

WOMEN LAWYERS ASSOCIATION OF QUEENSLAND LUNCHEON, CAIRNS, MONDAY, 14 MARCH 2005

Fellow members of the legal profession, thank you very much for making time in your busy schedules to welcome me to Cairns. I greatly appreciate the opportunity to meet with you all.

In the world context, we are all incredibly privileged as women to have had the opportunity for tertiary education and to participate as lawyers in an independent legal profession in an affluent, democratic country where the lives and views of women are valued – even if not quite as much as we deserve!

It has not always been so. This month has heralded the very significant centenary of Queensland non-indigenous women receiving the right to vote. Queensland indigenous women and men did not receive that right until 1962 in Queensland and 1965 federally. Even then, they were not required to enrol to vote and it was an offence to encourage them to do so until 1971 in Queensland and 1982 federally. Later this year, we will celebrate another significant centenary: that of women having the right to be admitted as lawyers. It was my pleasure today to preside over a Court of Appeal admitting three North Queensland practitioners, of whom two, or 66 per cent, were women. Yet before 1905, the term "person" in statutes authorising admission to the legal profession throughout the western world was understood not to include "women". The right of women to be admitted as lawyers was an essential step in enabling women to exercise their full democratic rights. This is because an independent legal profession plays a vital role in a democracy, ensuring community access to the rule of law, that magnificent creature which gives equal justice for all, regardless of gender, race, colour, religion, power, wealth or sexual preference. The admission of women to the legal profession in Queensland has meant that women have not only the rights but also the onerous responsibilities that come with being a member of an independent legal profession in a democracy. It sometimes means standing up for the rights of the least popular and the least attractive members of our society against governments, the rich and powerful and populist views. It is so important our society has women as well as men in this important role, adding the female perspective to accessing the rule of law and the jurisprudence surrounding it.

Later this year, the Supreme Court Library is celebrating the important centenary of the right of women to be admitted as lawyers by publishing

a book on the history of women in the legal profession in Queensland, a launch of the book and an exhibition. North Queensland women lawyers have played a pivotal role which will be fully recognised. The first Queensland woman lawyer to practice was Agnes McWhinney, who worked as a solicitor in Townsville during World War I up until her marriage in 1919. These days, you are well led by her Honour Judge Bradley and Magistrate Previterra here in Cairns and by other hardworking and senior women members of the profession, many of whom are here today. I hope some of you will get to the launch or at least the exhibition and that all of you at least buy the book and lots of copies for Christmas presents. I should disclose I am on the editorial committee!

Queensland women have made exponential progress since the first half of the 19th century when women could not own property after their marriage and were liable to be disciplined by their husband with a cane as long as it was no thicker than the thumb (hence, 'rule of thumb').

We still have a long way to go. Figures released last week for International Women's Day showed that the gap between the average wage for men and women continues to widen with the women at the bottom end of the gap. Although for many years the number of female law graduates has equalled or exceeded the number of male graduates and women are excellent students, often scooping most of the glittering prizes, this is not being reflected at the upper levels of the legal professions. Women remain under-represented as partners in legal firms, as senior counsel and as judges. Too few women are coming to the Bar. I encourage you, as I know Judge Bradley does, to meet regularly, to nurture each other and to mentor less experienced female practitioners: encourage each other to hang in there so that more and more women continue to bring their unique life experiences to the legal profession and its democratic role in this State and nation.

I urge you to have your firms adopt the Equal Opportunity Briefing Policy of the Law Council of Australia. It has already been adopted by many leading firms and government departments. It is not hard to sell because it is so reasonable. It requires no more than that you consider whether a woman barrister is the best barrister in a particular case and to regularly review the firm's briefing practices to see how many women barristers are being briefed, and if the practice is inequitable, to work on ways to improve it. I have brought some copies along today for those of you who have not already received it from Judge Bradley. When able

young women know that if they go to the Bar they will have genuine equal opportunity, more will go and stay.

You also have to adopt policies within firms, mentoring, nurturing, being flexible and family friendly, to ensure capable young women solicitors with all their potential, legal skills and rich life experiences are not lost to the profession.

Thank you again for your warm welcome and keep up the great work.