

MAGISTRATE, PEACEKEEPER, POLITICIAN, ADMINISTRATOR: INSIGHTS FROM FOUR LEADING WOMEN LAWYERS

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As part of Law Week 2014, Victoria University hosted a panel discussion on the role of women in the field of law and legal studies. An edited transcript of the session held on 14 May 2014 is presented below.

NICOLA ROXON

My name's Nicola Roxon, and I'm here with my new hat on as an Adjunct Professor at the College of Law and Justice at Victoria University. I'm really proud to be able to help chair this event, and I'm particularly proud that we've got such a wonderful selection of women to talk to you about different roles that you can play in the Law if you're interested in law and justice. It's why we titled this 'Magistrate, Peacekeeper, Politician, Administrator'. Looking at us all, we should have entitled it 'women in black': obviously one of the things, if you want to be a woman lawyer in Melbourne, must be the black outfits! We didn't plan that, and we are now all cursing that we didn't wear our red or pink or blue.

Each of us have prepared a fairly short presentation to give you a little bit of background about ourselves, our experiences, some advice and ideas. But that's only going to take the first half of this session. The second half is for questions, engagement and discussion, and, very kindly, our panellists have said they are happy to field all sorts of questions. Of course, I have the most practice at not answering the questions that I don't want to answer! I will certainly encourage my other panellists to tell you if there is something inappropriate for them to talk about, and I'm sure you will understand.

This event is part of Law Week, and VU is a proud sponsor of Law Week, but this event is a particularly good fit for VU because part of the mission of Victoria University is to look at students from diverse backgrounds. This is not only to ensure that people have access to the law, but also to engage with the community about the issues that lawyers should be more aware of and, the flip side, any issues in the community where more legal input is needed. With the combination of speakers you've got today, you're going to see a lot of intersections.

Let me introduce the panel. We are going to hear first from Deputy Magistrate Jelena Popovic. She has an amazing background that I will take you through and a particularly strong interest in social justice issues. We are then going to hear from Clare Francis, who is the State Coordinator at the Children's Court of Victoria. Clare is an Alumni of Victoria University. She did a Certificate in Court Administration through VU while she was employed by the court, and she is going to tell you how that worked and about the different

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experiences that she has had. And lastly Dr Helen Durham, the Director of International Law and Strategy at the Australian Red Cross, so we're going to hear an international perspective about working for a not-for-profit organisation before I tell you a little bit about life as politician and using your law degree in the public service, not just in the political field. Then, as I say, we'll be open for questions.

So, let's kick off with Jelena. She has a degree in both Arts and Law. She was appointed to the magistracy in 1989 and has been a judicial member of the Adult Parole Board since 1997. Her particular focus in the Magistrates' Court is on the significance of that court in the community, its role in problem-solving and reducing crime. And, as such, her interests, as I'm sure you'll hear, lie in indigenous, drug, disability, mental health and homelessness issues and how they impact on defendants.

Jelena is the coordinating Magistrate of the Koori Court and also oversees the Court Integrated Services Program, which is a multi-disciplinary program within the Magistrates' Court which provides services to address drug dependency, homelessness, youth crime disability and mental impairment.

In 2012 Jelena studied Meaningful Sentencing of Indigent Low Level offenders as a part of a Churchill Fellowship. In Jelena we really have one of the judiciary's leading lights in Victoria. She's also been involved in the advisory committee in the Sir Zelman Cowen Centre. We're delighted you could give some time to be here tonight.

JELENA POPOVIC

Good evening. I'm a bit embarrassed about that. But there you go. Could I commence by acknowledging the traditional owners of this country, the Wurundjiri people and their close neighbours the Boo Norong? I pay my respects to their elders and ancestors, and thank them for allowing us to meet on their land today.

I've been a magistrate for nearly 25 years – a child magistrate, hopefully, you're all thinking to yourselves. So I was pretty young when I commenced, and now I'm one of the oldest stateswomen of the Magistrates' Court. I was number nine of the women magistrates in the Magistrates' Court; today there are 47 women magistrates. I actually did a bit of a tally – today 42 per cent of the magistracy are women. A similar proportion of County Court Judges are women. In terms of leadership roles in the judiciary, the Chief Justice of this state is a woman, but we're not very well represented in the leadership roles.

I have thoroughly enjoyed my time as a magistrate, and I still pinch myself even after almost 25 years. I can't believe that I've been given this opportunity to meet so many Victorians and to make an impact in their lives. Every morning I wake up and think to myself how lucky I've been to be able to flourish in the law. I never would have thought as a law student that I'd be able to have the sort of influence that I have. I didn't realise until only a few years ago that I have power. And that is just the most amazing realisation. The power to be able to make a difference to influence government policy, to work from the ground up to make a difference to people's lives. I feel so privileged that I've been able to learn about how many people in our community live in terrible social disadvantage and dysfunction and actually be able to contribute to trying to make some changes to those people's lives.

This is all in a context of trying to make the community a safer place. Everything that I try to do in terms of changing offenders' lives has a direct bearing on trying to make sure that our community is a safer place. I'm of a very strong belief that throwing people in gaol without tackling the causes of their offending is simply augmenting the problems; it's not making the community a safer place. It's only a safer place for the short time those people have been locked away.

People ask me what's the hardest thing I do in my work, and I can tell you awful stories about having to deal with child deaths and nasty criminals. That's not the hardest thing. From my point of view, the hardest thing is when I deal with the young woman with an intellectual disability and an IQ of 46 who seeks attention by jumping off train platforms and going onto the train tracks, consistently endangering the lives of other people who jump onto the railway tracks to save her. My concern, of course, being that the others are endangering their lives. This young woman I'm speaking of is 19 years of age; she comes from a non-English speaking background with a family that doesn't understand her grappling with her sexuality; and she has very limited capacity for consequential thinking. Now that's what I find difficult. You be the judge. How does one balance the safety of the community and the thought of locking up a 19-year-old with such severe impediments?

They are the sort of tough decisions that we make as magistrates on a daily basis.

What advice do I have for you? The law is incredibly generous with mentoring. Don't be afraid to ask for assistance. I've spent my day, today, mentoring. I've had two La Trobe students I've mentored, and I've been assisting a young person who's made a job application to make sure that he's presented himself in the best way. My whole career has been based on being mentored and assisted by other people who are senior to me. So just don't hesitate to ask, and particularly if you are a VU student who doesn't have a father or mother who's in the law and doesn't have access to other family members in the law, don't hesitate to approach people and ask for help.

I'd also urge you to consider making sure that you build your own confidence and self-esteem – particularly I'm addressing the young women here. Many of us don't feel like we've got it, but in fact we have it, and we have it in droves. And lastly, if you do seek a career in the law you need to prioritise your home life and your work life balance. I wasn't too good at that. I'm getting better now, but I must say in my early years my big advice to women in the law is working out that balance.

I thought that I had to devote myself to work in order to succeed in the law, and that's not the case anymore. It might have been for old ducks like us, but, seriously, young women now don't have to put things on hold to concentrate on their career.

NICOLA ROXON

The next speaker is Clare Francis. She's the State Coordinator at the Children's Court of Victoria, just across the laneway for us. It's one of the things we are very strategically placed for here at VU: we are right in the court precinct, and we are looking for ways that we can use that more.

Jelena, it was bold making that offer of mentoring because you may find that you have 20 people from today who would like to come and work with you. Clare may well find that as well.

As Clare's going to tell you, she started in the Melbourne Magistrates' Court as a trainee Court Registrar in 2002, going to work in the courts straight from school. As part of her work, and supported by the court, she studied through Victoria University a Certificate IV in Government Court Services, and graduated in 2007.

I know that she's going to tell you about having worked all over the state, from Wangaratta to Warrnambool, Shepparton in the Coroners Court and the Victims of Crime Assistance Tribunal. She's worked in some registries where this was just a single person in those courts through to being the Regional Coordinator of the Barwon south-west region and Summary Crime Coordinator in the Melbourne Magistrates' Court. Her daily work, as you can imagine if you are the State Coordinator in the Children's Court of Victoria, as she has been since December 2012, involves dealing daily with children, their families, the police, DHS and many other stakeholders. I'm sure it's going to be interesting to hear what Clare has to say.

CLARE FRANCIS

Hi, everyone. My name's Clare Francis, and I'm the State Coordinator of the Children's Court of Victoria. When I was in Grade Six in primary school I actually did an autobiography project that stated I wanted to be a Clerk of Courts, just like my dad was, and sure enough I did. In 2002 I turned 18, completed Year 12 and commenced work in the Melbourne Magistrates' Court as a trainee Court Registrar.

Whilst working at the Melbourne Magistrates' Court my duties consisted mainly of bench clerking, which is sitting next to the magistrates in the court room and opening and closing courts, swearing in witnesses, marking in exhibits and assisting the magistrates. After two years I applied for a transfer to Wangaratta Court to gain some experience in other jurisdictions. I gained some experience in the County Court, Coroners' Court, Supreme Court, Victims of Crime Assistance Tribunal and the Children's Court. It was also a great opportunity for me to experience country life, pay cheaper rent and avoid peak hour traffic for a while, although I got too used to it and would sometimes get annoyed if I had to wait at a roundabout!

After working in courts for three years and completing four on the job exams and numerous courses I become qualified as a Deputy Registrar. Back then it was not a formal accreditation outside of the courts. For me, though, this meant that I had the power to witness stat decs, affidavits, issue charges for police and adjourn cases in court. I was rapt.

Not too long after I qualified, the court CEO introduced a formal accreditation through VU and took away the old on the job exams. I was one of six qualified Registrars selected throughout the state to trial this new accreditation, a Certificate IV in Government Court Services. A lot of study was done in my own time, and I soon completed the certificate which was later rolled out to Registrars state-wide.

After working at Wangaratta Court for 18 months I moved around the state and worked at various court locations in different jurisdictions for the next seven years. My roles included being a Coroners Court Registrar at the State Coroner's Office in Southbank. This was a 24-hour office where, prior to taking the initial death reports from Victoria Police state-wide, I would provide them with a coroner's case number before I'd make contact with the next of kin and guide them through the coronial process. This was often quite emotional and confronting, and these days this is work performed by a trained psychologist.

I was the County Court Registrar at the Shepparton Law Courts, where I was responsible for listing trial appeals for judges of the Hewitt and the Shepparton region on circuit. This role was a real learning curve for me as I had no relationship with the judges or staff, and I had to start from scratch and develop relationships quickly to gain trust amongst the new judiciary. I was also the sole Registrar at Echuca, Portland and Colac Courts, which were all one-man or one-woman courts, so I was responsible for preparing court lists, taking money for fines, processing intervention order applications and many other duties. I was also the second-in-charge at Wangaratta, Shepparton and Warrnambool Courts for different periods of time where I gained experience in managing staff. It was in these roles that I was given the power and privilege to conduct marriage ceremonies as regional court locations act as a Registry Office for country Victoria.

In my current role as State Coordinator of the Children's Court I am responsible for listings, case load management and Children's Court delays state-wide. Children's Court is a specialist court which has two divisions, and these are headed by a County Court judge. It has a Family Division which hears applications relating to child protection applications by the Department of Human Services, and a Criminal Division which hears matters relating to criminal offending by children. The Criminal Division also sits as a children's Koori Court at some court locations where the magistrate sits alongside Aboriginal elders at a long table to deal with young Koori offenders. On an average day I get to work at about 7:30 am. The first thing I do is complete the daily list for the Melbourne Children's Court for the following day, so I'm always a day ahead. I have 13 magistrates whom I allocate hearings to. This basically means that I'm telling the magistrates what they are doing every day. I mean in a nice way!

I also allocate bench clerks to court rooms and take into account what cases need which facilities, such as custody facilities, remote witness and video conferencing. I roster magistrates well ahead of time in both Melbourne and Moorabbin Children's Court, and I also allocate magistrates to sit at regional courts to hear lengthy contests and help out the smaller courts. I monitor the magistrates' leave to ensure we have enough magistrates at each court to get through the listing. I keep data on all hearing types so I can assess and monitor what we do well and on what we can improve. I'm also the main point of contact for our major stakeholders which are the Department of Human Services, Legal Aid and Victoria Police. One of my major roles is to implement state-wide initiatives to reduce delays in Children's Court listings.

Another older Registrar has previously told me that he started as a Clerk of Courts in 1970, and at that stage it was a male-only role, as was the magistracy. This changed during the 1970s with women entering these roles and quickly excelling. Prior to this, women were

only employed in clerical or typing roles, were expected to resign when they got married and were not permitted to have superannuation, so we've come a long way.

When I started working in courts 12 years ago, there was a 50:50 split with male and female staff. Nowadays, Court Registrars are predominantly female. Overall, I love my job, the variety that it offers and the various positions and locations that are available to me. It also provides an opportunity to make a real difference in the community if you are successful in implementing change processes that can reduce the delays for the public to get access to justice.

NICOLA ROXON

You can tell that Clare is super organised because she was five minutes and ten seconds – I didn't know I had such power! I'm afraid I'm very confident that Helen will not be so strict with her time. I now introduce Dr Helen Durham, the Director of International Law and Strategy at the Australian Red Cross.

Dr Helen Durham is currently the Director of International Law and Strategy at the Australian Red Cross. She's been a legal advisor and delegate on field operations in places such as Burma, Aceh, the Philippines and many Pacific countries. Her position involves ensuring that governments, authorities and those involved in conflicts understand the laws of war and apply and implement this framework. For example, she's presented to the Arab League in Beirut, attended meetings about nuclear weapons in Hiroshima and presented at the San Remo Military colleges in Italy.

She's also been involved in negotiations on new treaties such as the International Criminal Court at the UN in New York, Rome and Geneva. She has a PhD in International Law. Next month she's going to move to Geneva in a new position as Director of International Law and Policy with the International Committee of the Red Cross.

So we're going from our first speakers, with a very local court focused on the way you can use and be involved with the law here, to get an international perspective from non-government organisation from Helen.

HELEN DURHAM

Thank you for the invite to speak tonight. A formidable human rights advocate Eleanor Roosevelt once stated that it is better to light a candle than curse the darkness. And that's a statement I have to hold onto quite a lot, having spent almost the last 20 years of my professional career as a lawyer in the area of the laws of war. Or, as we call it, International Humanitarian Law. It's a great challenge: it requires optimism and it requires a sense of humour because there are times when you go into gaols, detention centres or refugee camps and you are dealing with issues that often challenge your sense of humanity. You have to hold onto and look for the people and instances in which you find humanity triumphs over perhaps that not- common goal of ensuring people live with dignity.

I know that everyone on the panel, all of us, has a great connection: not only are we women in law and wear black, but we have the sense of trying to make the world in our own way, in our own skill parameters, a better place.

I didn't know about International Humanitarian Law or 'IHL' when I was in university, so when I finished my law degree I went and did an internship in Thailand with big law firm Baker and McKenzie. And there I worked in the evenings with women who were victims of trafficking or worked in the sex trade in Bangkok. I learnt very quickly that the absolute critical nature, if you want to contribute to making people's lives better, is to listen. To listen to their stories and to understand that very often they have in their own mind, their own capacity, to frame the answers.

I'd come from doing Melbourne Law and thought that I had a few answers: I'd done feminist legal theories, I'd done human rights law, but it was a fantastic introduction to my career all those years ago to actually realise it's about listening and bringing out the views that people have, rather than imposing anything.

I then did a clerkship in a law firm. Meanwhile, I had a friend who went to the former Yugoslavia to work with women who had been victims of rape camps. I'd been doing a lot of community work, particularly with women, on these issues. I wrote to her – back in the 90s there was no email – and asked what can we do in Australia, women who are interested in and want to support these women who have survived these incredibly horrific experiences? She wrote back and said they want rape deemed a war crime. I said, *can't we do a cake bake or something?* This is a big one. No, actually: they are desperate because international law hasn't clearly articulated that the destruction of women's bodies on the battlefields or as part of conflict is actually a crime.

So I and a few friends thought to find out what the Australian Government was doing to collect evidence from the refugee population coming to Australia from the former Yugoslavia, particularly women: in those days 19 000 individuals from the former Yugoslavia were coming to Australia as refugees. I remember, as I was quite young, ringing the Attorney-General's Department and asking who was collecting the evidence of the people coming through, and they said, *well, no one, what are you talking about?* I said, *but there's an International Criminal Tribunal set up in The Hague; who in Australia is facilitating this?* I remember the gentleman said to me, *listen little lady: if you want the evidence taken, take it yourself.* He pretty much hung up on me. I thought, *okay, we will.* Why not?

I remember ringing: it was late at night. I was in my pyjamas, but I put on my lipstick, which is actually one of the best tips I can give: if you do a late-night teleconference in your pyjamas, wear lipstick, as it makes you feel much better. My kids always know: *oh, Mum's going to do a teleconference with Norway on nuclear weapons, because she's got her lipstick on.* They know to leave me alone for a while. I remember ringing the tribunal in the former Yugoslavia, and when I got through to the prosecutor's office, I was quite surprised and said, *we're a little group of Australian lawyers and friends, and we want to gather evidence from the refugee population to provide and support the prosecution of sexual violence as a war crime.* And they said great, let's get into it. It was through this process, on the side bar as I was working as a lawyer in a law firm, that I got really interested in this concept. There is international law found in the Geneva Conventions: the judicial protocols, 93 treaties such as landmines, cluster munitions, regulation of

weapons, all areas that I work every day. There was also this area of law that was going to try and find a pocket of humanity in the most inhuman circumstances people can find themselves in.

So from that, of course, I got really excited, started a Masters, transferred into a PhD, got a scholarship, went to New York University and kept doing my research there. I ended up finding out that the Red Cross had a particular mandate under the Geneva Conventions and the laws of war to be the guardian of this area and work with governments and authorities.

When I came back to Australia I started off as the national manager of the program, and over the years have been involved in lots of work in the field, lots of adventures, lots of time dealing with hard-core sexism. When you're talking doing a pre-deployment to the military, not just in Australia but in other countries, lots of times I was getting off a plane where people looked at me and said, *are you Dr Durham's assistant? Where's Dr Durham?* You're standing there on the tarmac just waving and smiling.

So I have lots of stuff to talk about, but that just gives you a snapshot of some of the issues.

NICOLA ROXON

Thank you very much, Helen. We really have got a diverse group of people with quite different and interesting experiences. Some of you also might be wondering why we haven't got on the panel a barrister or solicitor. This was a deliberate choice: they are the most known-about ways that you can use your legal degree, and as part of Law Week and as part of what VU is trying to do, we want to think about different ways that you can engage with the law and community issues.

So we don't mean to disrespect the other work that can be done in the legal profession but just give you a snapshot from different areas of law.

Now I'm going to give you my quick five minutes. I wanted to really to make the point that I didn't, like Paul Keating when he was aged 10 or 11, have a list on the wall of the people I needed to vote for me, so I could be elected to parliament, so that I could be the Prime Minister before I was 25. I didn't know anybody who was in politics or law. Not until I was already studying law did I meet my first lawyer, and that was when I was doing a baby-sitting job. It was quite good luck, and that person ended up being a very helpful mentor for me, but I was not someone whose family was already engaged in these things.

I did have a family who believed that if you had any ability you needed to use it in some way to benefit the community. So it was a very socially-engaged message. My father died when I was quite young, so it was a household of women, my mother and two sisters, and my mother instilled a lot of confidence in us: women really could do whatever they set their minds to. I don't think when she was telling me that she thought I was going to be Australia's first female Attorney-General, but having that family support and confidence is a really good thing, and not everyone has that. Remembering how much encouragement and support you can give other people is a really important message I think that we need to look at.

I began my career as a solicitor in industrial law and then went on to work at the High Court with Justice Gaudron. I nearly gave half of the High Court a heart attack because, when at the end of your time as an associate, there was a requirement that you would go and tell each judge what it was you were going to do: *oh, Justice Brennan I'm going off to Harvard to do this, or I'm going to the bar to do constitutional law.* I said, *I'm going to the National Union of Workers to be an industrial advocate.* Seriously, I thought I was going to breach those rules where judges are not meant to fly on the same planes in case there was an accident – and that my day of telling everyone might have set off four or five heart attacks! The judge I worked for was quite sympathetic about that, but she said, *I want the young women who work for me to go to the bar, and if you're not going to the bar, you've failed in my objective for you.*

So I took great delight in ringing her when I became the Attorney-General and saying, *so I didn't go to the bar, but, you know, I'm the Attorney-General now.* And she said, *well, I suppose that counts.* It was lovely to have her come to the swearing-in ceremony where we had the first female Governor-General, the first female Prime Minister, the first female AG and her as the first female judge on the High Court.

What I really wanted to talk about was that using understanding of the law in a public policy way or in the public service is something that people should think about. People forget: they look at the political leaders, and there are lots of lawyers and a lot of the skills in law are very helpful if you are in parliament and you are devising complex policies and doing a lot of speaking. But there's a huge number of legal jobs in advisory roles in the public service and in the Attorney-General's Department where people work on really interesting projects, and that often gets underestimated. Some of them might be something very creative when you know it's going to be legally challenged, like the introduction of our plain packaging in tobacco laws. But they also might be areas that are intensely complex and important to the community, like Family Law, where I was really pleased we were able to make changes – but, to be honest, there are so many more things that need to be done.

It is an adversarial system in politics, so those trained in the adversarial system of our law courts probably have some natural affinity with it, but it's also a job that demands a lot of intellectual integrity and a lot of personal empathy. As the Health Minister, there were 2500 national stakeholder groups: not individual people that wanted to talk to you about access to a doctor or needing a drug on the PBS for a sick child, but actual formal groups that got funding or wanted it.

I don't think in the four years that I was Health Minister that I ever met with anyone who asked for less than 5 million dollars. That was the starting point. So you're dealing with large amounts of money that have a big impact on people's lives and trying to do it in a policy setting that makes sense. There's a lot of excitement to be had in drafting legislation on new areas.

There are a lot of difficulties, too, and something I particularly want to say to women is that I've noticed that people have claimed over the past five or six years that politics is very difficult for women. It's true that there is a lot of scrutiny on women.

But it's also true that there are huge opportunities, and I think that there are examples now of proving that women can do politics and can do it well, and it gets easier for the next group of women to do it each time.

I want people to understand that you teach yourself to ignore lots of things that happen in day-to-day life when you are in a role in politics, and I actually think it's not bad advice for any type of professional step that you take. You can spend a lot of time speculating about what people might think, and how they are judging you, and what happens if you go to the drinks or don't go to the drinks, or whether you working late enough, or is your budget right. You have to have the confidence to believe that the things you are deciding to do are right. You have to think carefully about how you project yourself, but, really, if you lose sleep over what other people might think about you all the time, it just is a lot of wasted energy, and I think women in particular are very hard on themselves and very hard on each other. So I think perhaps easing off on that is something that we could talk about.

My last thought is to say to you is that every single person doubts themselves. Unfortunately, what we find though is that when that little doubt is there, women decide not to put their hand up for an opportunity. They want to be 100 per cent sure that everything they can do is going to meet the criteria for a job promotion or for something else. No disrespect to the men in the audience, because there's lots of research that shows this: if men can reach 50 per cent of the criteria, they think it's worth having a go. You've got to give them credit for doing that, and they usually bounce back if they don't get something. So for women, remembering that we might have this bias, remembering that people that you look at here, probably looking at all of us, thinking we would never have been shy and retiring, it's important to know that everyone has doubts.

When I have to sell myself directly to someone, I still find it very difficult. When I'm encouraging others, I find it much easier. So when you doubt yourselves, just remember that it's worth putting your hand up: maybe that job will be the one that is fantastic for the future.

SPEAKER FROM THE AUDIENCE

I'm a mature age VU Law student. A graduate-entry student; previously I was a bio chemist. My question is that a couple of you alluded to having children and the balance of that. I had a career 20 years ago, which, unfortunately, at the time I made the decision not to go back to work because they didn't offer me a part-time job, so I took five years off before going back and doing various things.

So my question is, without making it personal in any way but now projecting 20 years later as my children now are older and they can look after themselves, what kind of advice can you give us in terms of not worrying about the work-life balance – do you bring your family to work in terms of in your mind set?

NICOLA ROXON

I'll have a quick go at the question and then hand over to the others who want to add to this. I think the most important thing is to accept that whatever you decide is the right balance: you will worry about whether it is the right balance, and that's perfectly natural. Everybody around you will have an opinion!

There is no perfect balance. Everybody tries to make things juggle in their own way. I had some set rules. I was first female senior cabinet minister to have a child under two when I became the Health Minister. No man that had been in that role was ever asked a question by the media or stakeholders about how they balanced. And, as a mother, I wanted to talk to people about that and explain how I could make life balance, but I used to look around and see all the other cabinet colleagues having professional discussions while I was being asked how I juggled it. So it just made me decide that I had to think about turning the professional discussions back to professional things, which meant having the rules in my office for balancing my life. So I had quite a lot of rules about not doing dinner meetings, which people love doing when you are in politics: I'll meet with anyone, but we'll do it in half an hour in normal time. Likewise, I'm going to be home at night time and not talking on the phone, but texting, so that my daughter didn't think I was always talking on the phone – although I like Helen's tip about the lipstick.

So everybody has their own little tools, but I think the strongest message has to be that we must stop judging each other if people make different choices to us, because that is the biggest barrier. When someone doesn't approve of what we're doing, when as long as you've worked it out for your family and your life, and can negotiate that with your partner, then that is actually the biggest thing. Who wants to have a go, because this is one of the big ones, isn't it?

JELENA POPOVIC

I could talk about this forever, but I'll just make three quick points before Helen has a go. If you have a partner, your partner has to be absolutely on board. Not just on board, but your partner has to make sacrifices for their career and what they want in order to support you in achieving what you want to do. And it sounds to me like you put that all on hold and now it's time for somebody else to step back. The second thing is that in my experience is every woman I've worked with who has a family is exponentially more efficient than any bloke. I'm sorry for the men in here, and I don't mean to be sexist, but the fact of the matter is that women don't have wives - I keep saying that in my next life I'm having a wife. But we are able to do more, and better, in a shorter period of time, and that's because it's out of necessity, and that's actually just what happens. There was a third thing, but I've forgotten what it was!

HELEN DURHAM

I think it's a big one, and I too could talk, but won't. I'll be succinct. May I confirm Nicola's point? If I had the time, and I don't at the moment as I'm writing an article on targeted killings, I would like to write an article saying, *sisters, let's just be nice to each other*. I'm darkly compelled to read the Sunday paper, but it's constantly a war between cupcake mums and others, and I just want to write in saying, *let's just be kind to each other*. So I think that is really important, and I'm always urging that. It is true you have to find your own inner peace, and mine has always been that I can't be everything at once. So if I am focused on pushing with my colleagues internationally for a really important meeting on nuclear weapons, I might miss out on a school play because I have to be in Mexico or Oslo. I have to find an inner peace in that, and then other times I say no to things because I do want to be at the school fair and sell cupcakes.

It's actually realising there are things you will have to sacrifice at both ends. In a crass way, I say to people, *just realise you're going to be a little bit crap at all things, at certain times*. But you can choose that. You can choose that balance, but you've got to have an inner peace about it. Because you'll get comments on either side. *Wow, can't believe you're not going to this work dinner*. I think, *well, I promised a night of pizza and dressing up as Rapunzel*. Or, *I can't believe that you're not at this one school excursion*. Well, in this instance, the eradication of cluster munitions is important. And there's a lot of stuff about how we represent ourselves to other women, and that we are vulnerable, that we do stumble, we all have questions.

And the final thing is the partner issue. I'm very lucky to have an extremely supportive partner. He's a musician, but he recently had to resign his job for me to take him to Geneva. And I realised the huge sacrifice he's given for me to get opportunities. We tend to take it in turns every five years. One person has the career, the other person has the job, and then we switch over. It works with us. It sounds bit formulaic, but it means he was able to do his touring and do what he needed to do while I looked after the children. And then he looks after the children while I go off to Beirut and hassle the Arab League about not killing civilians, so it's a nice balance for us.

NICOLA ROXON

You can just imagine dinner time conversations at their house. Jelena, did you want to add something. This is obviously a rich vein of curiosity.

JELENA POPOVIC

Helen said it much better than I would, but my note to myself was perfection. We are all high-achieving perfectionists, and we've got to stop aiming to be perfect at everything.

NICOLA ROXON

I love that quote from one of the Facebook women saying, *done is better than perfect*. And it's hard to let go of that, because everyone does want everything to be perfect. But, actually, if you miss your deadline, or you don't put the application in, or you don't actually meet the court deadline, it doesn't matter if it's perfect if it means no one's going to pay attention to it. I think there are some really good pearls of wisdom there. So, other questions?

SPEAKER FROM THE AUDIENCE

My name is Emma. I'm a law student at Monash studying the JD, and I'm sure lots of people here are also law students coming either early in their degree or later, and I'm asking advice from all of you for young lawyers, young female lawyers, as to how to get the most out of your first job. Where to look for, or what to do and not to do, to try and get the most out of your first job in the legal profession. Because often it seems like that is such a big part of where you end up going as a lawyer, and I'm just wondering if there's any advice for graduates of law degrees, especially in a time when we continue to see that there are a lot of law graduates and fewer and fewer jobs.

NICOLA ROXON

Let me start on that one. I think the truth is that people have to understand you don't always start in your perfect job. And sometimes you don't know what your perfect job is, and you're punting that something that sparks your interest might turn up in a place where you've been offered a job. My view is you have to always have two things happening in your mind: one, you have to think about which things are potentially stepping stones to something else. So you get offered a job at a firm that you think does really interesting work, but you're not offered a job in the section that does the interesting work. Do you take it because then you can keep your eye out, make friends with the people who are in that section, and when they're busy you put your hand up to help them and then get your stepping stone to that job?

So that's one train, but the other sort of contradictory train is always being ready for what's the next big jump. So, going back to that confidence point, when you're in a job and there's something else you're really interested in, being aware enough about what's going on in the world to know when to put your hand up and say, *maybe I'll try this*. I think there's a real problem with lawyers in that we are increasingly becoming specialised, so it's quite easy to get into a law firm and become expert in a very narrow area. If you find the areas you love, like Helen did, that's fine. If you don't, it's actually making sure you're keeping aware enough of what's going on in the rest of the world to see where there are opportunities.

For example, if you've always wanted to work in the family violence area and then the Royal Commission into Child Abuse is suddenly announced, there's millions of jobs that you never necessarily thought were going to be available that you can apply for. So I think keeping a bit of peripheral vision is the main thing, and not to stress too much about landing

the first perfect job. Law students now are not going to stay in their jobs for 50 years until they retire: there's going to be lots of moving, and I think firms themselves are understanding that people will move. I think that's the best bit of advice I can give.

JELENA POPOVIC

One point I wanted to make was that a job is what you make of it. And thinking back on my own career, each job I've had, I've extended it to suit me and to expand my vision further. Initially I started in a criminal law firm, but I found a niche for myself in that, to the point where I ended up setting up a firm with another woman. Then when she went off to the Royal Commission in Aboriginal Deaths in Custody, the opportunity came about to be a magistrate within the magistracy. I didn't just take it as a nine-to-five job where I came and heard a case and went home; I actually got involved in many projects, so it's about seizing the opportunities and making them your own.

NICOLA ROXON

I think Helen's point earlier, about the thing you're passionate about not necessarily being the things you start off doing in your paid work, and that being something that you do outside of work but then becomes part of your career, is relevant.

The other thing that I think is that, as lawyers, I've noticed a lot of people being bad about missing opportunities because every single job I had, including when I got elected to parliament – but not once I became a minister – meant a pay drop from a previous job that I had been in. So you start at a lower level, and then you earn a little bit more, and then you get offered an increase. I never had any worry that meant that I couldn't provide for myself, but I see a lot of people saying, *I couldn't do that, because I'd get paid less than what I am*. Well you've really got to think about what's going to motivate you long term.

You spend a lot of time at work. Does the 10 000-dollar difference really mean you shouldn't take that opportunity? If you're looking at the stepping stone, is it getting you into a position where the more senior jobs are headed toward the one you really love more?

Keeping that option open is something people should consider because there is, again, a lot of pressure: *oh, you'll fall behind*. When I finished my articles and I went to the High Court, again I heard, *oh, you'll fall behind* – who I am I going to fall behind? The other people that graduated with me? They are not a measure to me. It doesn't really matter: since when is going to the High Court falling behind anything?

People have strange expectations, and again you've got to be very determined that doing things that you are interested in will make you better at your job and therefore you're more likely to be successful, so that is worth it.

HELEN DURHAM

I'll confirm to all that I started in the labour law firm with Nicola; actually, we were friends before then. I was interested in the ethics and social justice issues, but I knew in my heart of hearts I was more interested in international stuff. Therefore I did lots of voluntary work, and I didn't know at that stage whether I'd like refugee law or environmental law. So it was through my experiences that I experienced an area of law that makes my heart sing.

We're a bit like you after 20 years: I still can't believe I get paid to do pre-deployment briefings to the Federal Police to say, *treat civilians properly*. It's this incredible capacity to potentially, in a small way, make some impact. And I definitely would advocate the issue about money. I think as you get older, as long as your earning enough, it becomes such a smaller issue, and it's fascinating, if I can just say, the amount of corporate lawyers, people I went to law school with who are partners in big law firms, who ring me up and say, *oh gee, I wish I were doing what you're doing*. And I say, *well, you can, but you'll have to start doing some voluntary work, perhaps do a masters*. And every job I went to I earned less and less as I went: I moved from a law firm into an organisation called Asia Link because they were offering for someone to do a program in leadership in business and human rights.

It wasn't exactly right, but I made it, as was expressed; I made it my own and then did further study. So if you really find something that turns you on, and you can do it, listen to yourself. So many people, even our parents at the time, were horrified: *you left a good law firm to work for this small organisation they'd never heard of and then went to do a PhD in making sure rape was deemed a war crime?* They kept saying, *you'll never get a job*, and I said, *well, I'll waitress*. You have to be practical. But I do think, also as Nicola said, you have a long life to live and a lot of things to engage in.

NICOLA ROXON

Tying it back to the first question about life and family balance, I think being confident that you are doing something that you think is contributing helps. It doesn't have to mean on the world scale as Helen does, or even on the state-wide scale as Jelena and Clare; it just means something where you can feel satisfied that you are improving someone's life. That helps when you feel like you might be making compromises at home, which you do have to sometimes make; if you really hate your work it's much harder to feel that you can justify some of those trade-offs.

So the thing that motivates you, and some public purpose, whether it's individually focused or on a national or international scale, makes a difference.

SPEAKER FROM THE AUDIENCE

Hi. I'm Jedda. I'm a Monash student. So at Monash, in terms of the careers that they seem to plug to their law students' society, there is a lot of emphasis on commercial law and going into commercial firms. I've been having a crisis of wondering if I want to do this with that much emphasis? I started law looking towards something more like making some sort of

contribution to people's lives, not brokering big deals. I guess my question is: do you have to have a traditional start to the law, for example going into a law firm and doing a few years, being a grad, having a clerkship, that kind of thing, to have a non-traditional career?

NICOLA ROXON

I don't think you do. But I don't think people should dismiss the value of it. Having good results matters. People do like to know you've got a brain and that you can apply it, and study is hard, and I think showing that you care enough about it to do well matters.

I don't think it's ever a disadvantage to have a broad background. I was cranky when I first started law - I went to a labour law firm because I wanted to be an industrial lawyer. I did really well at my uni, and when I got there on my first day of the clerkship, they said *oh no, we think you're too smart for industrial law, we're going to put you in commercial law*. I was absolutely furious, because the only reason I wanted to go to this firm was to do industrial law, and it was quite a rocky start for a young article clerk. I did eventually get into industrial law, but as it turns out, what I learnt in commercial was incredibly valuable. In fact, had I spent a little bit longer there, I would have even learnt more.

I don't think you should feel too anxious about it. If you know you have the area of interest, and you can land a job in that area, that's great. But if you can't, you still get to see a lot else that's happening. Just maintain your connections and interests in those other things. If you don't feel that your mergers and acquisitions work is going to get you involved in the thing that you might otherwise be interested in, Helen's point about volunteering, knowing what's going on in the rest of the firm, seeing what they doing in their pro bono work and being part of that, or deciding you are going to be the best commercial lawyer so that the biggest not-for-profit agency in the country will approach you, will help.

I think anything that you do, if you can do them well, are stepping stones, but you have to know that you are going to need to release yourself from that cycle at some time, which people do find hard. Jelena? Clare?

JELENA POPOVIC

Just a quickie. The Victorian Aboriginal Legal Service can never find enough lawyers to staff it because it doesn't pay very well. But it would be one of the best places to start your legal career if you want to get a real flavour of how to live by your wits and contribute to a community that desperately needs it. That would be something to consider, and I'd strongly urge you if you were interested to get in touch with them and to start working with them on a pro bono basis.

One of their best lawyers is a young woman who was a student, who then worked with them as a law secretary and when she graduated from law they offered her a job. But legal aid and some of the community legal services are desperate for bright lawyers and can't get them because they are not paying enough.

HELEN DURHAM

I agree with Nicola. I get lots of people who ask me career advice. I say it doesn't hurt: what I learnt as a lawyer and even working on panelling injuries, dealing with people and negotiating has stood me in good stead when I face military officers. Don't underestimate those skills, and remember you don't have to do it forever.

But I look at my team: I have people who started off with a law degree but were happy to come and work as my administrative assistant, and now they have moved up and work in their desired areas. I see people who do all sorts of zig-zag tracks. To me it's about being open and sure before you jump. I see too many people who want to be international lawyers and they go, *right, I'll do a masters and doctorate*. They apply for a job with me and I say, *where's your experience?* So, not saying that post-graduate work isn't important, but it's really about finding that balance.

CLARE FRANCIS

A lot of young lawyers use being a Court Registrar as a stepping stone, and a lot of Court Registrars are studying law, because you do actually learn about policy, procedures and forms. And while I don't have a law degree, I could probably tell you what Jelena would want to hear in a plea in court.

NICOLA ROXON

And if, having had that experience, you decided you wanted to come and study, you'd get a lot of recognition for that prior knowledge, which is also, as a little plug for the University, part of the University's mission: to be able to get people to come in at different entry levels. We've had mature-age students ask questions, chefs in the audience who are back now being lawyers, and accountants and police officers: that's a really interesting thing about the law school.

SPEAKER FROM THE AUDIENCE

My name's Heather, and I come from a different background. I'm a retired secondary TAFE teacher, and my comment or question is about social policy. My interest in coming here this afternoon is my thinking about the law, social policy and changing policy. It has long been an issue in teaching, something like decriminalisation of illegal drugs and the impact on young people. There's been articles in the press today and recent times about the number of young people ending up in institutions because of their behaviour. My question is how a passion and interest in changing social policy might encourage more people to become interested in law? And, for people like myself who have retired in other professions, are there any stepping stones that you can think of that would promote this?

NICOLA ROXON

I might let the panel think about it. There's a specific edge in there about the decriminalisation of drugs, but there is also the broader question about law as a discipline for people talking about social change, whatever area that might be in. Which is obviously why lots of people are interested in the law! Jelena, you've probably got the most experience in this area. I could give you my views, but you would be all be horrified about how right wing they are. Some of those things, as a former politician, take a long time to get out of the system, so I am happy to add those views if you want me to.

JELENA POPOVIC

There are some really interesting swings in the United States, and Nicola and I have recently spoken about this, called justice reinvestment, where they are looking, in the far right states, at investing money in rehabilitation as opposed to gaoling people. And I was telling Nicola the other day that they are closing prisons in Texas because they are redirecting the money to rehabilitation, which is actually resulting in a decrease in crime.

Part of that justice reinvestment strategy is actually looking at decriminalising some of the minor offences, such as, as you have heard, the decriminalisation of marijuana in one of the states. These are really fascinating issues. I don't know if we could actually tackle it today, but we are able to change social policy. I'd be very careful about decriminalising drugs. I'd like to see people registered to obtain drugs, and in that sense it not being criminal behaviour in using the drugs that can be prescribed.

This is a very long debate, and at the moment watching what's happening with ice in our communities, I would be very hesitant to sanction the use of drugs that alter neurological states. I'd be very careful before I embarked on any notion of trying to change that without much better evidence. I am the living embodiment of how you can change legal policy by influencing government – to think about other ways of tackling some of the social issues around criminal behaviour, because our whole court is geared to what we call mainstream therapeutic justice. If I had an hour I'd discuss all this. We are looking, as a whole court, at changing behaviour, and that's a really marked change in social policy. We are supported by successive governments in that move.

HELEN DURHAM

There are a lot of opportunities, even in the area I work in, in relation to impacting upon policy. A lot of my work involves putting in submissions, such as to why Australia should ratify treaties against mercenaries or the prohibition of child soldiers, so there are other opportunities, too, to use your skill. And, not to say, that these are really bad things and mustn't happen. Australia has ratified up to this treaty; this correlates to this technical, precise submission which has an impact on our social policy at an international level within Australia as well, so I think there is a way your range of your legal skills can change social policy.

NICOLA ROXON

I think the lasting message is that you shouldn't underestimate the power you have as a law student and as a lawyer. It gives you a very critical way of thinking. You are regarded in the community as people who should be taken seriously, so if you do research on an area, if you have an active group of people, if you put in submissions, these sorts of things are paid attention. I'm going to finish with one of the funny stories that absolutely proves this point, a little bit, about lawyers. There is a lot of weight given to the professional training you're getting.

When I was the Health Minister – which actually is a far bigger portfolio than the AG's portfolio with an AUD 64 million budget and thousands of programs directly affecting millions of people's lives – I introduced the plain-packaging legislation, and a decision was made in government with the support of the then Attorney-General.

We knew there would be a challenge in the High Court and that I would have carriage, even though I was the Health Minister of that case. So the first meeting, when the challenge did come, was with all the lawyers, government lawyers and a whole range of external people that were coming on board to do this case. I quizzed them: *how were we going to do this case? What would our response be?* Basic things a diligent minister would ask, but they were very offhand in response: *yes minister; but with the greatest respect, I don't think that's a legal argument.* Quite patronising, really. And I was cross. I was the only woman in the room, a bit cross; well, it doesn't matter. *I'm the minister and they'll get used to the idea*, as it's unusual for them to be reporting to a different minister.

But as timing had it, by the time we were due for the next meeting, I was actually the Attorney-General by then, not the Health Minister. They were so different. *Now, Attorney, we've been thinking about those arguments you were putting to us and we think we've done bit of work...* And I said, *guys, you are not going to get away with that. I understand that you think the Attorney-General is more important than the Health Minister, but actually I am the same person, and that just shows you were making some assumptions.*

They were very embarrassed! Ultimately, they were a fantastic team when everyone said government lawyers were no way going to be able to beat the tobacco industry lawyers. But I just thought it funny.

There is weight given to legal roles, and you will have the responsibility to use that with integrity and do something that you really believe in.

We hope this panel will have given you some ideas, some different ways you can use the law; we hope we've given you some professional advice, some personal advice, some stimulation and some ideas about different pathways that you have in front of you.

