Women in Law panel discussion transcript

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Prof Andrew Clarke, Dean of the College of Law & Justice

Good evening and welcome. My name is Andrew Clarke and I have the honour and privilege of being the inaugural Dean of the College of Law and Justice.

The College is delighted to be a host of Law Week and I wanted to particularly thank Marlena Mende for all the work she's done on behalf of the College in terms of getting tonight's event organised. And thank you also to Di Storey the College coordinator.

So many thanks for coming along tonight. We have quite a few people hopefully still to make it but we thought we'd get on and make a start so thank you for coming along to the College. We've got a great location here and for the access to justice is very important.

We're delighted to have Nicola Roxon working with us in the College. It's fantastic having Nicola's expertise and experience to call on and I'm delighted to be able to do that so we have a very distinguished panel tonight and Nicola will do the introductions but I just wanted to say thank you very much for coming and we look forward to seeing more of you at future events.

(Applause)

The Hon Nicola Roxon

Thank you Andrew. 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.

And I'm really proud to be able to be helping chair this event and 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 so it's why we titled this 'Magistrate Peace Keeper Politician Administrator'. We obviously forgot that we were just joking. We should have said 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 are now all cursing that we didn't wear our red or pink or blue or something.

So look, the way this is going to work today is each of us have prepared a fairly short presentation to give you a little bit of background about ourselves and our experiences, some advice and ideas. But that's only going to take the first half an hour of this session. The second half hour is for you to ask questions and for there to be 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 you don't want to answer **(audience laughter)** and I will certainly encourage my other panellists if there is something that is not appropriate for them to talk about obviously they will tell you and I'm sure you will understand.

We all also desperately want to ask each other lots of questions so if any of you are shy or quiet about questions we will do that amongst ourselves to get the conversation going. But please, throughout this discussion think about the things you are interested in.

This event is actually 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 that might come from different backgrounds to other students to make sure that people have access to the law but also to constantly 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. And I think 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 Training on the Job while she was employed by the court and is going to tell you how that worked and the different experiences that she has had. And Dr Helen Durham, the Director of International Law and Strategy at the Australian Red Cross and so we're going to hear an international perspective working for a not for profit organisation and then I will tell you a little bit about life as politician and using your law degree in the public service not just in the political field and then as I say we'll be open for questions.

I've warned the panellists that I'm going to actually use my iPhone to give people a 5 minute warning. They don't have to sit down or immediately stop, it's not like in parliament that your microphone will be instantly turned off, but it will be time for them to wind up and move on. But I'm sure that each person is going to sit down and you're going to say I wish we could have had 10 more minutes and that's when you get to ask the questions afterwards.

So let's kick off with Jelena. Let me introduce her. 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 focus in the Magistrate's Court is particularly of course 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 Magistrate's 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. So really in Jelena we 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 and we're delighted you could give some time to be here tonight Jelena.

If you could make her welcome.

(Applause)

Jelena Popovic, Deputy Chief Magistrate, Magistrate's Court

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 Magistrate's Court. I was number 9 of the women magistrates in the Magistrate's Court, today there are 47 women magistrates. I actually did a bit of a tally - today it's about 42 per cent of the magistracy now are women. About 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 really 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. And 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 and it took me ages. 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 be working from the ground up to make a difference to people's lives. And 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 to actually be able to contribute to trying to make some changes to those people's lives.

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 a safer place for the short time those people have been locked away.

People ask me what's the hardest thing you do in your work and I can tell you awful stories about having to deal with child deaths and having to deal with nasty criminals. That's not the hardest thing. From my point of view, the hardest thing is when for example I deal with the young woman with an intellectual disability and 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 who 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. Very quickly 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 2 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 and…. that's me.

Okay. 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. That many of us don't feel like we've got it, in fact we have 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 ever succeed in the law and that's not the case anymore, it might have been for old ducks like us, but seriously, for young women now, you don't have to put things on hold and keep concentrating on your career. But we can discuss that later. Sorry Nicola, rabbited on too long.

(Applause)

Nicola Roxon

I told you that the 5 minutes was going to be tight and we wanted to give people time to wind up and please think about all the other questions that there are that you can ask Jelena.

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, as the Dean mentioned, I think very strategically placed 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 do work with you. And 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 and went work in the 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, the Victims of Crime Assistance Tribunal, working in some registries where this just a single person in those courts, through to being the Regional Coordinator of the Barwon south west region, Summary Crime Coordinator in the Melbourne Magistrates Court. And her daily work as you can imagine if you are the State Coordinator in the Children's Court of Victoria which she's being doing since December 2012 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 and if you can make her welcome please.

(Applause)

Clare Francis, State Coordinator of the Children's Court

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 6 in primary school I actually did an auto biography 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, 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 a 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 2 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 3 years and completing 4 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 peoples cases in court and I was rapt

Not too long after I qualified, the court CEO introduced a formal accreditation through Vic Uni and took away the old which was on the job exams. I was one of 6 qualified Registrars selected throughout the state to trial this new accreditation which was a Certificate IV in Government Court Services. A lot of study was done in my own time and I soon completed the certificate and was later rolled out to Registrars state wide.

After working at Wangaratta Court for 18 months I moved around the state a fair bit and worked at various court locations in different jurisdictions for the next 7 years. Some of 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 coroners case numbers and then 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 is work performed by a trained psychologist.

I was the County Court Registrar at the Shepparton Law Courts where I was responsible for listing trials appeals for judges 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 and gain trust amongst the new judiciary. I was also the sole Registrar at Echuca Portland and Colac Courts which were all one man or now one woman courts and so I was responsible for preparing court lists, taking money for fines and 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 roles as State Coordinator of the Children's Court I am responsible for listings, case load management and Children Court delays state wide. Children's Court is a specialist court but which has 2 divisions and these are headed by county court judge. It has a Family Division which hears applications relating to child protection applications by 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. An average day for me is, I get work at about 7:30am every day. 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 who 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.

(Laughter)

I also allocate bench clerks to court rooms and take into account what cases need what 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 also allocate Magistrates to sit at regional courts to hear lengthy contests to 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 what we can improve. I'm also the main point of contact for our major stakeholders which are 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 1970's with women entering these roles and quickly excelling. Prior to this, women were only employed in clerical or typing roles and 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 and the variety that it offers and 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.

(Applause)

Nicola Roxon

You can tell that Clare is super organised because she was 5 minutes and 10 seconds, I didn't know I had such power. I'm afraid I'm very confident that Helen will not be strict with her time. Can I now introduce Dr Helen Durham, the Director of International Law and Strategy at the Australian Red Cross.

I should say because some people who missed the introduction and have come in since. Just for those people, the way we're structuring today is we're hearing from each of the speakers, we've just heard from the first two, then we're going to have the second half of the session, it is all open to questions.

So we're really encouraging people while they're getting this short snapshot in the first half of the session to think about the questions that they would like to ask them about the Law, about the jobs about their ideas of being senior women in the roles and organisations that they are in.

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 countries in the Pacific. 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 and in 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 the law and be involved with the law here and to get an international perspective from non-government organisation from Helen and I'd like you to help me in welcoming her to speak.

(Applause)

Dr Helen Durham, Director of International Law and Strategy, Australian Red Cross

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, it requires actually a sense of humour because there are times when you go into gaols and you go into detention centres or refugee camps, you are dealing with issues that are often challenging your sense of humanity that you have to hold onto and look for the people and instances in which you find humanity triumphs over spirit of perhaps not that common goal of ensuring people living with dignity.

I know that everyone on the panel, all of us, have a great connection not only are we women in law and wear black, but the sense of actually 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, the laws of war when I was in university so when I finished my law degree I went and did an internship in Thailand with a law firm Baker and McKenzie, a big law firm. And there I actually worked at the evenings with women who were victims of trafficking or who were in the sex trade in Bangkok and what I learnt very quickly was the absolute critical nature if you want to contribute to making people’s lives better to listen. To listen to their stories and to understand that very often they have in their own mind frame, their own capacity, the answers.

And I think I’d come from doing Melbourne Law and all sorts of stuff 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 and meanwhile I had a friend who went to the former Yugoslavia to work with women who had been victims of rape camps. And I’d been doing a lot of community work particularly with women on these issues and wrote to her and said, in those days there was no email, back in the 90’s, what can we do in Australia, women who are interested in and want to support, to support these women, in these, who have survived these incredibly horrific experiences. And she wrote back and said they really want rape deemed a war crime. And I wrote back and said can’t we do a cake bake or something. This is a big one. No actually, they don’t have enough stuff that they are desperate that international law hasn't given the emphasis, hasn't clearly articulated that the destruction of women’s bodies on the battle fields or as part of conflict is actually a crime.

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

I remember ringing, it was late at night I was in my pyjamas, 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, 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. But I remember ringing the tribunal in the former Yugoslavia, got through to the prosecutor’s office, I was quite surprised and said, we’re a little group of Australian lawyers, friends, 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. And it was through that process, on the side bar as I was working as a lawyer in a law firm that I got really interested in this concept, that there is international law found in the Geneva Conventions, the judicial protocols, 93 treaties such as landmines, cluster munitions, regulation of weapons, areas that I work every day, but there was 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. Ended up – that's my five minutes? Okay. Ended up finding out that the Red Cross had a particular mandate under the Geneva Conventions and the laws of war to actually be the guardian of this area and to work with governments and authorities.

So that was my entree and when I came back to Australia and started off as the national manager of the program and over the years have been involved. 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 getting off a plane where people looked at me and said are you Dr Durham's assistant? Where's Dr Durham? And you're standing there on the tarmac just waving and smiling. So lots of stuff to talk about but that just gives you a snapshot of some of the issues. Thank you.

(Applause)

Nicola Roxon

Thank you very much Helen. You can see why I'm worried that we are going to gallop through this first section because we really have got a group of people with quite different and interesting experiences but it's to give you some ideas.

Some of you also might be wondering why we haven't got on the panel someone who is going to talk to us about being a barrister or someone who's going to talk about being a solicitor. There was a deliberate choice, there, that really 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, it's to think about different ways that you can engage with the law and community issues

So we've not meant to, in any way disrespect the other work that can be done in the legal profession but give you a snapshot from a different area. Now I'm going to give you my quick five minutes, I just have to find out how to time that one, I'm the person that's speaking to make sure I don't risk going on for too long myself

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 actually didn't know anybody either who was in politics or was in law. Not until I already was studying law did I meet the first person who was actually a lawyer and that was when I was doing a babysitting job and 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.

But 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 she instilled a lot of confidence in us, that women really could do whatever they set their minds to. I don't think when she was telling me that she thought that I was going to be Australia's first female Attorney General but it is something that having that family support and confidence is a really good thing and not everyone has that. So remembering how much encouragement and support you can give other people is a really important message I think that we need to look at.

Throughout my career of working as a solicitor in industrial law then going to work at the High Court with Justice Gaudron then nearly giving half of the High Court a heart attack 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. And, oh Justice Brennan I'm going off to Harvard to do this or I'm going to the bar to do constitutional law and I said, I'm going to the National Union of Workers to be an industrial advocate. And seriously I thought I was going to breach those rules where the 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 4 or 5 heart attacks off. And 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, basically 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. And 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. She did disappear when the photo was supposed to be taken from the media because she needed a smoke out the back of Admiralty House much to everybody's embarrassment.

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 really should think about. People forget, they look at the political leaders, and there are lots of lawyers and a lot of the skills 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 advisers roles in the public service, in the Attorney Generals Department where people work on really interesting projects and that often gets underestimated. Some of them

might be when you are doing 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 2,500 national stakeholder groups, so 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 funding. 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 and drafting legislation on new areas and there's a lot of excitement to be had. There are a lot of difficulties too and one of things I particularly want to say to women because I've noticed that instead of people, there's my timing, it is the people I'm surprised that people have taken out of the last 5 or 6 years that actually 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 that and can do that well, and it gets easier for the next group of women to do it each time.

And I want people to understand that really 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 are you working late enough, or is your budget right. But actually you have to have the confidence 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 that 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 sometimes when that little doubt is there, women decide not to put their hand up for an opportunity. They want to be 100 % 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 show this - mostly if men can reach 50 per cent of the criteria they think it's worth having a go. And you've got to give them credit for doing that, and 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.

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

I'm going to stop there. As I promised we will make sure we have a very long session available for lots of questions and interaction. We've got a good 20 plus minutes so I'm going to stay here so I can direct traffic, and we've got microphones for the audience. Please if you could just tell us where you are from, tell us if you're a student or an interested member of the public or if you've got a particular reason you're interested in this. And let us know if you're directing the question to a particular member of the panel. We'll try and get through as many questions as we can. And if I can see you if anybody is prepared to be our first.

Speaker from the audience

I'm a mature age VU Law student. A graduate entry student, previously I was a bio chemist and my question is, 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 at the time so I took 5 years off and went back and did various things.

So my question is without making it personal in any way, is, now projecting 20 years later, what kind of advice, so my children now are older, so they can look after themselves, but what advice can you give us in terms of not worrying about – do you bring your family to work in terms of in your mind set? I don't mean physically bring them there.

Nicola Roxon

I think we understand the question thank you for that. I'll have a quick go at and then hand over to the others who want to add to this. I basically 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 and 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 really set rules. I was first senior cabinet minister, woman, to have a child under 2 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 in a way wanted to talk to people about that and explain how I could make life balance but in other ways I used to look around and see all the other cabinet colleagues having professional discussions with people at the time I was being asked how I juggled it.

And so it just made me decide that I had to think about turning the professional discussions back to professional things, and having the rules in my office for balancing my life. So 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, and I'm going to be home at night time and not being 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 really think the strongest message has to be, we must stop judging each other if people make different choices to us because that is the biggest barrier, that 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?

Speaker

I could talk about this forever but I'll just make 3 quick points before Helen has to 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, 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 my experience is that every woman I've worked with who has a family who's had a family is exponentially more efficient than any bloke. And I'm sorry for the men in here, but the fact of the matter is that we don't have, I don't mean to be sexist, but we don't have wives. I keep saying that in my next life I'm having a wife. But we are able to do more better in a shorter period of time and that's because of it's out of necessity and that's actually just what happens, and there was a third thing and I've forgotten what it was.

Nicola Roxon

Let Helen have a go at it and if it comes back to you. Clare, were you going to?

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, 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 its constantly a war between cupcake mums and others and I just want to write one saying, let's just be kind to each other. So I think that is really important and I'm sort of always urge that. It is true you have to find your own inner peace and mine has always been I can't be everything at once. So if I am really 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. And I have to find an inner peace in that, and then other times I say no to things because I do want to go to be at the school fair and sell cup cakes.

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 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 at 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 5 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

It's basically, Helen said it much better than I would note, 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, doesn't matter if it's perfect, if no one's going to pay attention to it. So 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 for all of you for young lawyers, young female lawyers, as to how to get the most out of your first job or where to look for, or what to kind of, 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 any advice for graduates of law degrees especially in a time when we continue to see that there are lot of law graduates and you know fewer and fewer jobs.

Nicola Roxon

Let me start on that one. I think the truth is, people have to understand that 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 2 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 you sort of 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 that we are increasing very specialised so it's quite easy to get into a law firm and become very expert in a very narrow area.

If you find the areas you love, like Helen did, that's fine. If you don't, its actually making sure you're keeping aware enough of what's going on in the rest of the world, to see in there are opportunities, if you've always really wanted to work in family violence area in the Royal Commission into Child Abuse and its 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 job being the perfect one. 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 people, and I think firms themselves, are understanding that people will move. I think that's the best bit of advice I can give. I suspect the other panellists might have some different ideas that they want to add? Maybe not.

Jelena Popovic

Just to follow on from that one. 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.

So initially I started in criminal law firm but turned that into, 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 9-5 job where I came and heard a case and went home, I actually got involved in many many projects so it's about seizing the opportunities and making them your own.

Nicola Roxon

And I think Helen's point earlier about something 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

The other thing that I think as lawyers I've noticed a lot of people being bad about missing opportunities is, every single job that I got including when I got elected to parliament, but not once I became a minister, I had a paid drop from a previous job that I had been in. So you start at a lower level, then you earn a little bit more, and you get offered one, and 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'd doing. Well you've really got to think about long term what's going to motivate you.

You spend a lot of time at work. Does the $10,000 difference really mean you shouldn't take that opportunity and if you're looking at the stepping stone, is it getting you into a position actually the more senior jobs are going to 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. Actually, when I finished my articles I went the High Court, 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 all that I started in the labour law firm with Nicola actually, we were friends before then, I was really interested in the ethics and social justice issues but I knew in my heart of hearts I was more interested in international stuff. And therefore I did lots of voluntary work and I didn't know at that stage whether I'd like refugee law, environmental law. So it was through my experiences that hopefully I told the snapshot 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 the 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 say 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 was 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 actually into an organisations called Asia Link because they were offering someone to do a program to do with 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, our parents even 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, and 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 you also as Nicola said, you've got a long life to live and a lot of things to engage in.

Nicola Roxon

And tying it back to the first question about life family balance, I think being confident that you are doing something that you think is contributing. It doesn't have to mean on the world scale that Helen does, or even on the state wide scale that Jelena and Clare do, 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. I think we've got time for two more questions. If people are interested.

Speaker from the audience

Hi I’m Jedda. I’m a Monash student.

Nicola Roxon

How do we have so many Monash students? It’s fantastic, but you know, you know, you’re supposed to come to VU. We’ll pinch you back at some time. No, you’re very welcome.

Speaker from the audience (continued)

So Monash in terms of the careers that they seem to plug in their law students society there are lot of emphasis on the commercial law and going into commercial firms and I've heard some, I've been having a crisis of, do I want to do this with that much emphasis?

I started law not aiming towards that. I’m looking towards something more like making some sort of contribution to people’s lives, maybe not brokering big deals and whatever. 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 values. Having good results totally 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 broad background I was cranky so I worked at a labour law when I left. I wanted to be an industrial lawyer. I did really well in my uni and when I got there on my first day of the clerkship, they said oh no, we actually 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 was incredibly valuable. In fact had I spent a little bit longer there, I would have actually 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. But its 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 or about knowing what’s going on in the rest of the firm or 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 want you to come and be their lawyer.

There are steps, so I think anything that you do if you can 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 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'm the same with Nicola and I want to confirm often people, I get lots 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, negotiating has stood be in good stead when I am standing facing the military officers in some place so, I think those skills, don't underestimate them, and you don't have to do it forever.

But I look at my team, I have people who started off, a law degree, but happy to come and work as my administrative assistant, and now they have moved up and work in that 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 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 and procedures and forms. And I don't have a law degree, but I could probably tell you, I would know 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 already 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 I come from a different background. I'm a retired secondary TAFE teacher, and my comment or question is about social policy and my interest in coming here this afternoon is about thinking about the law and social policy and changing policy. It's 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 in terms of … it's a question of a passion and interest in changing social policy that would encourage more people to become interested in law. And people like myself who have retired in other professions, in your views decriminalization of illegal drugs, it's a difficult issue, is there any stepping stones that you can think of that would promote this?

Nicola Roxon

I might let the panel the think about – there's a specific edge in there about the decriminalisation of drugs but there is also the broader question, hidden in there, that is about law as a discipline for people talking about social change, whatever area that might be in. And 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 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 states, the far right states, that are looking at investing money in rehabilitation as opposed to gaoling people. And I was telling Nicola the other day 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, some of the, as you have heard, the decriminalization 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 decriminalizing drugs. I'd like to see people registered to obtain drugs and in that sense not being criminal behaviour, using the drugs that can be prescribed.

This is a very long debate and now 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 with . We are looking, as a whole court, at changing behaviour and that's a really marked change in social policy and we are supported by successive governments in that move.

Nicola Roxon

I'm going to finish up here, we're already 10 minutes over,

Jelena Popovic

It's a very hard topic to do quickly.

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 is putting in submissions, as to why Australia should ratify treaties against mercenaries, the prohibition of child soldiers, so there are other opportunities too, to use your skill. And not to say, these are really bad things and mustn't happen. Australia has ratified up to this treaty, this correlates to this, really 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 from that is, don't underestimate the power that 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 a group of people active, if you put in submissions, these sorts of things are paid attention to.

I'm going to finish with one of the funny stories that absolutely proves this point, a little bit wrong, 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 that the AG's portfolio, $64 million budget, thousands of programs, directly affecting millions of people's lives – and I introduced the plain packing 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 and I was quizzing them; how were we going to do this case? What our response would be? Basic things a diligent minister would ask but they were very off hand; 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, doesn't matter, I'm the minister and they'll get used to the idea, 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. They all came in; 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. Like I understand that you think the Attorney General is more important than the Health Minister but actually I am the same person, and what that just shows you, you were making some assumptions.

And they were very embarrassed and 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 responsibility to use that with integrity and doing something that you really believe in. And we hope that by covering with this panel, some ideas, some different ways you can use the law we hope we've given you some professional advice, some personal advice, hopefully some stimulation and some ideas about different pathways that you have in front of you. So thank you for coming. Particular big thank you to our panellists who have all given their time during a busy week to be with you and if you can join me in thanking them that would be great.

(Applause)

We hope that you all have a lovely Wednesday evening.