

Lawyers Weekly – Women in Law Awards

Melbourne

**THE HONOURABLE JUSTICE RUTH McCOLL AO
COURT OF APPEAL
SUPREME COURT OF NEW SOUTH WALES
SYDNEY, 17 OCTOBER 2014**

- 1 I am honoured to accept the Lasting Legacy Award this evening.
- 2 I am particularly honoured, in receiving the Award, to follow in the footsteps of Professor Gillian Triggs, the distinguished President of the Australian Human Rights Commission and former Dean of the Faculty of Law at the University of Sydney and Sharon Cook, the Managing Partner of Henry Davis York. Both have left large footprints in contributing to gender equality in the profession, footsteps I feel I can only tiptoe in.
- 3 I also thank Lawyers Weekly on its initiative in conducting this Awards Ceremony which, I am sure, plays a valuable role in communicating to the legal community and perhaps further afield, the success of so many terrific recipients across the board in legal practice.
- 4 I accept this Award, however, not only on my own behalf, but also, I hope, on behalf of the many women both who have preceded me in campaigning for gender equality in the legal profession and those who continue that campaign. Many of the latter are present tonight of course, including our keynote speaker, Fiona McLeod SC, a noted campaigner for gender equality and a distinguished past President of Australian Women Lawyers and another distinguished past President, Dominique Hogan-Doran.
- 5 Looking around this room this evening at this group of clearly highly successful women legal practitioners, it would be easy perhaps to lose sight of how far women have come in the legal profession.
- 6 Tonight is not the occasion to embark upon a dissertation, which would be necessarily long, of the challenges women have faced to get to where we

are now in the legal profession. What I would like to do is mention a few of those women whose lasting legacies continue to benefit us today.

7 Australian women seem to have first started to think of legal careers in the late nineteenth century. It is some small measure of the challenge which they faced to think that Ada Evans, the first woman legal practitioner in New South Wales, enrolled surreptitiously in the Faculty of Law at the University of Sydney while the Dean was overseas. She remained in the course notwithstanding his challenge, upon his return, that she should not do so because “she did not have the physique for law and would find medicine more suitable”.¹

8 Even after she graduated in 1902, Ms Evans was not permitted to register as a student-at-law because, it was said, “women” were not “persons” qualified for admission. It was not until the passage of the *Women’s Legal Status Act 1918 (NSW)*, for which Ms Evans had campaigned relentlessly, which provided that “[no] person shall by reason of sex be deemed to be under any disability or subject to any disqualification to be admitted and to practice as a barrister of the Supreme Court of New South Wales” that Ms Evans was registered as a student-at-law the following year. Two years later, in 1920, she was the first woman admitted to the New South Wales Bar. However, after all that, despite being offered briefs shortly after she was admitted, she refused to accept any fearing that, with the passage of time since her studies had concluded, she would be unable to discharge them adequately and may, therefore, prejudice the position of women in the legal profession.²

9 When Ms Evans died in 1948, a short note published in her honour in the *Australian Law Journal* under the heading “A Woman Pioneer” noted that:

“These few words of the Act are ... scarcely a fitting epitaph to a woman of such courage and determination. Their significance will always be remembered by those women who are and become

¹ Bennett JM (Ed), *A History of the New South Wales Bar*, (1969) Law Book Company

² *A Woman Pioneer*, (1948) 22 ALJ 1 – 2

members of the legal profession. They shine out, especially at this time, as a challenge to women desirous of being called to the Bar, and it is right that they should accept this challenge and so reap where Ada Evans has sown.”

- 10 And women did, and have, reaped what Ms Evans and others of her generation sewed.
- 11 In 1965 Justice Roma Mitchell became the first woman to be appointed to a Supreme Court, in this case South Australia, in this country.
- 12 She too faced early obstacles which helped shape the path she took in her career. While studying at Adelaide University, she was active in student politics and when barred from joining the Law Students' Society because she was a woman, she became instrumental in the formation of the Women Law Students' Society.³ She was to be an active proponent for gender equality throughout her long career. But in many ways her career, itself, was the best advertisement for those promoting that cause. In due course she became Chancellor of Adelaide University, and, in 1990, Governor of South Australia.
- 13 Returning to our shining lights, we must also celebrate Elizabeth Evatt, who was appointed Chief Judge of the newly created Family Court of Australia in 1975. She was the first woman to preside in an Australian Federal Court.
- 14 We should also celebrate Justice Mary Gaudron AC, the youngest woman appointed as Deputy President of the Conciliation and Arbitration Commission, the first woman to take silk in New South Wales, the youngest person, and only woman, appointed as Solicitor-General of NSW and the first woman to be appointed to the High Court of Australia on 6 February 1987. Despite her long list of achievements, Her Honour described herself as an “ordinary woman”.⁴

³ <http://www.southaustralianhistory.com.au/mitchell.htm>

⁴ Australian Women Lawyers, *Themis*, Issue 3, August 2003 at 1:
<http://www.australianwomenlawyers.com.au/uploads/publications/Themis-Issue3-03.pdf>

- 15 These are the great women in whose paths we walk, fortunate that they have worn a track we can follow, but conscious too of the necessity to remain ever vigilant, until the time comes when we share the freedom our male colleagues enjoy of being able to pursue our legal career knowing that our gender is irrelevant to our success.

