with her husband Mark. This is her second year as a director of AWL. Noor represented AWL at the World Women Lawyers Conference in London in 2003.

Secretary - Megan Dixon



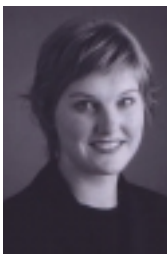
Until recently taking study leave, Megan was a Policy Advisor to the Queensland Attorney-General and Minister for Justice, the Honourable Rod Welford MP for about 3 years. Prior to that, Megan practised as a solicitor specialising in Industrial Law and Anti-Discrimination law. Megan has been involved with the Women Lawyers Association of Queensland in 1997.



Treasurer - 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 is now also the President of the Women Lawyers' Association of South Australia. Jane was one

of the key organizers of the Feminist Legal Academics Workshop held in Adelaide last June.



Joanna Renkin

Joanna is a senior associate in the General Insurance Department at Lander & Rogers, and holds a LLB/BA (Hons) degree from Monash University. This year Joanna is the immediate past convenor of Victorian Women Lawyers (VWL), having been convenor in 2003. She has been an active member of Victorian Women Lawyers since 1998 and has served on the executive committee of VWL since November 2000.

Until 2003, Joanna was an active member of both the Human Rights and Refugee Sub-Committees of the Law Institute of Victoria's Administrative Law and Human Rights Section for some four years. Jo currently works part time following the birth of her daughter in October 2002



Anette Schoombee

Anette has been a barrister at Francis Burt Chambers since 1999 practising in commercial and insurance litigation. In 2001 she acted as Counsel assisting the Royal Commission into the Finance Broking Industry. She is also an experienced mediator accredited with LEADR. Anette is a director of WA Bar Chambers Ltd and Vice President of Women Lawyers of Western Australia (Inc). Anette migrated from South Africa in 1987 and joined Parker & Parker as a solicitor. She was admitted to the partnership of Parker & Parker (which later merged with Freehills) in 1995 and specialised in professional indemnity and construction insurance. Before migrating to Australia Anette practised as a barrister in Cape Town for 6 years. She graduated from the University of Stellenbosch and was awarded the gold medal for the best law student in her graduation year. Anette has 2 school-aged sons and is married to a barrister.



Gabrielle Martin

Gabrielle studied law and graduated from Adelaide University in 1994. She commenced with the Crown (SA) in 1995. She moved to Darwin over four years ago to join the Solicitor for the Northern Territory (ie "the Crown") in the Department of Justice. Gabrielle provides advice

and legal representation to government agencies mainly in the areas of administrative law, health law, employment law and anti-discrimination. Gabrielle has been President of the NTWLA since September last year. She enjoys food & wine, theatre (she was one of the Mamas in *Fiddler On The Roof* in April 2003), cinema, yoga, walking, reading and traveling. She has two sons, 27 and 26 years old, who are both dentists.



Christine Trueman

Christine studied at the University of Tasmania and was admitted to practice in 1999. She worked for the Legal Aid Commission of Tasmania for one year, then Murdoch Clarke Barristers and Solicitors for 4 years and has recently started a position Associate at Simmons Wolfhagen. Christine specialises in Family Law. She served as President of Tasmanian Women Lawyers in 2003 and 2004. Christine is also Treasurer of the Family Law Practitioners Association of Tasmania. Her pre-law background and previous work history include business, corporate banking, financial & investment areas. She has three children, two of which were born while working and studying law.



Marilyn Bartole

Marilyn Bartole graduated from the University of New South Wales in 1985 with a BA LLB and in the same year she was admitted as a solicitor. Marilyn is the current President of Women Lawyers Association of NSW having also held this position in 2001. Marilyn has been employed by the Attorney General's Department of NSW for the last 10 years and her main role during this time has been as a solicitor representing persons before the Royal Commission into the NSW Police Service, the Police Integrity Commission and the Independent Commission Against Corruption and the Thredbo Inquest. Prior to 1994, Marilyn held positions with the Public Interest Advocacy Centre, Federal DPP, Aboriginal Legal Service, Legal Aid Commission NSW, Royal Commission into Aboriginal Deaths in Custody and the Government Insurances Office. In 2001, Marilyn undertook a temporary position as Acting Prothonotary at the NSW Supreme Court and later that year took up a scholarship course in Italy and obtained a Diploma in Business Studies from the MIB School of Management in Trieste.