



Speech by

Rachel Nolan

MEMBER FOR IPSWICH

Hansard Tuesday, 18 May 2004

LEGAL PROFESSION BILL

Ms NOLAN (Ipswich—ALP) (5.38 p.m.): I, too, rise to speak in support of the Legal Profession Bill and commend the Attorney-General for his ongoing reform and modernisation of this important profession. Much of this reform has been well and truly due, and legislation such as this bill, which establishes a genuine process of review for the legal profession, is warmly welcomed in the community.

For some years the Law Society has been in the privileged position of being the only body empowered to sit in judgment of consumer complaints against lawyers. The Law Society may have kept that privilege had it used it widely, but unfortunately over many years the society proved itself unable to make the tough judgments when it came to its own. The Law Society's frequent failure to appropriately discipline legal practitioners who had exploited rather than served their clients, most notably with the Baker Johnson case last year, led to a widespread public perception that the Law Society was an old boys' club. The other factor that leads to the old boys' club perception is the fact that the profession is still overwhelmingly dominated by men.

It is my suggestion that now that the Law Society has time to spend on matters other than professional regulation, it might turn its attention to substantially overcoming its old boys' club image by genuinely promoting the advancement of women.

For 20 years Australian universities have churned out equal numbers and a better than equal quality of women law graduates. Despite this supply of women, only two of around a dozen members of the Law Society's council are women and, significantly, female senior counsel and female partners among the major city firms continue to be a rarity. With seven out of 17, Queensland has the highest proportion of women on the Supreme Court bench of any superior court in Australia, but still we are not halfway there. We are far in advance of New South Wales where women make up only 8.5 per cent of the Supreme Court bench; South Australia has seven per cent, and the Family Court has 27 per cent. Sadly, that is probably a reflection of a widespread community view that women can do family law matters, but not the hard commercial stuff.

In this regard the greatest outrage was perhaps the Howard government's decision last year to replace the only woman on the High Court bench, Mary Gaudron, with a man—and a capital C conservative one at that. There should be no doubt about the benefits that women can bring to the legal profession. In 1994 a senate committee looking at gender bias in the legal profession argued, firstly, that public confidence in the ability of the profession to do justice would only be maintained if the profession were seen to genuinely reflect the community and, secondly, that women would bring different decision-making styles to the law and hence broaden the decision-making base and bring better decisions.

Similarly, in 1997 Justice Mary Gaudron, until recently the only woman—now there are none—on the High Court bench, said —

I believe that having acknowledged and asserted their difference, women lawyers can, with the assistance of feminist legal theorists, question the assumptions in the law and the administration of the law—

and make it work better.

Despite these arguments, however, the Queensland Law Society, the profession's peak body, has never set targets or made a concerted effort to ensure the promotion of women through the profession's ranks. There is no mentoring program and no policy position on matters like the absence of equal pay or paid maternity leave which hold women back.

Today, as the Law Society turns an important corner, I call on the society to get serious about women. They should set targets for the number of women partners they would like to see in Queensland, they should consult with their members about the matters holding female members back and they should develop policy in that regard. They are in a prime position to implement programs like mentoring across the profession to ensure a path for women. The advancement of women in the law could not just create a better profession for those women, it would allow the profession to genuinely and meaningfully cast off the old boys' club tag and, as Mary Gaudron said, it would provide a timely challenge for the assumptions that underpin the law and, sadly, which tend to occasionally exclude those it is meant to protect.

In the Queensland parliament with an active promotion of women we have changed the culture and the public perception for the better. It is time for the Law Society to do the same. I commend the bill to the House.