

QUEEN'S COUNSEL, WOMEN LAWYERS

487. Hon HELEN HODGSON to the Attorney General:

- (1) Have the 1999 proposals to change the appointment procedures for Queen's Counsel come into force?
- (2) Is the Women Lawyers of Western Australia association consulted in the process of appointing new Queen's Counsel?
- (3) In light of the Attorney General's comments on Tuesday that gender and equity balance in appointments to the judiciary needs to commence with the selection of silk, what steps does he intend to take to ensure that women are considered in the process for appointment to Queen's Counsel.

Hon PETER FOSS replied:

- (1) No.
- (2)-(3) Yes. The Law Society of Western Australia conducted a survey about the continuing involvement of women in the legal profession. It is clear there is a high fall-out rate among women lawyers, even in those areas where advocacy is available. No-one has come up with a good solution to retaining women lawyers. Obviously, if a small number of women lawyers become senior lawyers, a small number of women will be available for appointment to silk and the bench. I held a meeting with a wide range of people involved in the profession, including the Law Society; the Western Australian Bar Association; Women Lawyers of Western Australia; small, medium and large firms; and the Director of Public Prosecutions. We tried to come up with a better way of names being put forward for these positions. At the moment, people put their own names forward. We thought that some people might not be putting their names forward for reasons such as the belief they might not get the position, even though they merit it, or the perception that certain types of people are appointed. We decided that a committee chaired by the Law Society, and comprising a number of Law Society members and representatives of the Women Lawyers association, the Bar Association and small, medium and large firms, should be formed to put forward names for consideration by the Chief Justice. It was decided that the committee would not make selection decisions because it was felt people would not be prepared, in a committee of that size, to make adverse comments. However, they were happy to put names forward, not only for immediate appointment but also for the Chief Justice to consider people for future appointments. Some people are often not thought of as suitable for silk, and when their names are suggested, the selectors have not paid sufficient attention to that person. The idea is for the Chief Justice to receive for consideration a broader range of names, including those whom he might not otherwise have considered as potential silk. We hope that people in areas that are not often considered will be suggested. I hope the process will lead to women lawyers being considered. It may mean that it will be another year or two before they are appointed to silk, but that is often the case with people putting their names forward. We expect a broader range of names to be put forward under this system than under the current one, which is self nomination. That has been tricky, and this new method will force people to think more broadly, resulting in a broader range of names being put forward.