

President's update

GARETH CLARK, BAKER & MCKENZIE, PRESIDENT – YOUNG LAWYERS' SECTION

"Until the great mass of the people shall be filled with the sense of responsibility for each other's welfare, social justice can never be attained."

Helen Keller

People often ask me why I became involved with the Young Lawyers' Section (YLS). I guess I was one of "those" people at university, you know the type, the one who always answered the policy question in an exam. Naturally, community justice programs were of interest to me, and this was one of the reasons that I first ventured to an LIV meeting room in my lunch hour. The YLS has a strong history of engaging with and contributing to the community, with perhaps the pinnacle of this being the introduction of the Good Samaritan legislation four years ago. This year has been no different for the Section.

While social justice is not for everyone, there are very few young lawyers I know who are not supportive of and receptive to social justice programs and issues. Traditionally, law firms give much back to the community and there is no reason to see this trend decline in the future. However, as client and billable pressures continue to mount in a competitive legal market, one challenge the profession faces in this regard is to ensure that firms at both the macro and micro level support pro bono work. Support from a law firm is one thing; support from a practice group is an entirely different, yet as equally important, matter.

On June 6, a sold out screening of Luigi Acquisto's acclaimed documentary, *Trafficked*, was held at Hoyts Melbourne Central. This night raised awareness of human trafficking, and similarly, later this year a discussion forum is to be held to continue to raise awareness of this global crime.

The YLS is also seeking to launch a Human Trafficking Victim Support Network, in conjunction with the LIV Pro-bono Legal Assistance Scheme. This network will provide a central database for those willing to do pro bono legal work for victims of human trafficking. It will also be a resource base for those willing to assist victims, such as health professionals, counselors and other support services.

In Law Week, Deacons hosted the Deacons and Young Lawyers Social Justice Essay Competition Presentation Ceremony. This year, high school students were asked to write about human rights, with a particular focus on the Australian terrorism laws. It is always refreshing to be at a legal function in a room full of people who are yet to be cynical or sarcastic about the law. It is even more impressive to see the President of the Court of Appeal, Justice Chris Maxwell, invite all 16 finalists to spend a morning with him in Chambers, followed by a tour of the Court of Appeal.

The United Kingdom, Canada, The Netherlands and Tasmania, to name a few, have all enacted some form of law that allows for the recognition and registration of same sex partnerships. Some call it marriage. Some call it a civil union. At the end of the day, the name is just semantics.

At a Federal level, Australia has pro-actively legislated so that same sex partnerships do not fall within the scope of the definition of "marriage". In June, the Federal Government took this one step further and overturned the ACT's

Civil Union legislation: legislation that did not impinge on the definition of marriage. It would be a positive step for the Government to take the initiative on this matter and introduce a system of national registration for same sex couples as an alternative to marriage. This would enable the Government to provide legal recognition to same sex couples and protect the definition of marriage as it sees fit. However, this looks unlikely to occur.

At a State level, neither party has committed to a policy on same sex marriage. While it looks unlikely that the Bracks' Government will enact change, the introduction of a new Liberal leader provides an opportunity for the YLS to lobby both parties on the issue in the lead up to the State election.

The recognition of same sex partnerships must be a State election issue. In August this year, the YLS will conduct a discussion forum to determine what model members believe Victoria should adopt. An appropriate submission will be presented to all political parties prior to the State election.

Social justice cannot be achieved while laws still discriminate based on sexuality. The formal recognition of same sex relationships is an essential and fundamental step in bringing to an end this discrimination. The consistent argument I have heard against this issue is based on the concept of the end of the family unit. This argument is absurd. It is a narrow view based on a narrow and ignorant concept of family. How is anybody's life affected if two people of the same gender are allowed to formally commit to each other and register their love? Moreover, what political gain can be made by continuing to prevent it?

The role that religion should play in law making is one issue that needs to be further examined in years to come. However, one thing must prevail: religion cannot continue to be used as a basis for, or as a legal exemption to, discrimination.

While on the topic of law reform, the YLS has recently completed a submission regarding the State Government's Review of Legal Education Services. The YLS is continuing work on a position paper with the LIV on the death penalty. In May, the section also held a "Lobbying for Change" workshop.

Ending on a lighter note, on the social front in July the YLS is holding its first ever trivia night, at the Exchange Hotel. Similarly, a coffee appreciation night is being planned for early August. The Annual Lecture Series continues and is now complemented by the *Young Lawyers' Survival Handbook*, launched in May. Planning is also well underway for Regional and Suburban Young Lawyers' Week in October.

A lot of hard work goes into getting this journal to print, so yet again my hat goes off to the editorial team. As I have said previously, the aim of the Executive this year is to get as many of you involved as possible, and it is already fantastic to see so many new faces at the various committee meetings and section events.

Please drop me a line if you have any questions, queries or comments.

Cheers

