

Tonight, we celebrate the women appointed to the judiciary in 2018-2019 in NSW and this year a special recognition for an appointment to the Supreme Court of ACT and we acknowledge the appointment of her excellency the Hon Margaret Beazley AO QC as Governor of NSW.

I acknowledge the Traditional Owners of the country on which we meet today the Gadigal people of the Eora nation and recognise their continuing connection to land, waters and culture. I pay my respects to their Elders past, present and emerging.

Can I spend a few minutes acknowledging our special guests. And thank you everybody for joining us tonight.

In 1997, the Honourable Justice Mary Gaudron, first female to be appointed to the High Court of Australia, gave a speech at the Australian Women Lawyers Conference, in which she referred to a note she sent to a fellow High Court judge saying:

“The trouble with the women of my generation is that we thought if we knocked the doors down, success would be inevitable: the trouble with men of your generation is that so many still think that if they hold the doors open, we will be forever grateful.”

In NSW, at least since 1997, more women graduated as lawyers than men. In 2020 there is substantial evidence to demonstrate that gender equality will not occur simply by the affliction of time.

Success for women in the legal profession if judged as representation of women in leadership positions has not been inevitable because it is not about holding the door open into a culture and structure created overwhelmingly by men for men. It is about culture and structures adapting to women, adapting to people with caring responsibilities and dare I say it, becoming a profession which is more respectful of difference, is more transparent and inclusive.

Women do bring a distinct contribution to law because of their particular experiences and backgrounds. The difference makes the profession stronger and more able to be an effective servant of justice on which our economy and society depend.

In 2019, WLANSW focused its work on 5 key areas:

- Firms should set targets for admission to partnership and promotion into leadership roles, based on a 40/40/20 model, with 40% of any new admissions/promotions in any year being male, 40% female, and the remaining 20% varying depending on the candidate pool. If firms are unable to meet this in any one year, (say due to a merger with another firm) then a 3-year rolling average should be adopted.
- Firms and the Bar should adopt targets for men taking up parental leave and flexible work arrangements and develop strategies to actively encourage all employees and partners to share caring responsibilities.
- All briefing entities and barristers need to adopt the Law Council’s Equitable Briefing Policy which will lead to fairer briefing practices being adopted.
- Firms should consider the incidence of sexual harassment and discrimination as an issue that effects the whole profession and adopt pro-active measures that remove the pressure on victims to report. Professional and Occupational Health and Safety regulators should have a more prominent role in education, complaint making and enforcement of unlawful conduct.
- All legal firms should be undertaking an annual gender pay analysis of employees and partners and take concrete steps to address any gaps found. The results of that analysis should be reported to the board and partnership group, with progress tracked, and at a minimum, any like-for-like gaps eliminated, and analysis taken to understand the causes of those gaps developing. Firms should publicly disclose their remuneration in quartile bands, like the UK model for pay disclosure requires

I am pleased to say that we saw some positive engagement from law firms, particularly as to the adoption of targets, and the start of talk of considering transparency around remuneration. We commend the work of John McKenzie, the Legal Service Commissioner, in introducing safer and more accessible complaint making

procedures as to sexual harassment and bullying, but we know that cultural change will not occur until those in leadership positions are held to account through remuneration or other means as to maintaining a respectful workplace culture. There should be positive bystander obligations on senior people such as silks, clerks, partners and those in senior roles in law firms to call out inappropriate conduct.

In 2020 we will continue to highlight the continuing inequalities through advocacy, involvement in law reform and through educational and networking events. We will continue to work on becoming more inclusive of women in regional areas and be diverse in our representation.

We have a long way to go in reaching equality. The women at the NSW Bar are unable to break the 25% mark, silks are just under 12%. It is not only because women are choosing not to come to the Bar, but also because women are leaving the Bar. For women in private law firms, the position is not much rosier. The percentage of women in equity partnership is very difficult to measure because it is secret, but on our best estimates based on data collected over the last 6 years the percentage is less than 20%. The available data suggests that the position of women on the Boards of law firms is lower than for ASX 200 companies.

In a recent study by Amelia Loughland that analysed 2 years of transcripts of full bench hearings of the High Court as to interruption behaviour, found that female judges were more likely to be interrupted as compared to male judges, but could not measure whether the interruption by women counsel was any different to the interruption by men because so few women had speaking roles that any finding would be statistically insignificant.

What I have observed in the last couple of years is that the legal profession is most likely to change when there is external pressure, whether that be from clients who want to see more women briefed or from overseas regulatory requirements which impact on many of the firms operating in Australia such as requirement for targets, transparency and accountability measures.

As we are a highly hierarchical profession, any comments from those in senior roles within the profession, particularly from the judiciary and from our professional associations, are also likely to be influential. WLANSW values your involvement in this journey in making the profession stronger, fairer and more accessible for all of us and I thank you all for your participation and involvement. If you are not a member of WLANSW, please consider joining.

Now as they say in the media, I have a scoop. The Honourable Justice of the High Court Virginia Bell, who has been an active participant and supporter of WLANSW throughout her illustrious career, has agreed to be the Patron of WLANSW.

Her Honour has been a judge of a Supreme Court since 1999; she commenced her career at Redfern Legal Centre. On this Mardi Gras weekend, I think we should all celebrate with Her Honour on being one of the original 1978 Mardi Gras participants. Together with others, she defended the 53 people arrested during the first Mardi Gras protests and in the following years defended people who fought against police harassment of gay people, women and aboriginal people under the *Summary Offences Act*. She was particularly active in advocating for those facing incarceration and she was involved in the Women Behind Bars and Prisoners' Action Group.

Without further ado, I give you a living legend, our very own RBG, the Honourable Justice Virginia Bell.