



AUSTRALIAN  
WOMEN  
LAWYERS

# Themis

Issue 7 - July 2006

## Special Sitting of the High Court of Australia to welcome the Hon Justice Susan Crennan



*Justice Crennan*

*In the last edition of Themis, we speculated about who would inherit the view from Justice Michael McHugh's chambers at the High Court, and why it was important that his successor be a woman. In November 2005, Justice Susan Crennan was appointed to the High Court and now enjoys that view. AWL commends this excellent appointment. Here is **Attorney-General Ruddock's** speech at Justice Crennan's swearing in on 8 November 2005:*

On behalf of the Government and the people of Australia, it is both an honour and a privilege to be present at this special sitting to welcome the Honourable Justice Susan Maree Crennan. I extend to your Honour congratulations and best wishes on your appointment to the Bench of the highest court in our country. Your Honour becomes the forty-fifth person to be appointed to this Court, the thirteenth Victorian and the second woman. Your Honour's appointment is recognition of the intellect, skill, determination, and commitment to justice displayed throughout your career.

Born in Melbourne, Your Honour attended Our Lady of Mercy Convent in Heidelberg. Your former teachers speak highly of your intellectual, academic and leadership abilities – Your Honour was School Vice-Captain in your matriculation year. They also speak warmly of your Honour's sporting ability – particularly in netball – and the enthusiasm with which you took part in the school's social life – writing for the school magazine and attending St Patrick's Day parades. Your Honour also revealed a wry sense of humour. In 1962, in your last year at the school, tired of the very steep climb up Cape Street to the main gates, Your Honour and another friend placed an advertisement in one of the school magazines. The advertisement read: 'Wanted. One old bomb and driver to transport two travel-weary Matrics to school.' Failing that, you asked if 'some generous person' could install a ski-lift. Your Honour, should not face the same problems here. I have been reliably informed that the lifts in this building have been recently refurbished ... Your Honour can travel express from the basement car park to your chambers on the ninth floor.

Since leaving school, Your Honour has had three distinct careers. You began your first career – working as a trade mark attorney ultimately qualifying as an Associate of the Institute of Patent Attorneys of Australia – after completing a Bachelor of Arts, in English literature and

language at the University of Melbourne. You met your husband Michael during this time when you were both studying the compulsory subjects of Old Norse and Anglo-Saxon. Your interest in English has continued. One colleague has said that you can become as passionate about points of grammar as you can on the finer points of the law!

You then became a teacher in order to work part-time while your children were small. Meanwhile, you also began studying law part-time – first at the University of Melbourne, then completing your degree at the University of Sydney. Your Honour was also later to complete a postgraduate Diploma in History from the University of Melbourne in which you were awarded first class honours for a thesis on aspects of constitutional history. Within weeks of completing your law degree, your third and final career change took place, when you were admitted to practice in February 1979.

From the beginning you kept very good company – reading with the present Commonwealth Solicitor-General, Dr David Bennett QC, who is also in court today. Your Honour proved to be talented, energetic and extremely hard-working – also very fast on your feet. The Solicitor-General recalls an occasion when you attended six mentions across five courts in one morning!

At the end of that year, Your Honour returned to Melbourne with your family and began to practice at the Victorian Bar. Your Honour built a successful broad-based practice, developing particular expertise in commercial, constitutional and intellectual property law.

You were regularly briefed by the Commonwealth, and a number of instrumentalities – as well as appearing for numerous other parties of different persuasions. You also had the distinction of being led by successive Commonwealth Solicitors-General commencing with Sir Maurice Byers QC. Your Honour appeared before this Court as a junior on a number of occasions, including for the Victorian Government in the landmark section 92 case *Cole v Whitfield*.

You have also written widely on a range of subjects – Your Honour's dissertation on 'The commercial exploitation of personality' was widely recognised as an engaging and instructive account of Australia's approach to intellectual property.

In 1989, only ten years after becoming a barrister, Your Honour was appointed a Queen's Counsel – a well-earned endorsement of your talents and ability. Within a year, Your Honour was appointed senior counsel assisting the Royal Commission into the collapse of Tricontinental, a two billion dollar corporate disaster. The issues were particularly complex and difficult. However, your hard work, intellectual and administrative ability – and your skills at cross-examination – were widely recognised. One key figure in another corporate collapse from the same era likened being cross-examined by Your Honour to going up against some of the all time greats of Australian Rules Football. 'It's a bit like being picked for fullback against Gary Ablett,' he said at the time.

The Royal Commission also provided one of the few occasions on which Your Honour has been professionally upstaged. Your Honour was making your final submissions, with your back to the windows overlooking the Port of Melbourne. As you spoke, opposing counsel, their instructing solicitors, and others in the commission, became increasingly distracted. This was quite an unusual experience for Your Honour as Your Honour's submissions were normally received with at least, polite attention. But you persevered until finally even opposing counsel stood up to look out the windows. At about this point, Your Honour turned and saw a gigantic fire blazing on Coode Island. A lightning-strike had ignited more than eight million litres of toxic chemicals, forcing the evacuation of more than 250 people from the nearby factories and ships. Total damage was estimated at about \$20 million. It had taken an event of this magnitude to upstage Your Honour!

Just under two years ago, in recognition of your outstanding ability, Your Honour was appointed to the Federal Court where you have served with distinction. The leadership and community spirit you first demonstrated at school has also continued throughout your professional life. Your Honour has served on numerous legal and community-based committees. In 1993, you were elected Chairman of the Victorian Bar Council – the first woman to chair any Bar Council in Australia. One of your most notable achievements was to establish a formal pro bono scheme, with the cooperation of the Law Institute, and the Victorian Government. The following year, Your Honour became the first woman President of the Australian Bar Association. You have also served on the Human Rights and Equal Opportunity Commission; and on the board of the Victorian Legal Aid Commission.

Your Honour has maintained close ties with the University of Melbourne. You have served as a member of its Law School Foundation, and you have championed a scholarship scheme for Indigenous people. Despite the demands of a legal career, you and your husband, Michael, have raised three children – Daniel, Brigid and Kathleen - and share a love of travel, music, art and literature. I know Michael – also a distinguished Victorian silk - and your family, including your grand-daughter, Hannah, are here with you today. They must be justly proud of your achievements. I understand that your mother – Marie Walsh – who unfortunately passed away only recently knew of your appointment to the High Court and was very proud. I know that your Honour's experience, expertise, wisdom and compassion will ensure that you carry out your new duties with distinction.

My belief is endorsed by one who has known you for more than 45-years – Sister Bonaventure, now known as Sister Mary – one of your former school teachers at Our Lady of Mercy Convent in Heidelberg. Sister Mary set and marked the exam which won you a scholarship to the school. She said your success had not surprised her. Your Honour was, she said only a few days ago, "an outstanding student, but she also had a strong sense of justice and would champion a cause. If something needed to be put right, she would put it right to the best of her ability.'

On behalf of the Government and the people of Australia, I extend to your Honour warmest congratulations on your appointment and very best wishes for a long and satisfying term of office. Your Honours I would also like to take a moment to pay tribute to former Justice Michael McHugh. Justice McHugh left the court last week after reaching the compulsory retirement age of 70 – the first puisne judge of this Court to reach the age limit. Justice McHugh served the Australian community with great distinction, first as a barrister, then as a judge of the NSW Court of Appeal, and finally, for the past sixteen years, as a justice of this court. He made an invaluable contribution to the development of Australian legal thinking and reasoning. Like his distinguished predecessors Sir Adrian Knox and Sir William Deane it is well known that Justice McHugh has a keen interest in horse racing. It is therefore appropriate that he could celebrate the first day of his retirement with a flutter on the Melbourne Cup. I wish him a healthy, enjoyable and rewarding retirement.

## INAUGURAL AUSTRALIAN WOMEN LAWYERS CONFERENCE

A most exciting initiative of the Board of Australian Women Lawyers has been to organise the Inaugural Australian Women Lawyers Conference, to be held in Sydney on 29 and 30 September 2006. 'Celebrating Excellence' is the theme of the Conference. The aim of the Conference is to gather together outstanding women speakers and to demonstrate the high degree of excellence that women are achieving within the Australian legal profession. Our keynote speaker will be our patron the Honourable Mary Gaudron QC, the first woman appointed to the High Court of Australia.

This will be the first conference of its type in Australia and it has attracted many outstanding speakers from across Australia, who will speak on areas of substantive law. The conference is not intended to address primarily 'women's issues', although some speakers will present papers on topics which will have particular relevance to women. The plenary sessions for the Conference will be on human rights and will cover a diverse variety of subjects, including: the impact of detention on the mental health of detainees; the role of women in building a democracy after conflict; and human trafficking and slavery in Australia.

The Conference programme also has a further three streams, being Property and Finance, Litigation and Corporate Governance. The Conference sessions in these streams will cater for the more specialised interests of registrants.

We have been fortunate in securing as speakers an unprecedented array of outstanding women from the judiciary, government, academia and private practice. Many of these women are at the pinnacle of their area of expertise. Nicola Roxon MP, the Shadow Federal Attorney General, will be speaking on a human rights topic. From the judiciary we have women judges from across Australia presenting papers. These judges include Chief Justice Diana Bryant (Family Court), Chief Justice Marilyn Warren (Victoria), Justice Margaret McMurdo (President of the Court of Appeal Queensland). From government we have speaking: Jennie Granger, Second Commissioner of Taxation; Jennifer McNeil, Commissioner for the Australian Competition and Consumer Commission; and Rayne de Gruchy, Chief Executive Officer, Australian Government Solicitor.

The conference is being organised by Sydney based DC Conferences and it will be held at the Sydney Sheraton on the Park Hotel. Registration and welcome drinks will be on the evening of Thursday 28 September 2006. Chief Justice Spigelman will be attending the welcome drinks and will welcome delegates to the conference. The conference will then proceed on Friday 29 and Saturday 30 September 2006. The conference dinner is planned for the Saturday night.

Organisation of the Conference would not have been possible without the tireless efforts of the Conference Committee, Noor Blumer, Louise Byrne, Fiona McLeod SC, Anne Winckel, Anne-Marie David and Jane Knowler and also Vice-President Tracy Fantin.

The Conference promises to be an exciting and stimulating event and I encourage you to join us in Sydney. The Conference will be a marvellous opportunity to hear great speakers, to meet other lawyers from around Australia and to catch up with old friends. For registration details contact [www.dcconferences.com.au/awl](http://www.dcconferences.com.au/awl) or visit the AWL website [www.womenlawyers.org.au](http://www.womenlawyers.org.au). Early bird registrations close on 31 July 2006.

*Caroline Kirton  
President  
Australian Women Lawyers  
June 2006*

## Women Lawyers in NSW 1902-2002: The First Century



*Photo by Michelle Wilson, Centre for Flexible Learning MACQUARIE UNIVERSITY*

WLA NSW is delighted to support and participate in this study being conducted by Joan O'Brien, one of our founding members.

The aims of the project are to explore the experiences of women in the legal profession in NSW through questionnaires and recorded interviews. In 1986, Joan completed her MA and thesis "A history of women in the legal profession in NSW" at The University of Sydney, which is a well-researched and comprehensive account of the struggle of women and pioneering difficulties dating back to the late 1800s.

At 89 years young, Joan is embarking on further studies at Macquarie University with the project being conducted as a follow up to her original thesis and to meet the requirements of a PhD in Law. WLA NSW are extremely grateful to Joan for her continued support of our Association and providing an invaluable historical account of our Association and women in law.

## *Inspirational People: Mellissa Dunn*

In a horrific car accident, Mellissa Dunn broke her back in three places and wasn't expected to see the next morning. Against all odds she not only survived, but learned to walk again, had a baby, got herself a law degree and bought her own practice.

Mellissa Dunn is a lawyer who owns her own firm in Darwin. She's also the partner of Paul and mum to five year old Damon.

She will never forget that night in 1994: "I was out driving with friends and was a passenger in the back when we had the accident." The force of the collision broke her back in three places, snapped her neck and inflicted major internal injuries. Preparations were made to fly her to Adelaide for emergency treatment. "The doctors thought that I would not survive the flight to Adelaide that night and that if I did, it was unlikely that I would walk again".

Mellissa did survive, but she was completely paralysed. "Initially, following the accident, I could only move my big toes. But over the following months, after a great deal of rehabilitation, I started to have some feeling and movement in my legs. After that I went through the process of re-learning to sit, stand and walk. It's amazing how quickly you can forget how to walk". Mellissa stayed in the Adelaide hospital for about six months before returning to Darwin in 1995.

It was during rehabilitation in Adelaide that Mellissa tried wheelchair basketball and found that she thoroughly enjoyed it. When she returned to Darwin she started playing in the local competition. This led to playing for Darwin at a state level, selection in the Australian Women's Wheelchair Squad, and the Australian team at the Paralympics in Sydney, where they won silver.

At the same time, Mellissa was studying for a double degree in arts and law, which she completed in 1999. She was admitted to practice in 2001. In 2002 she commenced with Priestleys Lawyers, a firm that deals predominantly in personal injuries litigation, victims of crime, work health and criminal law.

She also defied the odds in 2001 when after "morning, day, afternoon and night sickness", her son was born - another gift that doctors warned her would be close to impossible. Mellissa says that balancing motherhood and her career has been her greatest challenge, though dealing with physical problems and restrictions in what she can do is sometimes hard as well.

Mellissa says it had always been her ambition to be a lawyer and eventually own her own firm. Her dream was realised when she purchased Priestleys Lawyers in 2005.

As Mellissa says: "challenges arise in life to test us and should be viewed as stepping stones on the way to success, rather than as excuses preventing us from reaching our goals. Someone once told me that 'stupid questions are better than stupid errors', which is so true, so never be afraid to speak up. People should always utterly believe in themselves and their abilities."

*Story by Jo Hindle.*

*Reprinted with permission Resident Magazine N.T.*



*Mellissa Dunn playing for Australia at the 2000 Olympics in Sydney*

## WA Women Lawyers sponsor youth ambassador to UN



*Dorsa Nazemi in New York*

My name is Dorsa Nazemi and I am a youth Ambassador to an international non governmental organisation named PRIDE (Pacific Rim Institute for Development and Education). This organisation actively promotes the rights of women and children, focusing on orphaned children in Asia. In 1999, PRIDE was recognised by the United Nations as having special consultative status to UNESCO. This official status permits PRIDE to be permanently represented at the United Nations Assembly in New York, Vienna and Geneva in various capacities. PRIDE is also privileged to be a member of the official United Nations Conference of Non-Governmental Organisations (CONGO). As an ambassador for PRIDE, I was invited to attend the 2006 Commission on the Status of Women ("CSW") conference. The focus of this conference was enhancement and equal participation of women in the decision making process.

The function of the CSW is to prepare recommendations and reports for the Council on the promotion of women's rights in the political, economic, social and educational fields. The commission also makes recommendations to the Council on urgent problems requiring immediate attention in the field of women's rights. The commission gathers information about worldwide problems by consulting more than 3000 NGOs around the globe. The CSW holds an annual conference focusing on one particular theme, and invites all NGOs to participate in the consultation process about issues facing women.

The CSW conference was held in February 2006 in New York. At the outset, all NGO representatives participated in a group consultation. There was not only a difference of opinions between groups, but also a struggle to understand each group's level of needs. For example in one group, developed industrialised countries were claiming and advocating for more women in positions of executive power and decision making. However in another group, developing nations were struggling for basic needs such as health, education and an end to civil war and mass killings.

I was heavily involved in preparation of a paper dealing with "Enhanced participation of women in development: an enabling environment for achieving gender equality and advancement of women, taking into account, inter alia, the fields of education, health and work."

Together with two other youth ambassadors from Canada and Republic of South Africa, we advocated for the inclusion in the paper of HIV and AIDS, violence against girl children, women as care providers and work leave issues. We also suggested that time frames and targets be included in the recommendations.

Members of my group then sought the support of our government representatives to the changes we had suggested. The Australian delegation did a great job of pushing many mandates and changes through, and I was happy that many of my changes were successfully implemented.

At the conclusion of this conference, I realised the changes could not be implemented unless both men and women work together. Also women need to try and understand the status of other women, and most important of all, experienced women must pass their wisdom to the younger generation.

I would like to sincerely thank each and every member of WLWA for giving me this opportunity to live my dream of serving humanity. I would like to acknowledge the Women's Lawyers Committee for their courage and commitment to women's affairs by sponsoring me when all other doors were closed. I would not have been able to make this trip if not for the generosity and the faith of this committee in my case.

**Dorsa Nazemi**

## Remote Area Solicitor

For four months in late 2005 and early 2006, I was a locum solicitor at the Miwatj Aboriginal Legal Service ('Miwatj') in Nhulunbuy in north east Arnhem Land.

### Miwatj and the region

Miwatj was established in 1998 to provide legal services to the indigenous people of North East Arnhem Land. Its jurisdiction encompasses all of the communities from Milingimbi in the North West to Numbulwar in the South East, Groote Eylandt in the South East and Elcho Island in the North West.

North East Arnhem Land is owned by traditional indigenous land owners. The communities include: Yirrkala, Ski Beach and Galupu (near Nhulunbuy), Gapuwiyak, Gunyangara, Ramingining, Miligimbi, Numbulwar, Milyakburra on Bickerton Island, Galiwin'ku on Elcho Island and the Groote Eylandt communities of Angurugu and Umbakumba. The region covers an area of 37,000 square kilometres and has a total indigenous population of approximately 7000 representing 58% of the population. Almost all Yolngu people speak a first language other than English.

There are two major mining leases: the Alcan bauxite mine on the Gove Peninsula and the Gemco manganese mine on Groote Eylandt, and most of the 5000 non-indigenous residents live in the mining towns of Nhulunbuy and Alyangula. There is no access to this region during the wet season except by air. Poor roads & limited services contribute to high transport costs and a very high cost of living. Despite this high cost of living and typical remote area issues, the region has much to offer: it is beautiful and the landscape exquisite. The horizon is a great expanse of white sand and beautiful turquoise blue waters.

The Yolngu people are proud of their culture and their history. Historically, the traditional landowners mounted a landmark legal challenge against the Nabalco mine site that resulted in the application of the infamous doctrine of "terra nullius", which for years denied the legal existence of the law and government of indigenous people, until finally overturned by the High Court decision of *Mabo*. Despite their contact with Europeans the Yolngu people are renowned for maintaining their indigenous traditional lifestyle.

Nhulunbuy is also home to the famous Indigenous Australian band 'Yothu Yindi' who climbed the rock charts and did a world tour with their debut song 'Treaty' in the early 1990s. The region is also famous for its artwork. For example, art work from Arnhem Land is reproduced on our currency. Also, a well known copyright case involved the imitation of a local artist's work on Asian imported rugs.

### The task and therapeutic jurisprudence

My role was to provide legal services and legal representation to all indigenous people in the North East Arnhem land region, mainly as court advocate. Other duties included policy work, working for changes to laws and policies which adversely affected clients of the service, coordinating and participating in a week-long community legal education program involving ten remote indigenous communities, and a wide range of legal topics. Some issues canvassed included bench warrants being issued by the court when defendants and their families could not attend by road because of wet season restrictions. Another issue was the absence of private or public telephones to ring a lawyer, the police or courts.

The Magistrates Court sits three days per month at Nhulunbuy, and four days per month at Alyangula. Once every three months the court sits at Galiwin'ku and Numbulwar for a day. Court lists for each of these days can contain up to fifty defendants and many of them have multiple charges. There is no intermediate court (such as the District Court) in the Northern Territory. Except for Nhulunbuy where I resided, all other courts were only accessible by plane, which was usually a charter flight on a small twin Cessna engine. It was always a relief to

land and not much fun at all on a cloudy day. Airlsickness and court room advocacy did not mix well either!

The bulk of the case load is criminal law. Unlike a city legal service provider the clients do not attend the office for an appointment or telephone to discuss their case. Usually, one working day before court week started, I had to drive a 4wd out to the communities, then drive from house to house, or one shady tree to another to find clients. Seating could vary from an oil drum to a flattened cardboard box or a pandanus mat. Taking adequate and proper instructions from clients was often very challenging. Clients would often agree with everything you said, or the whole extended family or neighbourhood would have a word to say about the case during your 'private' conference with the client! At other times, language and cultural issues arose. Using an interpreter was not always helpful because sometimes the client was too embarrassed to communicate through the interpreter due to gender issues, family relationships or shyness.

The majority of criminal law cases were resolved as pleas of guilty because often when interviewed by police the clients made full admissions. However, a number of cases went to hearing because the prosecution had no corroborating evidence and the police interview with the client had not followed the Anungu guidelines, causing the interview to be ruled inadmissible on voir dire, primarily because the accused did not appreciate their right to silence.

In Nhulunbuy the biggest threat to the fabric of indigenous communities was alcohol abuse. On Groote Eylandt, cannabis addiction and petrol sniffing were also major issues.

The lack of services, resources and programs for drug and alcohol dependent clients in these remote communities was often frustrating. There were clearly limitations on the capacity of the law and the criminal justice system to solve the causes of much of the offending.

I was given the extraordinary opportunity to engage in therapeutic jurisprudence and restorative justice through the relatively new community court program at Nhulunbuy. In this program, the Magistrate, police, DPP lawyer, defence lawyer, victim, defendant and their families and well respected community indigenous elders, sit around the bar table and discuss the case in a non adversarial and informal manner. Each person has the opportunity to speak and the appropriate sentence for the defendant is discussed as a group and later endorsed by the Court. It is similar to the 'Koori court' system in Victoria and 'Circle court' in New South Wales. This court process is fully engaging for the defendant, the victim and their communities and appears to have an added shame factor for the defendant. Preliminary research in other States has indicated this causes a reduction in the likelihood of recidivism.

Judy Seif, Barrister  
Howard Chambers, Western Australia



Barrister, Judy Seif boarding a Cessna in Numbulwar, NT

## 100 years of Queensland Women Lawyers

November 9 marked the centenary of the *Legal Practitioners Act 1905* (Qld), the legislation that enabled women to be admitted as barristers and solicitors in Queensland. The occasion was commemorated by the launch of the book *A Woman's Place: 100 Years of Queensland Women Lawyers*, edited by Supreme Court Librarian Aladin Rahemtula and Hopgood Ganim Lawyers partner Susan Purdon.

The launch on November 9 was Chaired by the Hon Paul de Jersey AC, Chief Justice of Queensland, and included a panel discussion facilitated by leading journalist Maxine McKew. Debating the topic of women's status in the legal profession were panellists Senator George Brandis, Professor Rosemary Hunter, Professor the Honourable Michael Lavarch, Glenn Martin SC, Kateena O'Gorman, Dale Spender and Nerolie Withnall.

The Supreme Court Library exhibition *A Woman's Place* was also launched on the evening. The exhibition honours the women admitted to practice since 1905, and is illustrated with photographs of over 850 of these women. The exhibition is open to the public on level 2 of the Supreme Court building.

For a copy of the book *A Woman's Place*, contact the Supreme Court Library on 3247 4940. Orders forms can be found on the Courts website at:

<http://www.courts.qld.gov.au/witlorderformc.pdf>.



*Launch of A Woman's Place 100 years of Queensland women lawyers  
The Honourable Paul de Jersey AC, Chief Justice of Queensland launching the publication  
Panel in background L-R: Kateena O'Gorman, Glenn Martin SC, Nerolie Withnall, Senator George Brandis,  
Professor Rosemary Hunter, Professor the Honourable Michael Lavarch, Dale Spender, Maxine McKew.*

## Australian Women Lawyers Board April 2006:



*L-R Caroline Kirton (President) (Vic), Elizabeth Heenan (WA), Rosemary Peavey (Vic WBA), Janean Richards (ACT),  
Jane Knowler (SA), Louise Byrne (NSW), Cristine Trueman (Tas) and Tracy Fantin (Qld)  
(Absent: Sharon Krause NT)*

## Outgoing President's Report

Since our last edition of Themis much has happened, most notably the appointment of Justice Susan Crennan to the bench of the High Court of Australia. As President of AWL I was contacted constantly for comments about the appointment. I am absolutely delighted that there was no suggestion that the appointment was anything other than appropriate. The issue that generated the most interest, was whether or not Justice Crennan is a "feminist".

While I proudly call myself a feminist and have done for many years, I understand that it is a term that not all women are comfortable adopting.

But whatever title you give it, the importance of equality and fair treatment for women is unarguable. The feminist question is, how far should society go in trying to redress any imbalances that have occurred? There is no doubt that women are underrepresented at senior levels of the legal profession. There is no doubt that a large number of women do not return to work as lawyers in the kinds of roles that would ensure promotion to senior levels of the profession when they have young families. This is understandable in many ways, but it is incumbent upon AWL to help shape a legal profession that is more flexible. Many of the existing work practices are, by their nature, discriminatory.

In his press release announcing the appointment, the Attorney-General Mr Ruddock was at pains to point out that the appointment was based on 'merit'. None of the press releases issued upon the other appointments of High Court Judges over the years mention the word 'merit'. It would have been better had he not mentioned the word 'merit' at all. The word "merit" has developed some unattractive connotations for women over the years. Its mere mention raises the issue unnecessarily.

In the week prior to the appointment, Nicola Roxon, the Shadow Attorney-General spoke to a meeting of ACT Women Lawyers on women on the High Court bench and judicial appointment policies. This was very timely and the issue was taken up in the national press quite extensively. Various senior jurists have volunteered opinions and expressed concern that the present Australian system is the least transparent in the common law world. The transparent judicial appointments policies in other nations such as New Zealand and the United Kingdom are maturing to the extent where they can be used as examples for Australia. If nothing else happens, this should continue to be a topic of lobbying and discussion. The Law Council of Australia has a judicial appointments policy that has been roundly ignored by every State and Territory Attorney-General.

We are in the process of finalising the report on the gender appearance survey, which will enable us to measure the progress of women advocates and assist with policies such as the National Equality of Briefing Policy. My thanks to the Law Council of Australia for supporting the survey by providing funds for its compilation.

I would like to deeply thank the Board of Australian Women Lawyers and the presidents of the constituent bodies for their absolute support during my time as president of Australian Women Lawyers. The Directors of AWL are committed and very capable. I have made some lasting friends.

**Noor Blumer**

**President AWL, November 2004 to November 2005**

## President's Report

The past six months since I took over from Noor Blumer as President of Australian Women Lawyers have been extremely busy. The Board met in Canberra in early November 2005 and prior to the Board meeting, I accompanied Noor Blumer to meet with Phillip Ruddock at Parliament House. This was a constructive meeting and we are confident of future consultations.

We have now organised the Inaugural Australian Women Lawyers Conference, to be held at the Sheraton on the Park Hotel in Sydney on 29 and 30 September 2006. The Conference Committee comprising Noor Blumer, Louise Byrne, Fiona McLeod SC, Anne-Marie David, Anne Winckel, Jane Knowler and myself, have been working very hard throughout the year on this project. The Conference registration brochure is available at [www.dcconferences.com.au](http://www.dcconferences.com.au). I am sure that the calibre of speakers which we have secured for the Conference will ensure that the Conference will be a great success and a truly memorable experience for all those attending.

The results of the gender appearance surveys are presently being compiled and are due to be released in the near future. The results indicate that the level of women appearing as advocates in the superior courts through out Australia, remains disappointingly low. The survey results will be published on the Australian Women Lawyers website [www.womenlawyers.org.au](http://www.womenlawyers.org.au).

In February we re-launched our website with a more user-friendly format. Since February we have also been continuing to update the material appearing on our website. My thanks to David Hanzl for all the work he has performed in redesigning the site and for his continued support in updating it.

In April Elizabeth Heenan joined the Board, representing Women Lawyers of Western Australia. Elizabeth was the winner this year of the Women Lawyers of Western Australia Inaugural Woman Lawyer of the Year award. Elizabeth brings to the Board a wealth of experience and was warmly welcomed by the Board at our meeting in Melbourne in late April.

Our Board meeting in April was a most productive meeting and I thank the Victorian Bar for allowing us to use its facilities for the day long meeting. Prior to the April Board meeting, some of the Board were able to join me at an oration delivered at the Supreme Court by the Canadian Chief Justice Beverly McLachlin. The topic was "The Twenty-First Century Court: Old Challenges and New". Her Honour observed that one of the great challenges for courts in the twenty- first century was to ensure that there was diversity on the bench and that more women needed to be appointed to senior judicial positions, to achieve this diversity.

There is much work to be done this year and I thank the Board of Directors for their dedication, hard work and enthusiasm.

**Caroline Kirton**

**June 2006**

## State of the Nation

### Women Lawyers Association of Queensland Inc.

The last 12 months have been a busy and fulfilling time for the WLAQ.

In August 2005, we presented our Regional Woman Lawyer Award to Maxine Baldwin. Maxine is a Partner of Baldwin Lawyers at Gympie, and a wonderfully inspiring woman.

In November 2005 it was my honour to address the Court on the occasion of the centenary of women's admission to practice, which was made especially poignant by the presence of Queensland's female Attorney-General, Mrs Linda Lavarch.

We celebrated the festive season with our annual Christmas Drinks.

In April of this year, we held our annual Una Prentice Awards Dinner, where the top female graduates from each of the Queensland Law Schools were welcomed and applauded. The awards are named in honour of Ms Una Prentice, who was the first woman to graduate from the Faculty of Law at the University of Queensland in 1938. The event was again generously sponsored by legal recruitment firm, Hughes Castell.

It was a great pleasure to have the majority of the prize-winners attend. The winners this year were Helen Dale (UQ), Fiona McPhee (QUT), Kimberly Everton-Moore (Griffith), Cassandra Stone (Bond University) and Jane Oudyn (JCU).

In May, I was pleased to represent WLAQ as a panel member at the Queensland Medico-Legal Society conference. The discussion session was entitled "Too many lawyers, not enough doctors?", and some interesting comparisons were made between the two professions concerning their respective increasing percentages of female practitioners.

We are looking forward, with great anticipation, to our Queensland Woman Lawyer and Emergent Woman Lawyer Awards on 10 August 2006, generously sponsored by Worrells Solvency and Forensic Accountants. The Honourable Mary Gaudron QC has kindly agreed to be our keynote speaker, and the event is already attracting much attention from the profession. Details of the event can be obtained from our website ([www.womenlawyersqld.com.au](http://www.womenlawyersqld.com.au)) or by contacting Susie McNeil on 3223 6417. Just prior to publication of this edition of Themis, WLAQ held its AGM and elected Samantha Kane, Principal Lawyer in Public law branch of Crown Law as President. Congratulations to Samantha and best wishes for her term as President

**Kylie Torlach**  
President  
WLAQ Inc.

### South Australian Women Lawyers

Women Lawyers in South Australia co-hosted the final Medico-Legal Women's Dinner in October 2005. It also hosted a seminar in Anti Poverty Week 2005 entitled "Women, Welfare and Workplace Participation – policy triumph or poverty trap?". Chaired by the Honourable Justice Robyn Layton, the speakers were Rosemary Owens, Reader in Law and Margaret Castles, Senior Lecturer, both from Adelaide Law School. Their interesting and stimulating talks centred around recent and proposed legislative changes concerning motherhood, paid work and workplace participation and the contradictory messages that are emerging for women in Australia today. The annual Christmas Drinks with the Judiciary was, once again, a successful, well attended and convivial gathering.

Women Lawyers hosted a drinks evening in March entitled "Life in the Law", targeted at young female practitioners and students. There were 3 speakers – Deej Eszenyi, President of the Law Society of SA, Rosey Davey, barrister at Edmund Barton chambers, and Suzanne Reynolds, chair of New Lawyers and a solicitor at DMAW.

WLA is currently looking at the issue of practising certificates for volunteer lawyers (ie whether there should be a different type of practising certificate for people who work as volunteers in community

legal centres etc). Another project that concerns WLA is the paucity of women at senior levels of the profession. Anecdotally, this is because women drop out of practice after 5 years to pursue other careers. WLA needs more reliable data on this and has drafted a questionnaire to elicit information on the numbers of men and women who don't renew their practising certificates each year, why they don't and the reasons for their decision. The Law Society has agreed to assist by sending out surveys to its members.

**Jane Knowler, President SAWL**

### Victoria – Women Barristers Association

In August 2005 the Women Barristers Association ("WBA") and Victorian Women Lawyers ("VWL") joined together to co-host the "Women at the Bench Forum". The Attorney General, Rob Hulls, spoke at the forum. Their Honours Justice Elizabeth Hollingworth, Judge Rachele Lewitan AM and Magistrate Audrey Jamison spoke about the process of becoming a judge and life on the bench.

The Honourable Mary Gaudron QC was the special guest speaker at the WBA's Celebratory Dinner in September 2005, which was a well attended and entertaining evening.

In October 2005 WBA and VWL co-hosted the second "Meet and Greet" function at The Essoign, providing an excellent opportunity for barristers and solicitors to meet each other. A further "Meet and Greet" function was held on 14 June 2006 and supported "Fitted for Work", a service that supports disadvantaged women trying to get jobs, by providing clothing, presentation and interview skills. The evening was a tremendous success and included a fashion parade by designer Tiffany Treloar and wine tasting by Baddaginnie Run Wines.

WBA hosted a number of seminars as part of the Victorian Bar's CLE programme. In August and November 2005 Lisa De Ferrari and Kim Weatherall presented seminars on "Amicus Interventions in copyright law test cases". In April 2006 Debbie Mortimer SC presented a seminar on "Current Issues Relating to the Infertility Treatment Act 1995 (Vic)". The WBA endeavours to present seminars at the more "family friendly" time of 1 pm, instead of 5.15 pm. All of the WBA seminars have been well attended.

On 10 May 2005 Kim Knights completed her term as Convenor of WBA and was enthusiastically congratulated by the Committee for her dedicated hard work over the previous twelve months. Simone Jacobson has been elected Convenor and Michelle Sharpe and Caroline Kirton are Assistant Convenors, WBA.

**Caroline Kirton, Assistant Convenor WBA**

### ACT Women Lawyers

Women Lawyers of ACT has continued to promote the development of networks between women in the ACT legal community.

In August 2005 we obtained a position on the ACT Ministerial Advisory Council on Women. The Council provides advice to the ACT Minister for Women and the work of the Council reflects the objectives of The ACT Women's Plan.

Committee members have participated in a range of events including a mentoring program with secondary school students, the ANU "Women with Law Degrees" career evening, and our Secretary, Sara Wedgwood, participated as our delegate to the ACT Human Rights office community forum. Janean Richards attended the Federal Attorney General's NGO Forum on Domestic Human Rights.

We have continued our breakfast seminar series and other social events, with speaker and topics including:

Noela L'Estrange and Louise Vardanega on careers with the Australian Government Solicitor's office;

ACT Magistrates, Ms Karen Fryar, Ms Lisbeth Campbell and Ms Maria Doogan;

Nicola Roxon MP, Federal Shadow Attorney General on High Court appointments;

Federal Attorney General, the Hon Phillip Ruddock on High Court appointments;

Hosting the AWL Board meeting in Canberra with Dr Helen Watchirs, ACT Human Rights and Discrimination Commissioner on the ACT Human Rights Act;

Virginia Haussegger, ABC Journalist on her book "Wonder Woman";

Ms Audrey Fagan APM, ACT Chief Police Officer on her career in the law and community policing;

Senator Connie Fierravanti-Wells, Liberal Senator for New South Wales; and

Professor Hilary Charlesworth on the impact of the ACT Human Rights Act. Justice Michael Kirby accepted our invitation to speak to members at this year's Law Week dinner on the theme, Women in the Law, and Chief Justice Higgins of the ACT Supreme Court presented the Sir Richard Blackburn Lecture on "Women in Law: Past Achievements and Future Directions.

**Janean Richards, President WLA ACT**



*Justice Kirby with ACT WLA President Janean Richards Law Week Dinner May 2006*

### **Victorian Women Lawyers**

VWL is celebrating its 10<sup>th</sup> anniversary in 2006.

Since the last edition of Themis, VWL in conjunction with the Women Barristers Association, held the second Women Lawyers' Achievements Awards Victoria. The function was held at Parliament House and was attended by over 200 people. The awards were established 2 years ago to recognise and celebrate exceptional talent and contribution to the legal professional and the general community. The Victorian Attorney-General the Honourable Rob Hulls and Pamela Tate, Solicitor General, addressed the guests. Her Honour Felicity Hampel, Fiona McLeod SC and Dr Viv Waller received awards.

In November 2005, Pru Goward, the Federal Sex Discrimination Commissioner launched VWL's latest report entitled "A 360 Degree Review: Flexible Work Practices: Confronting Myths and Realities in the Legal Profession". The report examined flexible work practices used in the legal profession in Victoria – in private practice, government and in-house. It explored the factors relevant to successfully establishing and maintaining a flexible work arrangement. The report received extensive media attention.

In March 2006, VWL held its Dame Roma Mitchell Luncheon, at which Kirsty Sword Gusmao spoke about her rewarding work with the Alola Foundation in Timor. Over 480 people attended Zinc at Federation Square to hear her speak about her various projects.

VWL has other exciting and interesting events and activities planned for the remainder of 2006, mainly focussing on celebrating its 10<sup>th</sup> anniversary.

**Rosemary Peavey, VWL**

### **Northern Territory Women Lawyers Association**

In October 2005, NTWL hosted the first workshop in Stress Management and Confidence Building in conjunction with local Psychologists Tony Franklin and Maria DelOnno. The workshop was well attended and feedback so good further workshops are planned.

Christmas drinks were hosted by Ombudsman Caroline Richardson in her chambers overlooking State square. 23 June 2006 saw a large attendance at Myilly Point Chambers for a 'dry season celebration', hosted by Barrister Georgia McMaster. Her Honour Justice Sally Thomas AM gave an impromptu speech to congratulate Magistrate Jenny Blokland on the recent news of her appointment as Chief Magistrate of the Northern Territory. Her Honour will take up that appointment in July following the retirement of Chief Magistrate Hugh Bradley. Magistrate Blokland has been a supporter of Northern Territory Women Lawyers Association for many years, all members of the Association are thrilled at her Honours' appointment to Chief Magistrate.

This year our Patron, Her Honour Justice Sally Thomas AM, is hosting Patron's drinks whilst on circuit in Alice Springs in September - a great opportunity for our Alice Springs members.

The most significant task for NTWLA this year has been to finalise the constitution to comply with the requirements of the new Associations Act. This task was completed in early April with all committee members making a valuable contribution and giving up significant personal time to ensure the efforts of previous contributors did not go to waste. A Special General Meeting was called on 5 May. It was very well attended. Members voted to accept the new constitution, and then proceeded to drinks at a local venue.

**Sharon Krause, President NTWLA**

### **Women Lawyers of Western Australia**

WLWA took the very important step this year of establishing 3 new awards to be presented at the annual Honours Dinner. In the past WLWA had only honoured women appointed to the judiciary or as silks. The 3 new awards honour the Woman Lawyer of the Year, a female practitioner who has made an outstanding contribution to furthering the rights of women in the legal profession, the Senior Woman Lawyer of the Year, a woman who has excelled in her chosen career, and the Junior Woman Lawyer of the Year, a junior woman who has excelled in her career. The award winners were respectively Elizabeth Heenan, Helen Cogan and Maria Fifield. The annual Honours Dinner was a huge success.

WLWA held Christmas drinks with guest speaker the Honourable Justice Carmel McLure who spoke on the topic "How not to impress the Judge(s)". Her Honour gave a very insightful speech on how to put one's best foot forward on arguing an appeal.

WLWA has presented 2 seminars this year: "A New Year, a New Start", dealing with the choice between life as a partner at a law firm or as in-house counsel and the skilful preparation of a CV; and Professor Hilary Charlesworth addressed WLWA members on "Women and Democracy Building in Iraq and Afghanistan".

WLWA made representations to the Attorney General to consider establishing a short-term childminding facility in the new District Court building. The Attorney took up the suggestion and employed a consultant to look into the need and viability of such a facility.

WLWA also supported Amnesty International's Violence Against Women, Children White Ribbon Day and Ms Dorsa Nazemi, a final year honours student in international law and politics, to attend a United Nations conference in New York as a youth ambassador and Australian representative of PRIDE. PRIDE promotes the rights of women and children in the pacific rim.

WLWA plans to present 2 further seminars shortly: one on financial planning and one to be presented by the Honourable Julie Bishop, MP.

**Anette Schoombee, President, WAWL**

## NSW Women Lawyers Association

In the second half of 2005 NSW Women Lawyers held a number of functions dealing with women in the judiciary.

In August 2005, in collaboration with the University of Newcastle and the Newcastle Law Society, Justice Michael McHugh gave an interesting address which was widely reported in the media. His Honour spoke frankly and openly about the working life of a High Court judge and his speech is available at [www.womenlawyersnsw.org.au](http://www.womenlawyersnsw.org.au).

In October 2005 we held a joint function with NSW Young Lawyers, on "Judicial Appointments - Diversity, Transparency and Quality". The speakers included Judge Gay Murrell SC, District Court of NSW, whose speech is also available on our website. The forum was chaired by Justice Margaret Beazley, of the NSW Court of Appeal and generated discussion amongst the legal profession and the public about the judicial appointment process.

NSW Women Lawyers depends entirely on external sources and membership fees for its funding. It is very fortunate to have the continued support of the National Australian Bank as its sponsor. VIVE magazine, Lawyers Weekly and Chilli Marketing Solutions have continued to support the organisation in kind.

WLA is enjoying a period of great organisational stability, largely due to the commitment and hard work of its current executive officer, Kathryn McKenzie.

In addition, the commitment of funds to our website upgrade in 2005 has paid off with the development of the 'Find a Lawyer' database and the twice monthly distribution of our popular enews, keeping members in touch with events on the legal calendar.

We started 2006 with the event "Celebrating Women in the Judiciary" to congratulate all those women lawyers appointed to the bench in the last eighteen months. Justice Virginia Bell delivered a very witty speech.

In June 2006 Senator Helen Coonan spoke at a well attended luncheon at the Hilton in Sydney on "Advancing Women in the Law". The Senator is a former member of the NSW Bar and has always been very supportive of women lawyers. As host state, we are putting our energy into the AWL conference in September 2006, which promises to be a huge success.

**Louise Byrne, President NSW WLA**



*NSW Women Lawyers president and barrister, Louise Byrne, with a student from the Darlington Public School on a Gender Equity Field Trip organised by the NSW Department of Education, considering careers for girls in law.*

## Tasmanian Women Lawyers

TWL events are always very social, great for networking and for getting to know others in the profession, or those who are about to enter it. We try to intersperse social events with educational ones.

In July 2005, we held a seminar on salary negotiation. Two female partners spoke candidly about the practicalities and financial considerations of salary negotiations, both from an employee and employer view point. An excellent discussion followed in the question and answer session.

After the appointment of Justice Shan Tenant to the Supreme Court earlier in 2005, we were soon celebrating the achievements of another TWL Member. Magistrate Olivia McTaggart was a member of our Committee until her appointment as a temporary Magistrate, and it was with great pleasure that we celebrated her permanent appointment as a Magistrate in August 2005. We were grateful to Hunt & Hunt for their sponsorship for this occasion. The speech given by Magistrate McTaggart highlighted the changes that she had seen since entering the profession and the changing attitudes to women within and outside the profession.

Our seminar on how to build your practice was held in November 2005. We were fortunate to have two experienced commercial practitioners, who provided practical ideas on building a practice and answered many questions particularly relevant to younger practitioners. With the aid of the new Law Society conferencing technology, we were able to involve practitioners from Launceston.

Our AGM celebrated the election of Leanne Topfer as President of the Law Society. In her media release Leanne said "I hope that before long it will cease to be a cause for comment that the President of the Law Society is female. When I started in practice over 20 years ago, less than 10% of my year were women whereas now, nearly 60% of newly admitted lawyers are women".

We now have Committee members in Launceston and Devonport and we are using the teleconferencing facilities to include them in our meetings. We hope to include regional practitioners in all of our future seminars, and to hold regular functions in regional areas. We are very grateful to our enthusiastic committee members in the north of the State for their valuable contributions.

Our traditional Meet the Judiciary function was held on 16 March 2006 generously sponsored by Simmons Wolfhagen, who have been very supportive of TWL. It was a very enjoyable evening and well supported by members of the judiciary, as well as women from the Legal Practice Course.

**Kate McQueeney**  
**President Women Lawyers Tasmania Inc**

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Keynote address by the Hon. Mary Gaudron QC, AWL Patron

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# 2006 Australian Women Lawyers Board Members



**Caroline Kirton** (BA (Hons) LLB (Melbourne), LL.M (Monash)) completed her articles at Phillips Fox in Melbourne in 1988. She then worked as a solicitor in Mount Isa and Hervey Bay, Queensland before returning to Phillips Fox in Melbourne. Caroline signed the Victorian Bar Roll in 1990 and is currently a member of the Bar Ethics Committee, Applications Review Committee and the Bar Reader's Course Sub-Committee. Caroline is also an Assistant Convenor of the Women Barristers Association. Caroline teaches at Leo Cussen Institute for post graduate legal training and is an instructor with the Australian Institute of Advocacy. Caroline's current areas of practice are general commercial, construction, property, equity, trade practices and professional negligence.



**Jane Knowler** 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.



**Tracy Fantin** is a barrister, mediator and part-time member of the Anti-Discrimination Tribunal Qld. She has a BA LLB (Hons) from ANU and was admitted as a solicitor in 1988. Tracy practised as a solicitor in Sydney, London and Cairns, before joining the Bar in Cairns in 2005. Her main areas of practice are general commercial, planning and environment, employment, native title and indigenous organisations work. She has been an active member and committee member of many non-profit organisations.



**Rosemary Peavey** is a corporate lawyer working mainly in the areas of litigation and dispute resolution. She commenced articles at Blake Dawson Waldron in 1997, and remained with that firm for 5 ½ years. She is currently at AWB Limited, as Senior Corporate Counsel focussing on major commercial disputes, chartering matters and international sale and marketing issues. For the past 5 years she has been a member of the Work Practices Committee of the VWL and was co-chair of that Committee for a period of time. While involved with the Committee she assisted with the launching of a survey of Victorian law firms as well as the work done by the Committee on the issue of Flexible partnership. She has held the position of Secretary to the VWL Executive Committee for 2 years and has been Assistant Convenor for 2004. She has found this experience invaluable in terms of understanding how VWL operates and what it is aiming to achieve for the legal profession. She strongly believes that the sharing of ideas and communication of VWL's objectives, within the legal profession, will encourage and promote women lawyers. She has three children and understands the challenges this poses for a career in law



**Sharon Krause** *LBALLB* is a Solicitor for the Northern Territory Police Force as the Domestic Violence Legal Officer. Previously employed as Associate to Chief Justice Brian Martin (NT Supreme Court) and as a Lawyer and Articled Clerk at Cridlands Lawyers. Currently Acting President of Northern Territory Women Lawyers.



**Janean Richards** BA/LLB (Hons) ANU is General Counsel at Comcare. Janean was admitted to the Supreme Court of the Australian Capital Territory in 1996, before working at Barker Gosling and Phillips Fox. She became a Partner at Dibbs Barker Gosling in 2000 and moving to Deacons as Commercial Dispute Resolution Partner in 2005. She is a mother of two and enjoys flexible working arrangements. Janean is President of the Women Lawyers Association of the ACT. Janean's primary areas of practice include administrative law, workers compensation, occupational health and safety, privacy, public sector employment law and freedom of information. In September 2001 she was an ACT Finalist for the Telstra Young Business Woman's Award.



**Louise Byrne** is a Sydney barrister practising mainly in the areas of administrative law, environmental and land law and discrimination law having been admitted to practice as a barrister in 1998 and as a solicitor in 1992. She is currently a member of the NSW Bar Association Professional Conduct Committee #3 and was the NSW representative to the Law Council Equalising Opportunities in the Law Committee from 2001 to 2004. Prior to coming to the bar she worked in the NSW public sector as a Legal Officer, including a stint as a researcher for the President of the Court of Appeal. Louise holds degrees in Science (Hons, Biochemistry) and Law from the University of NSW.



**Christine Trueman** 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, currently as Associate with 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.



**Elizabeth Heenan** B.Ec (Hons) B. Juris (Hons)(UWA) completed her articles at EM Heenan & Co in Perth in 1976 and subsequently became a Partner with that firm which then merged with Northmore Hale Davy & Leake (subsequently Minter Ellison) where she stayed up until 1997. In 1998 she moved to Marks & Sands Lawyers where she is now a Consultant practising mainly in the areas of Trusts, Estate Planning and Probate Administration. Elizabeth is a past President of the Law Society of Western Australia (2003) and was formerly on the Council of Curtin University of Technology and was Pro-Chancellor in 2000/1. She has been a member of Women Lawyers of WA since its inception and is an active member of various Law Society Committees.

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For contact details regarding any articles contained within, please visit:  
[www.womenlawyers.org.au](http://www.womenlawyers.org.au)*