



AUSTRALIAN  
WOMEN  
LAWYERS

# Mentoring Diversity

Australian Women Lawyers Conference 2018

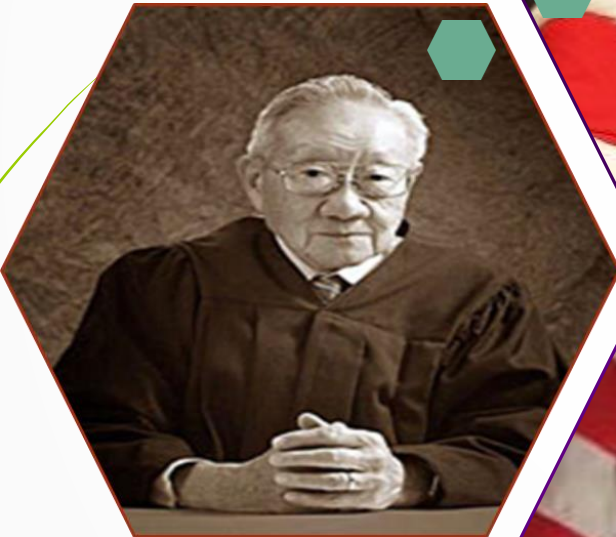
Lee-May Saw

- Barrister, Frederick Jordan Chambers <http://www.fjc.net.au/>
- Immediate Past President, Women Lawyers' Association of NSW <http://www.womenlawyersnsw.org.au>
- Vice President, Australian Women Lawyers <https://australianwomenlawyers.com.au/>
- Chair, Cultural Diversity Subcommittee, NSW Bar Association <https://www.nswbar.asn.au/>

# 2016 The Year of the Monkey



# FAST THINKING AND SLOW THINKING



THINKING,  
FAST AND SLOW



DANIEL  
KAHNEMAN

WINNER OF THE NOBEL PRIZE IN ECONOMICS

# SNAPSHOT OF THE LEGAL PROFESSION

## 2018 Supreme Court of NSW

57 Judges  
13 Women Judges  
[22.81%]

## 2018 NSW Bar

2375 Practising Barristers  
543 Women Barristers [22.86%]  
376 Senior Counsel  
41 Women Senior Counsel [10.90%]

## 2018 NSW Solicitors

33 214 Practising Solicitors  
17 035 Women Solicitors [51.29%]  
9 206 Principals in Firms  
2 775 Women Principals [30.14%]

# LIST OF OLD FALCONIANS



NORTH SYDNEY BOYS  
HIGH SCHOOL

## POLITICS

- ▶ Mark Aarons – political adviser to NSW Labor Premier, journalist, author and activist.<sup>[11][2]</sup>
- ▶ John Armitage OAM – Deputy Speaker of the Australian Parliament, Federal Member for Mitchell (1961–63) and Chifley (1969–83).<sup>[3][4]</sup>
- ▶ Michael Baume – MHR (Lib) (1975–1983), NSW Senator (1985–1996).<sup>[5]</sup>
- ▶ Professor Peter Baume AC – NSW Senator (Lib) (1974–1991), Federal Health Minister (1982), Chancellor of Australian National University (1994–2005).<sup>[6]</sup>
- ▶ John Bradford (Captain of School 1963) – Queensland MHR (Lib) for McPherson.<sup>[7]</sup>
- ▶ Sir Vernon Christie – Speaker of Victorian Parliament (1967–73).<sup>[8][9]</sup>
- ▶ Peter Coleman – NSW MLA (Lib) (1968–1978), Leader of the NSW Opposition (1977–1978), MHR (Lib) (1981–1987), editor of The Bulletin.<sup>[10][11]</sup>
- ▶ Dr Michael Fullilove (Captain and Dux of School 1989) – Rhodes Scholar, adviser to Prime Minister Paul Keating, Director of Global Issues Program at Lowy Institute for International Policy, columnist for various publications.<sup>[12]</sup>
- ▶ Peter Derwent – one of Ku-ring-gai Council's longest serving Mayors – serving as a Ku-ring-gai councillor representing Gordon ward between 1983 and 1995. He was elected to four successive terms as Mayor between 1991 and 1995, making him one of the longest serving mayors in Ku-ring-gai's history. He was also Deputy Mayor in 1985 and 1986.



- ▶ Hugh Hudson – SA MHA (ALP) (1965–1979), former Deputy Premier of South Australia.<sup>[13]</sup>
- ▶ Sir Alan Hulme KBE – Postmaster-General in the Australian Government, Minister for Supply, President of Queensland Division of Liberal Party of Australia.<sup>[14]</sup>
- ▶ Hon. Frederick Meares Osborne – President of the NSW Liberal Party (1967–1970), held various Federal Ministries (1956–1961).<sup>[15]</sup>
- ▶ Michael Richardson – NSW MLA (Lib), Shadow Minister for the Environment.<sup>[16]</sup>
- ▶ Tim Robertson SC (Captain of School 1976) – barrister, civil libertarian, co-founder of Australian Privacy Foundation.<sup>[17]</sup>
- ▶ Tom Roper – Victorian MLA (ALP), Victorian Treasurer (1990–1992).<sup>[18]</sup>
- ▶ Kerry Sibraa – NSW Senator (ALP) (1976–1994), President of Australian Senate (1987–1994).<sup>[19]</sup>
- ▶ James Whitem OAM – Member of Legislative Council of Northern Territory; veterinarian.<sup>[20][21]</sup>
- ▶ Professor Ted Wolfers CMG, CSN – adviser to the Papua New Guinea Government,<sup>[22][23][24]</sup> Assisted in negotiations of Bougainville Peace Accord.<sup>[25]</sup>



## LAW

- ▶ Justice Colin Allen – Judge of NSW Supreme Court, Master of Supreme Court 1979–86.<sup>[26]</sup>
- ▶ Justice Colin Begg QC – at the time of his death in 1984 was the longest-serving Judge of NSW Supreme Court, Chief Judge at Common Law 1983–84 (also attended Sydney Grammar School).<sup>[27]</sup>
- ▶ Justice John Brownie QC – Judge of NSW Supreme Court.<sup>[28]</sup>
- ▶ Justice Robert Buchanan QC – Judge of Federal Court of Australia.<sup>[29][30]</sup>
- ▶ Justice Richard Conti – Judge of Federal Court of Australia.<sup>[31][32]</sup>
- ▶ Judge Theo Conybeare QC – Chairman of Workers' Compensation Commission.<sup>[33]</sup>
- ▶ Judge Roger Court QC – the first person to hold office as The Crown Advocate of New South Wales.<sup>[34][35]</sup>
- ▶ Justice Arthur Emmett – Judge of Federal Court of Australia.<sup>[36][37]</sup>
- ▶ Clive Evatt Junior – Doyen of the Sydney Defamation Bar, *His impact is unbelievable – he has kept the defamation industry alive in New South Wales* [from legal affairs commentator Richard Ackland], *regarded as one of the best jury advocates in the country*, In 1972 founded the Hogarth Gallery in Paddington, Owner of Toy and Railway Museum at Leura in Blue Mountains.<sup>[38][39]</sup>
- ▶ Justice Phillip Evatt DSC – Judge of the Federal Court of Australia from 1977 to 1987, Head of the Royal Commission into the Use of Chemical Agents in Vietnam from 1983 onwards.<sup>[40][41]</sup>
- ▶ Justice Francis Hutley QC – of the NSW Court of Appeal, "As a judge he was relentless in his pursuit and exposure of error, whether from a lower court or in the legal submissions being presented to him".<sup>[42][43]</sup>
- ▶ Justice Gregory James QC – Commissioner of NSW Law Reform Commission, former Judge of NSW Supreme Court.<sup>[44]</sup>



- Sir Frank Kitto – Justice of the High Court (1950–1970), Chancellor of University of New England.<sup>[45]</sup>
- Justice David Levine – Supreme Court judge, Head of Defamation List in NSW Supreme Court, Head of Board of Enquiry into Black Hawk helicopter crash off Fiji.<sup>[46][47][48]</sup>
- Justice John McClemens KCMG – Supreme Court Justice for 24 years, Former Chief Judge at common law.<sup>[49]</sup>
- Professor Ted McWhinney QC – Canadian academic lawyer, Professor of International Law at Simon Fraser University, Vancouver, former Member of Canadian Parliament, authority on space law and constitutional law.<sup>[50][51]</sup>
- Justice Francis Marks – Deputy President of Australian Industrial Relations Commission.<sup>[52]</sup>
- Justice Athol Moffitt CMG – Supreme Court judge for 22 years, former President of NSW Court of Appeal.<sup>[53]</sup>
- Justice Sir John Moore AC – President of Commonwealth Conciliation and Arbitration Commission.
- Howard Purnell AM, QC – the first person appointed as Senior Public Defender in NSW (1969–83), the first barrister to argue and win two High Court appeals on the same day, President of Australian Academy of Forensic Sciences, World War II fighter-bomber pilot who flew 33 missions over Europe, the first Western Allied officer to enter Hitler's bunker in 1945 (from which he souvenired the ornamental door handles), co-author of standard text *Criminal Law in NSW: Vol I – Indictable Offences*.<sup>[54][55][56]</sup>
- Hugh Walker Robson QC – Judge of the New South Wales District Court and Chairman of the Court of Quarter Sessions, his divorced wife Anne remarried to become Lady Kerr, wife of the Governor-General Sir John Kerr.
- Judge John Roder AM – Judge of the District Court of South Australia from 1970 to 1994, in 1967 he was appointed the first Chairman of the SA Planning Appeals Board, has co-authored planning and environmental law textbooks (also attended Adelaide High School).<sup>[57][58]</sup>
- Justice David Roper – Chief Judge in Equity in NSW Supreme Court, Deputy Chancellor of University of Sydney.<sup>[59]</sup>
- Dr Hugo Storey – a Senior Immigration Judge of the United Kingdom; joint author of *Immigration and the Welfare State, Asylum Law*.<sup>[60]</sup>



## PUBLIC SERVICE



# NORTH SYDNEY BOYS HIGH SCHOOL

- Max Bourke AM, scientist, broadcaster, formerly CEO of the Australia Council for the Arts and of the Australian Heritage Commission, later Chairman of Rural Funds Management Ltd and a member of the Advisory Board of The Nature Conservancy (Aust).<sup>[71][72]</sup>
- Christopher Conybeare AO, Secretary of Immigration Department (1990–1996).<sup>[73]</sup>
- Philip Dietrich MC, Executive Officer of National Heart Foundation of Australia, Victoria; winner of Military Cross in World War II.<sup>[74]</sup>
- Laurie Glanfield AM, former Director General of NSW Department of Justice and Attorney General.<sup>[75][76]</sup>
- Dr Ronald Greville, Director of Commonwealth Serum Laboratories (1961–65), Medical Director of Australian Kidney Foundation.<sup>[77]</sup>
- Ian Lawrence CBE, former Mayor of Wellington, New Zealand (1983–86); Chairman of National Housing Commission of New Zealand.<sup>[78]</sup>
- Donald Owner, Acting Director of Education in Papua New Guinea (1966).<sup>[79]</sup>
- Wallace Pilz AO, OBE, Director of Public Works NSW (1975–86), Permanent Head of Department of Environment NSW (1969–74).<sup>[80]</sup>
- Bruce Robertson OAM, Chairman of Zoological Parks Board of NSW, Trustee of Royal Botanical Gardens.<sup>[81][82]</sup>
- Rae Taylor AO, former Managing Director of Australian Postal Corporation, former Commissioner of the National Road Transport Commission.<sup>[83]</sup>

# NOTABLE ALUMNAE



In 2001, [\*The Sun-Herald\*](#) ranked North Sydney Girls High School first in Australia's top ten girls' schools, based on the number of its [alumni](#) mentioned in the [\*Who's Who in Australia\*](#) (a listing of notable Australians).<sup>[3]</sup>

## POLITICS, PUBLIC SERVICE AND THE LAW

- ▶ [Verity Firth](#), Chief Executive Officer of the Public Education Foundation in Australia, a former NSW Minister for Education and Training, the former member for [NSW Legislative Assembly](#) seat of [Balmain](#)
- ▶ Justice [Lucy McCallum](#), Judge of the Supreme Court of NSW <sup>[9]</sup>
- ▶ [Nancy Grace Augusta Wake](#), resistance fighter known to the Germans as "the White Mouse"; the most decorated woman of World War Two<sup>[10]</sup>
- ▶ [Shelley Hancock](#), teacher and parliamentarian; elected as a member of the [NSW Legislative Assembly](#) for [South Coast](#) (Liberal Party)<sup>[11]</sup>
- ▶ [Nicola Wakefield Evans](#), lawyer and company director; partner of King & Wood Mallesons (1993-2013), non-executive director of Toll Holdings, Lend Lease Corporation, Macquarie Group and BUPA Australia & New Zealand; member of the University of NSW council of the Law School and director Asialink, University of Melbourne

# ADVANCE

## THE NEW ECONOMY NETWORK THAT INSPIRED A BOOK!

**WHY** are diverse teams more innovative and profitable than others?

**HOW** do you get the most out of your talent in a crazy, disrupted world?

**WHAT's** the key to better performance and new opportunities when you can't do business as usual?

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Meet the members of **ADVANCE** global business community who were the inspiration for this book. They are maximising their talent by investing in Creativity, Openness, Diversity and Equity.

*Who are they?* They include Atlassian, Telstra, Dow Chemical, KPMG, Planet Labs, AMP, UTS, Qantas, Unilever, tech disruptors, defence forces and dynamic SMEs from Scandinavia to outback Australia and the new Silicon Valley mindset.

We show you how they have created effective systems that align behaviours to build innovative and inclusive team cultures.

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Unilever, tech disruptors, defence forces and dynamic SMEs from Scandinavia to outback Australia. Who are they? They include Atlassian, Telstra, Dow Chemical, KPMG, Planet Labs, AMP, UTS, Qantas,



# UN WOMEN'S EMPOWERMENT PRINCIPLES

WOMEN'S  
EMPOWERMENT  
PRINCIPLES  
EQUALITY  
MEANS  
BUSINESS



**Principle 1:** Establish high-level corporate leadership for gender equality

**Principle 2:** Treat all women and men fairly at work- respect and support human rights and non-discrimination

**Principle 3:** Ensure the health, safety and well-being of all women and men workers

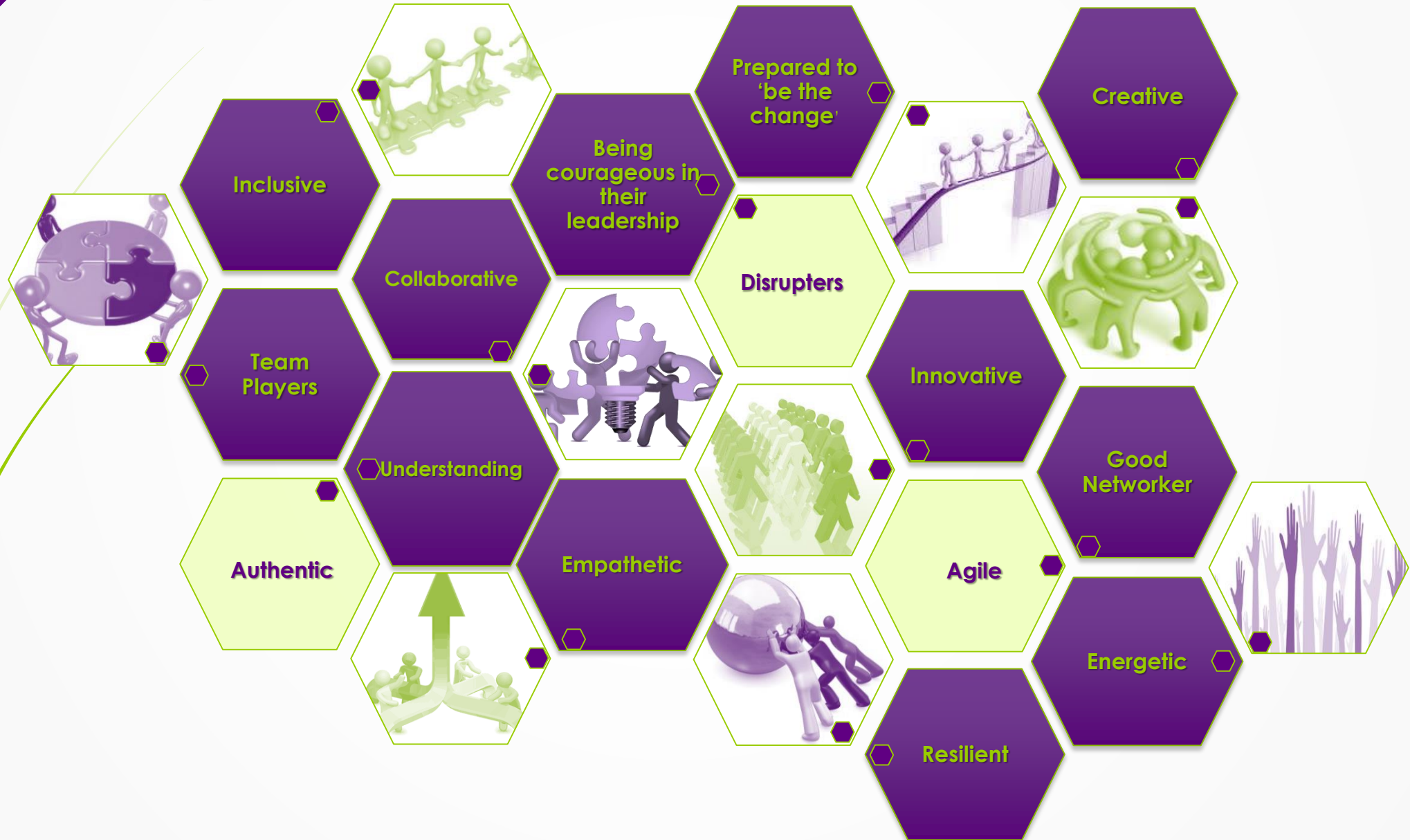
**Principle 4:** Promote education, training and professional development for women

**Principle 5:** Implement enterprise development, supply chain and marketing practices that empower women

**Principle 6:** Promote equality through community initiatives and advocacy

**Principle 7:** Measure and publicly report on progress to achieve gender equality

# QUALITIES OF NEW LEADERS



# WOMEN LAWYERS' ASSOCIATION OF NSW CAREER INTENTIONS SURVEY 2013-2015

- ▶ **1 403 law graduates** from all university law schools and the College of Law in NSW participated in the survey.
- ▶ 61% proposed to practise as a lawyer, **28% were not sure whether to practise as a lawyer** and 11% did not intend to practise as a lawyer.

FIGURE 9 – STUDENT INTENTION TO PRACTISE AS A LAWYER



Base: All respondents n=1,403; females n=944; males n=459.

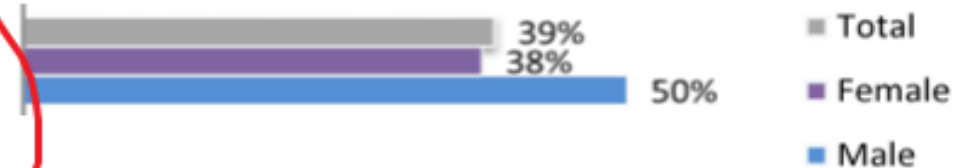
C2: Do you propose to practise as a lawyer?

\*Statistically significant difference between female and male responses.

# The Intersection Of Various Dimensions Of Diversity: Gender

FIGURE 16 – LEVEL OF EXTREME IMPORTANCE (REASONS NOT TO PRACTISE AS BARRISTER)

The Bar appears male dominated/ there may be potential discrimination against female barristers



Extract from WLANSW Career Intentions Survey  
2013-2015 p. 32

# The Intersection Of Various Dimensions Of Diversity: Age

Older respondents were significantly less likely to consider a career as a barrister because they believed they would be **too old** after completing additional study (43% of respondents aged 40+ years compared to 8% of respondents aged 39 years or younger).

C8A.If you do not intend to practise as a barrister, please indicate the principal reasons why you have chosen against that career path (multi-response).

		TOTAL	FEMALE	MALE
I prefer more client time/working one on one with clients	N	112	83	29
	%	13%	13%	11%
There appears to be a lack of ethnic representation at the Bar	N	101	67	34
	%	12%	11%	13%
I would be too old after completing additional study	N	99	• 76 •	23
	%	11%	12%	9%



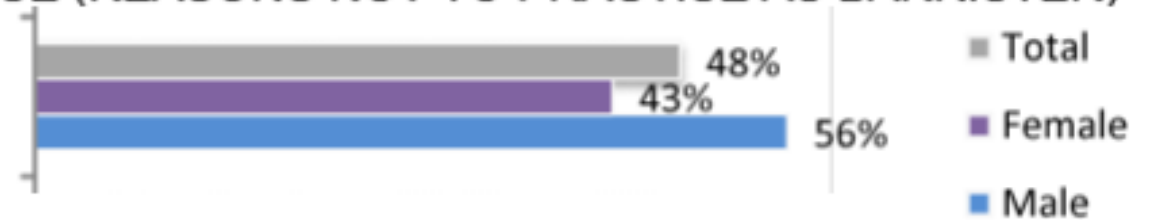
Extract from WLANSW Career Intentions Survey 2013-2015 (see appendix)



# The Intersection Of Various Dimensions Of Diversity: Ethnic Diversity

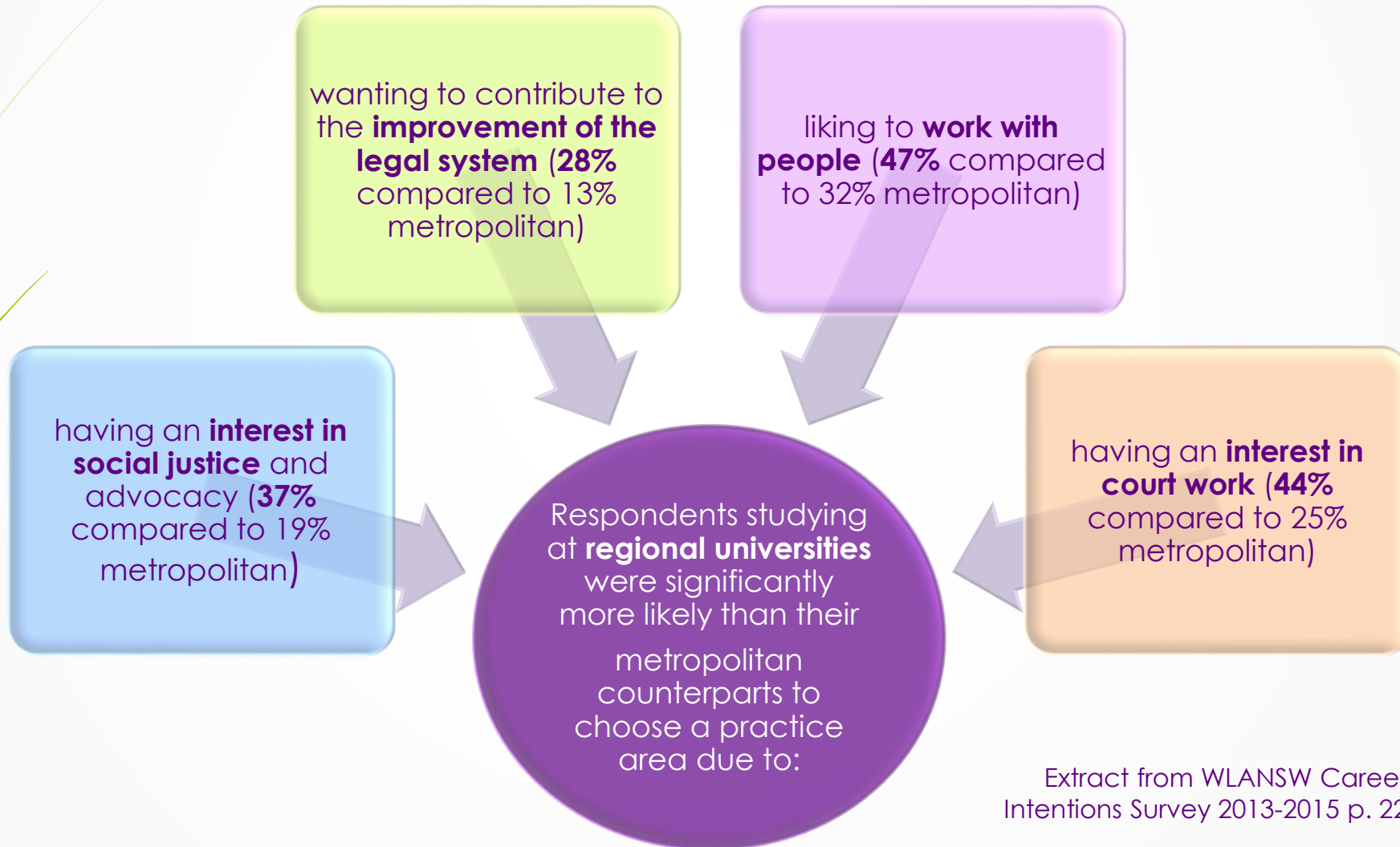
FIGURE 16 – LEVEL OF EXTREME IMPORTANCE (REASONS NOT TO PRACTISE AS BARRISTER)

There appears to be a lack of ethnic representation at the Bar



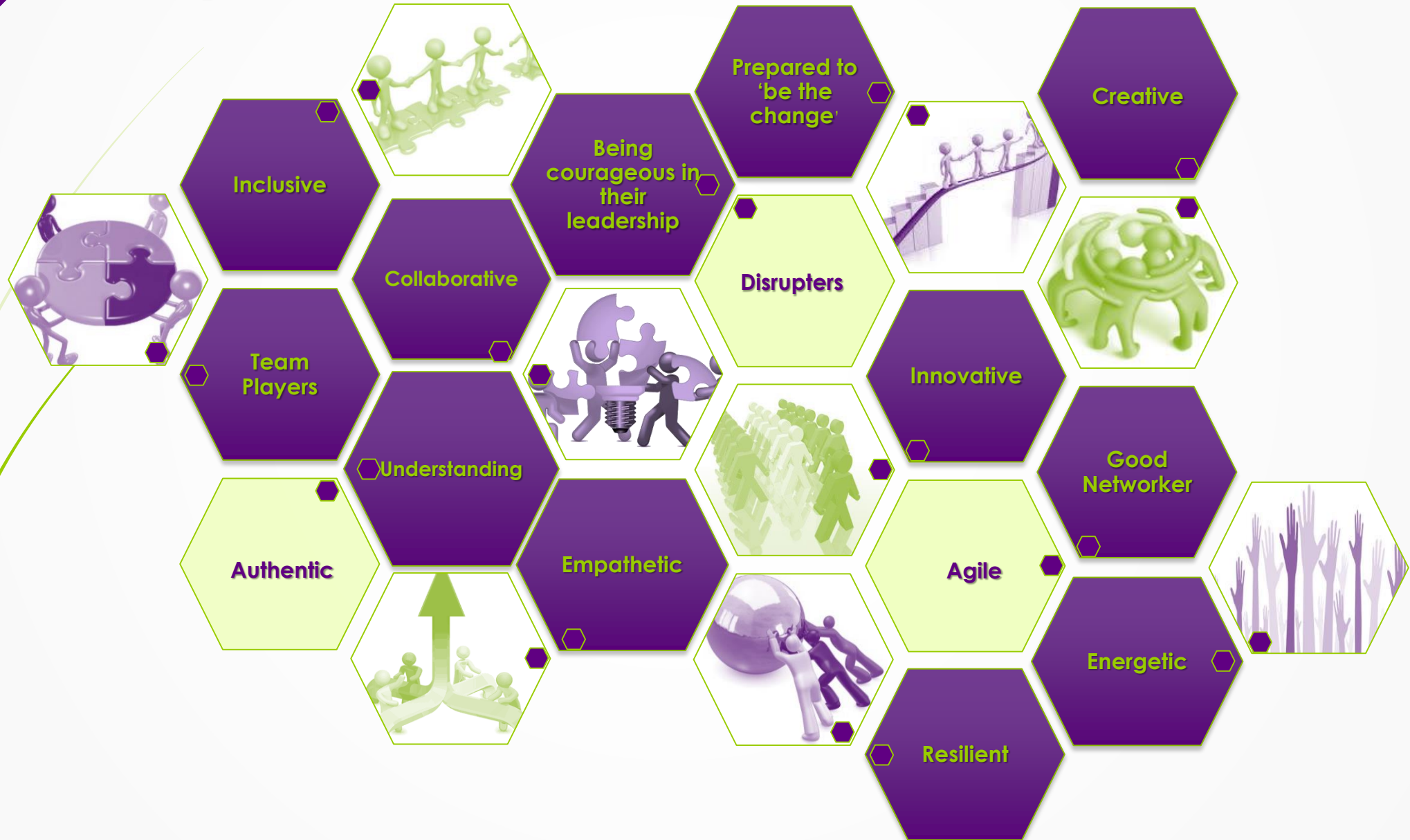
Extract from WLANSW Career Intentions Survey  
2013-2015 p. 30

# The Intersection Of Various Dimensions Of Diversity: Regional v Metropolitan



Extract from WLANSW Career Intentions Survey 2013-2015 p. 22

# QUALITIES OF NEW LEADERS





# American Bar Association Presidential Initiative Commissions on Diversity, *Diversity in the Legal Profession: The Next Steps*

## **DIVERSITY DEFENSE: INCLUSIVE MULTI-DIMENSIONAL DEFINITIONS**

Properly designed approaches to diversity and inclusion do not run afoul of contemporary jurisprudence on colorblindness, gender-blindness, or reverse discrimination. Courts have frequently found that considerations of identity—and commitments to diversity—are permissible so long as they do not one-dimensionally and categorically equate a single, overbroad definition of identity (e.g., non-white) with a particular outcome.

Diversity proponents must research and prepare clear statements on how their diversity initiatives consider race, ethnicity, color, sex, gender, sexuality, age, ability, accent, and economic status *among other factors* in holistic, multi-dimensional ways that differ fundamentally from the forms of affirmative action (e.g., quotas and set-asides) which courts have prohibited.

# Women from Diverse Cultural Backgrounds

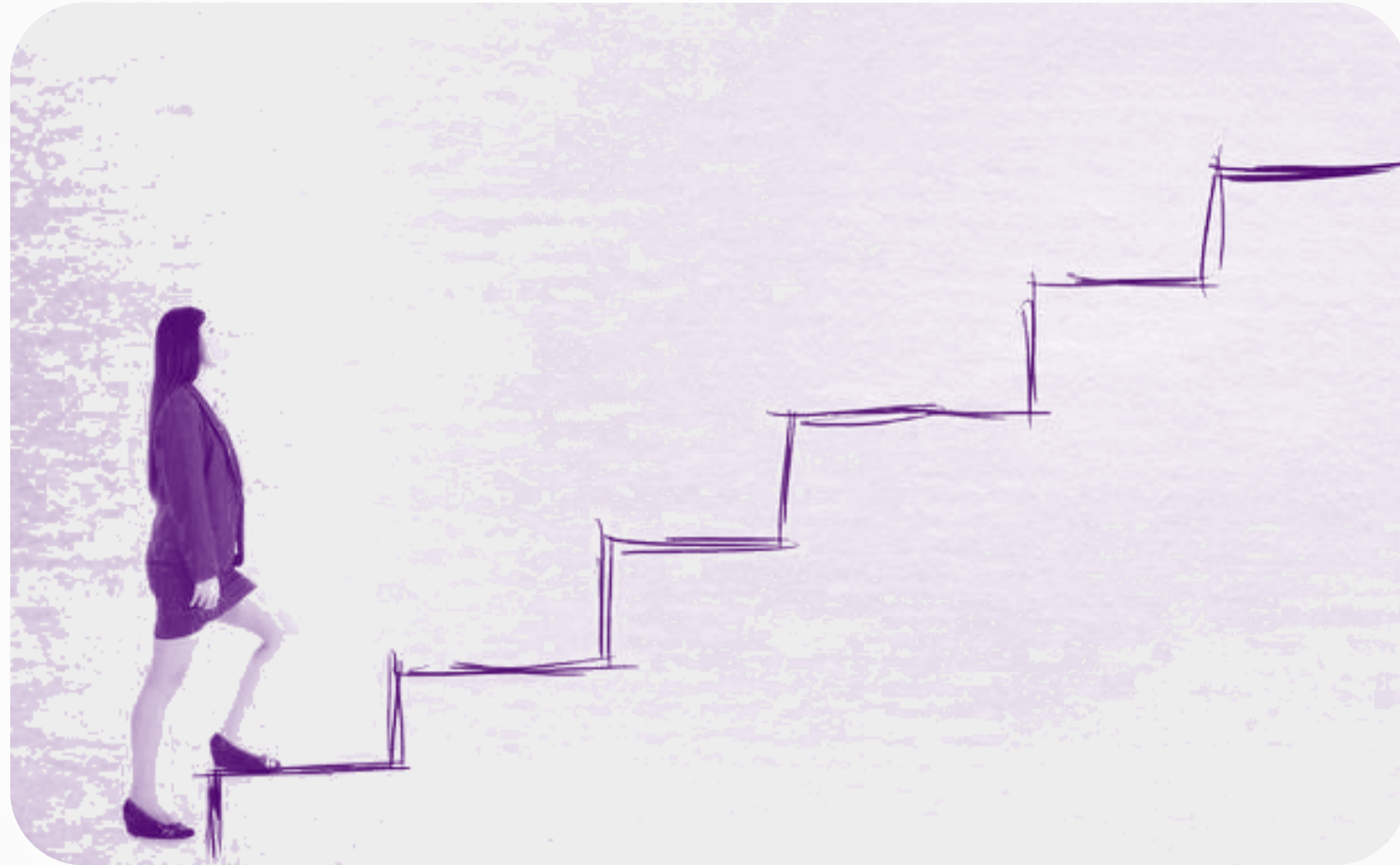
**Glass and  
Bamboo  
Ceilings**

**'The stained glass ceiling ...  
is the realistic ceiling,  
positioning women of colour  
within a steely grid of  
boundaries and permanency ...  
By examining the prism of colour  
that represents the restraints on  
migrant women, **the true  
implications of the glass ceilings  
will be grasped'**  
(*'The Stained Glass Ceiling:  
Issues of Gender and Ethnicity in  
the Workplace'*  
2003, p. 100)**

**Double  
Whammy  
Impact**



# TAKING UP THE CHALLENGE



# 2017 The Year of the Rooster and Beyond







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