

WILLIAM & LONSDALE – Lives in The Law

Ep 17. Jill Prior

Voiceover [00:00:10] This is William and Lonsdale, a podcast about the legal ecosystem in Victoria and the fascinating people and stories that make it tick. Today, your host, Michael Green speaks with Jill Prior, criminal lawyer, former principal legal officer at the Victorian Aboriginal Legal Service and founding partner of the Law and Advocacy Center for Women. Through years of experience in the courts, backed up by extensive data, Jill and her partner, Ellie Pappas, identified the need for a legal service specifically tailored to the needs of women in the criminal justice system. But it's fair to say they underestimated how difficult it would be to raise the funds needed to open the doors. This meant being scrappy and creative in the early days, accessing grants and funding wherever they could, which is how Jill found herself in front of a roomful of philanthropists pitching against what some would call more wholesome supports for vulnerable women.

Jill Prior [00:00:59] Then I had to stand up and talk for seven minutes about women who, you know, perhaps don't behave in a way that is that palatable. But the women that we were representing were victims of family violence and they were worthy of support and assistance. But they were also the women who rifle through your car late at night or call out to you in the street, you know, steal your mail. I really didn't think we had a chance, you know, talking about the unpalatable victim, really. I mean, the woman who doesn't behave like we want the victim of family violence or disadvantage to behave, the woman who's really infringing upon society's accepted behavioral codes. And yet we successfully achieved the highest number of donations that night.

Michael Green [00:02:08] Our guest this morning is Jill Prior, a long term lawyer with a fascinating story about her life in the law. Jill, let's get stuck into it and let's go back to childhood. You're one of three children, all of whom now work in the not for profit area. Is that a coincidence or was there something in your upbringing which had led all three of you towards working in, working for social justice?

Jill Prior [00:02:29] Well, look, there must be something in it I guess when you put it that way. My brother, yes, he's two years younger than me and a social worker, and he works with young people in the in the West who are in refuge environments. My sister has just started her own not for profit organization working predominantly with traumatized children. Obviously, there was something in the waters maybe when we were growing up. But look, my father was a minister of the Uniting Church. I guess those fundamental beliefs that people ought to be treated with dignity and respect, regardless of their means, regardless of their access to resources. And I recall distinctly my father saying something along the lines of beggars can be choosers rather than beggars can't be choosers. And I think it really speaks to the idea that everybody should have opportunities and everybody should have access to the same really basic comforts that other people do. The fact that we've all fallen into or been led into areas of social justice, I guess this is not a surprise given the way that we were raised.

Michael Green [00:03:30] You lived in a manse, I think ultimately in Camberwell, but it wasn't a typical manse it was a place which was open to people of all walks of life. And there were things that went on there, which I think contributed towards the person you are today.

Jill Prior [00:03:42] Look, I don't know if it was a typical manse. It was typical to my understanding of what a manse ought to be. It also led me to an unrealistic desire to have a 16 room house throughout my life, which has not been borne out.

Michael Green [00:03:56] Was that because your house was so full of guests and visitors?

Jill Prior [00:03:59] Yes, that's it. Look, it was some strange hangover of the church where they expected that ministers would have multiple children. And so, there was a minimum five bedroom requirement for the Uniting Church manses and ours certainly met that necessary criteria. So, look, we were there for about 11 years. We would often wake up in the morning and there'd be somebody staying in the in the spare room. And there'd be a brief explanation given saying, you know, Darrel's in the spare room and he's got nowhere to stay. And don't worry, don't worry about him. Frequently, people came to our front door and asked for what we would call now material relief or emergency relief each Wednesday night the house was open to whoever. I mean, whether that was a normal upbringing or a normal experience of a manse environment, I don't really know. But it was certainly the experience that I had seen throughout my childhood. And that's a rich tapestry. I guess it means you meet different people. My math tutor in high school was somebody who's staying with us, who had significant mental health issues, but a genius mind for math. And, you know, so you meet different people from different walks of life.

Michael Green [00:05:06] And I think what it does, it confirms that old saying, give me the child and I'll give you the adult, because that's the childhood you grew up in and with. And it's led towards you and your siblings being people who are still engaged with the less fortunate members of our community and with a desire to be of help and assistance to those people.

Jill Prior [00:05:23] Yeah, and look good, I think. I mean, my father in particular, my mother obviously played a very strong role in our upbringing and still does. But my father really walked in the space that he talked. Really, he wasn't someone who got up on Sunday and lectured to the parish. He was very much in the pastoral care and the rabble rousing, really. I mean, his final church was one in Carlton and he was almost arrested by the Carlton police for refusing to allow them to come and collect people from the flats behind the church where he'd set up a coffee shop. You know, that that continued throughout his life and as you say, probably informed the way that we do things. I when I went to study law was sort of the black sheep of the family, if you like, because nobody in my family was a lawyer, either immediate or extended, they are much more in social work or counseling or crisis areas. And so, I sort of was a departure from that. But some have landed back squarely in the middle of it also.

Michael Green [00:06:24] Now, you said you use the word there or the phrase rabble rouser about your dad. You're a bit of a rabble rouser yourself, weren't you at high school taking stands against things that you thought were unjust or unfair or discriminatory?

Jill Prior [00:06:36] I think we were we were raised to question things and I where there was no logical reason to something really our teachings were to question why that was the case, why something ought to be. And the school uniform, I mean, that that was a very traditional school Camberwell high school. And we it was very awkward to be wearing, you know, some summer dresses that were designed in the fifties. And I couldn't really understand why everyone couldn't wear trousers or shorts or whatever. And I convinced my mother to convinced her to sew me a pair of culottes that would pass. But it meant that

we could play football, we could play muck about at lunch time and not be constrained. I got away with that for about a year until somebody gave me a tap on the shoulder and the school principal and just said, look, you can't do that. But I really couldn't understand why. I guess we just put our hands up when we thought something wasn't wrong.

Michael Green [00:07:25] A great trait for a lawyer to have, particularly a lawyer for underprivileged people. Now you go off to Monash to do arts. But that didn't last very long. Somehow it didn't sort of gel for you. And you ultimately finish up doing an arts degree or finishing your degree and a law degree at La Trobe. What brought you to law?

Jill Prior [00:07:43] Well, I mean, I had an interest in law and I have a vivid memory of being interested in law and legal issues growing up. I didn't think that it was something that I would go to study. And I guess there was no there was no road map laid out for me. And often, you know, people go into areas of employment where they see an example of that playing out in their lives through family or friends or associates. I didn't really have that. And I was very near to the end of my arts degree. And I'd met wonderful people there. And I guess a couple of things happened. One was that my best friend and my closest and oldest friend was the victim of a serious sexual assault, and her matter proceeded through the magistrate's court. And I can vividly, vividly remember when that matter was before the court for a committal hearing. I remember trying to understand what a committal hearing was. Still trying. I can picture who the magistrate was, who was presiding. I know who the barrister was, who was defending the accused. It is clear as day to me.

Michael Green [00:08:44] Who was that barrister?

Jill Prior [00:08:46] That barrister was Jane Dixon, who's now Supreme Court justice, and I was the court's appeal person. And my friend had many support people at court with her. And so, I was in court for much of the evidence that she gave for all of it, which went for a few days. And at the conclusion of that, something must have shifted in me that suggested that, I mean, I'm a defense lawyer and I've always been a defense lawyer. I've never prosecuted. And yet it was the experience of that really from the victim's point of view. So not from a defense point of view at all. But there was something about that process of watching, in fact, watching the cross-examination, watching the evidence in chief. All of the court mechanisms really resonated with me. It was it was almost a language I understood. It was a very strange experience without being too sort of wacky about it. But it's sort of just fit. And I felt very comfortable in that space, in a very uncomfortable environment, I might say. I'm not sure that there was a light bulb moment, but certainly those series of events that occurred, the conclusion of my arts degree participating in that court hearing, I don't know. But it all came together. And I look I remember my parents who are living in Hong Kong at the time and saying, I've decided to go and study law. And I thought it was this huge revelation and this amazing sort of change in my life. And it was I could have rung and told them that the sun had come up. It was nothing, absolutely nothing to them. They said we knew that was going to happen. We just waited for you to realize.

Michael Green [00:10:16] Jill, can I go back to that experience of your friend who was the victim of a serious sexual assault? Just interested to talk about the policy issue within our community, really, you know, sort of jumping ahead a bit. But I'm still interested to hear your thoughts on it. As an experienced criminal or lawyer, you've defended many men accused of sexual assault and overwhelmingly, the accused in sexual assault matters are men. With your friend the accused was committed for trial, but your friend couldn't go through the trial and the charges were dropped. Now, as you know, that's not an uncommon scenario in sexual assault matters, where the accused just cannot face the

anxiety and the stress of a trial where they will be subjected to very strong cross-examination almost have an attack upon their character. Should we have a different system to hear these sorts of matters, which is not so adversarial, so confrontational for the victim and the victims are overwhelmingly women. Should we have a different system or are we happy with our system of the presumption of innocence? The case has to be proved beyond a reasonable doubt by the prosecution. It goes back 800 years or more. So, it's got a lot of provenance or should we be changing it?

Jill Prior [00:11:22] It's always very challenging mentally to do the acrobatics, shift your brain into or away from that defense starting point and into an analysis of system or seeing something from the viewpoint of the victim. And I have a number of friends who have been witnesses or victims in criminal matters. And there needs to be a threshold. From a defense point of view there needs to be that rigorous interrogation of matters that are before the court. But the system we have is a system that says you, the complainant, give me your story and then we will change that into a legalese or we'll make that into a statement that we need to have in a particular format to have before a court. And then we'll take your story and change it completely because we need to digest it through this system. And then you'll be interrogated about this version that we've got in front of the court. And you can say this and you can't say that. And it's a very blunt instrument to deal with something that is deeply personal and damaging to the people who are giving evidence in terms of sexual offenses that since I've been practicing, there have been many reforms to the way in which sexual offenses are prosecuted and run before the courts. And they're unhelpful for defense lawyers, but they're probably necessary. I mean, the idea of that cross examination, the idea of interrogating somebody's character or looking to the way they present as the complainant in a sexual assault case, the way in which those matters have been tried in the past really is intolerable to today's society. We're in a situation where there's great focus on the way in which our society is gendered, the way that our society treats women or male violence against women. So, all of those things are at the for these aren't accused by legislative amendments to the way in which sexual offense matters are run before the courts. But they've certainly been efforts made to change the way those matters run before the court. And again, thinking from a defense perspective, what sexual offenses frequently were run on the basis of what I said, he said trial or contest. And so, all of those tactics in destabilizing the evidence of the complainant were all that were available, really. I mean, you can see how that method of interrogating the complainant came about. Now, whether that's right or wrong, the impact on the victim is extraordinary.

Michael Green [00:13:56] A very, very complex area, as you say, Jill, and it's possibly watch this space. And it's possibly, I guess from what you're saying, it's really going to come out of the community and out of the community's attitude towards these matters. Change will come. It's not going to come from above by legislative bodies.

Jill Prior [00:14:12] I think the best legislation or the best changes do come from the ground up, because usually decision makers are a particular genre of person. They're usually I mean, less so now, but white middle class men of a particular age group that that are legislating for everybody. So, to have that guidance from the ground up is crucial in making good law or making changes to existing processes in the courts.

Voiceover [00:14:43] William and Lonsdale is brought to you by Greens List, one of the leading multidisciplinary barista's lists in Australia, Greens List believe in promoting conversation around the ideas and issues that shape not only our legal system but our wider community.

Michael Green [00:15:04] You do your articles at Leo Cussen 2003 and then you do a three week placement at the Victorian Aboriginal Legal Service, but you stay for 10 years. What is the Victorian Aboriginal Legal Service and what's its history? How did it come about?

Jill Prior [00:15:18] I should have a very solid answer to that question, seeing I was there for actually nearly 11 years. But VALS, at the time I was there was just after I left, they had their fortieth birthday. So, it was a it was a product of the early 70s, not unlike my good self. And it came about because the Aboriginal community and look, I'm cautious not to speak on behalf of the Aboriginal community, but as I understand the history of VALS, it was it was a number of community members that came together and said, look, we've had enough and very prominent legal minds at the time. There was the up the uprising, I guess, of a number of legal services, Fitzroy Legal Service, Victoria Aboriginal Legal Service and other Aboriginal legal services around the country all have a similar history in terms of similar age, in terms of their commencement. It is a community led organization that is that it is community owned, run by a board of community members and then employing staff within it.

Michael Green [00:16:18] So can I just clarify please, all board members are Aboriginal people?

Jill Prior [00:16:23] As I understand it. Yes. So, it's an ACCO is the short term for that Aboriginal community controlled organization. And the purpose of the Aboriginal Legal Service is to provide, when I was there to provide legal services to Aboriginal people across the state in areas, a broad range of legal areas, but predominantly crime, but also family law and civil law. The reach of VALS was statewide. And at every court in the state, there was capacity to have a legal representative on the ground at that court proceedings.

Michael Green [00:16:57] I've known about VALS for probably those 40 years, but really don't know about it in detail, so I'm interested to hear about it.

Jill Prior [00:17:03] Well, one of the successful parts of the running of the legal practice and one of the most useful tools for the community, I think, at VALS is that there are lawyers employed by VALS and there are community members who, when I was there, were called a client service officers that were embedded both in the central office in Fitzroy and Preston and also out in the community. So, you would have a known member of the community living in Swan Hill and they would be the go to person for members of the community who had legal issues.

Michael Green [00:17:38] Would there be an office in Swan Hill, Mildura, Shepparton, Warrnambool, Bairnsdale, wherever?

Jill Prior [00:17:45] In fact, I think there are offices in each of those locations. Not a bad guess. Those are the locations, but they weren't offices as in fully operational. It was really a base where the client service officer had a base in the community where those physical space to go to and the lawyer would transit out from Melbourne on circuit and connect with the clients of those are the community once they reach that destination. So, the reach was broad. And the wonderful thing about going out to community was that you would arrive in a somewhere like Swan Hill or Shepparton, you'd meet up with your colleague and you'd then drive around to clients houses the day before court or two days before court, go and sit with people in their homes or on the verandas or wherever and spend time in their

environment going through matters that were criminal charges. They bring up a whole range of issues. Sometimes they're very straightforward, but often they're steeped in all sorts of issues and complexities. And to see somebody in their own home and an environment that's much more relaxed than being, you know, the door of the court with 15 people standing behind you. It was a really such an amazing experience to have, terrifying, as a very young practitioner, the gravity of trust that was placed with you and the responsibility that was there was pretty overwhelming, really. But the experience of going out to communities with trusted colleagues that were members of that community and gave you a gateway and was wonderful at a really and an incredibly sensible way of running a legal service.

Michael Green [00:19:24] We've got the Victorian Legal Aid for providing a similar service to VALS to the whole of the community. What's the difference and why is there a need for Victorian Aboriginal Legal Service and Victorian Legal Aid?

Jill Prior [00:19:36] Look, I think one of the most crucial aspects of VALS is that it is community controlled. So, I remember seeing a young fellow in the cells at Melbourne Magistrates Court, and that evening I was due to speak on the radio or something. And I said to him, apropos of nothing, really, what is it about VALS? You're sitting in the cells here underneath the Melbourne Magistrates Court. Why do you why is it important for you to have VALS act for you and not legal aid legal, who could have seen him hours before we turned up and he said, I don't want to have to go through everything. I don't want to have to explain, you know, the history of stolen generation, the history of experience, of colonization on my family, the experience of fracture, of trauma, of grief, the issues that he had faced growing up. I want that to be given a known my expectation and look, he wasn't but didn't perhaps in this way, but his expectation, the correct expectation of clients of VALS is you have some basic understanding as a legal practitioner, as a staff member of VALS that will inform the way you represent me. That is not the same as representing Sharon from Burwood. It is about the shared history of the Aboriginal community in Victoria that is really unique. And to come with an understanding and a knowledge of that experience informs the way you practice with clients.

Michael Green [00:21:04] That being the case, are there any or enough Aboriginal practitioners working at VALS or in the legal profession entirely?

Jill Prior [00:21:13] I don't really have an answer for that. Look, there's an organization called Tarwirri that is an Aboriginal law students organization. There is an indigenous law program at Geelong Deakin University, the called IKE. Wonderful practitioners around now that have come through those organizations or independent of those organizations. We have Aboriginal magistrates. I've worked with wonderful Aboriginal lawyers, and they've participated in the legal profession in a way that that adds something extra. But I think one of the things that people need to avoid or be cautious about is looking to Aboriginal staff or lawyers or even magistrates to answer the questions of Aboriginal people in the justice system, because there's a huge overrepresentation of Aboriginal people in the justice system. And if we leave all of that work to Aboriginal practitioners or magistrates or experts in that area, then they're going to be falling over. It's incumbent upon everybody to have passion for that work and an understanding of the history and the really the atrocities that have gone on in this country that we don't seem to want to deal with adequately. That's completely not the answer to your question, but it's a very, you know, power of the people.

Michael Green [00:22:31] I can only ask for an honest response. And that is clearly an honest response, and thank you for it. Let's get back to you. After the lengthy period of two years, you become the principal lawyer at VALS. How did that come about?

Jill Prior [00:22:44] Yes. Don't Judge VALS for that.

Michael Green [00:22:48] I assume it might have some... Well talked about your abilities and possibly the resources as well. So how did it occur? And if you the principal lawyer, you've got management responsibility and no one teaches management at law school. How did you cope with that? Learn on the job, I guess.

Jill Prior [00:23:03] Oh, look, I when I started at VALS and I'm sure this has got nothing to do with my arrival, but within about two years, I reckon the whole of the criminal law section and some others had gone, excuse me, I had gone so and they were replaced. It wasn't that there was just me standing there in the doorway. But when I started, my principal legal officer was Jenny Clark, and she's a wonderful barrister. And I worked with her for about six months before she left. I learned a great deal from her in that period of time. She was a strong leader. She'd been involved for a long time and she had a significant wisdom to impart. I grew to love working at VALS very, very quickly. It was a very, very collegiate workplace. It sorts of had to be because the hours were brutal. There were seven criminal lawyers for the state of Victoria and when we were on circuit a lot. So, my circuit was Mildura, which was three weeks out of four. A month at VALS, sort of felt like six months or six months felt like a year. It was very, very intense work. It was very busy work. And as I say, it was a very insular environment. You were very much part of that team and connected with the people you worked with. As the staff fell away and were replaced by younger staff. Look, ah, I remember the CEO, was sort of a gruff all ex union bloke, gave me a tap on the shoulder and said, come and have a chat downstairs in the garage where all the very important decisions were made at McDow House in Alexandra Parade. And he said, look, do you want do you want this role? Do you want to take over this role? So that's how it came about. I, I thought about it for about a week, and it was it's a terrifying prospect. Looking back, I it is more terrifying, perhaps now thinking back, but it seemed like the right thing to do or worth a risk. I don't know. In terms of how that then panned out, look, I was a terrible manager, but it was really about managing time and processes, managing workflow and movement, and then building up a stronger relationship with the CEO and board as time went on. And then relying on or having the benefit of very, very supportive colleagues. Again, there was there was an ebb and flow of staff, but being able to work with people who were committed, equally committed and passionate and supportive and actually from the judiciary as well. And from the bar, you know, the criminal law is a very collegiate place to work. I was very, very strongly supported by and actively and openly supported by members of the judiciary and by and by members of Victorian Bar. And I'm very grateful for that.

Michael Green [00:25:55] You mentioned that you were on circuit three weeks out of four at the most distant place in Victoria, Mildura. That does sound brutal. Well, I want to ask you also, what was the caseload like going through the whole of VALS because it raised with me the question of burnout. How did how did you personally and how did other lawyers within VALS cope with the possibility of burning out and not burnout?

Jill Prior [00:26:19] Look, I think the travel sort of becomes part of your routine. I remember much later in my time at VALS not being critical, but being sort of a sort of side eye at some of the lawyers saying we need to cut back a bit on the travel because they had young children. And at the time I thought, come on, we're talking about but actually in

hindsight, it feels terribly, terribly naive of me not to realize the impact on those lawyers of being away from family, even if it was for one night or two nights on a regular basis. But, you know, I think every person I ever interviewed at VALS for a job came in saying, I love travel. I'm really keen to see Victoria and every one of them left saying I never want to leave metropolitan Melbourne again. It was a unique experience, but the benefits of and it was hard. I mean, it was really hard. The clients are in Mildura and the community in Mildura presented with very complex personal issues that gave rise to legal matters. And in the first year that I was the principal legal officer, in fact, I had a client who died and was the subject of a coronial investigation as a death in custody. That was the first day, my first day, 6th of August 2016. I remember it vividly. Those processes, those experiences are deeply traumatizing. But the community and the family of that fellow was so warm and welcoming and gave us so much to work with, but gave so much of themselves in an environment that was brutalizing for them. You don't really have the luxury of being burnt out or you really just need to keep going. And it's the really the bigger question for me is how those families of those clients don't fall over because, you know, the stories, the grief, the fracture, those are the stories that are brutalizing and traumatic. And we hear them, but we're trusted with those stories to hold those, to hopefully take parts of those to represent to a decision maker in a respectful way and to leave that person not with less of themselves when they leave the court, but hopefully in a better place or equally or on equal footing. I've just been really it's been a great honor and a privilege to work in those communities. And I've been warmly welcomed by the Aboriginal communities in Victoria where I have had ongoing involvement. But I wouldn't trade I wouldn't trade any of it. I mean, it was hard there were hard stories, but as I say, those were harder for the families and for the individuals and for me.

Michael Green [00:29:04] So VALS comes to a natural conclusion after about 11 years. And you think about coming to the bar as a natural, many VALS people did come to the bar and do come to the bar. But you didn't. Why was that?

Jill Prior [00:29:15] You look, when I decided to leave and it was a very, very difficult decision I needed to do something that would really get me up in the morning and get me riled up or passionate or attached to or be known for a particular angle or a particular area of work. I mean, it's a very poor answer to your question, but and I did consider the bar. But for me at that time, I wanted something that had a deeper connection for me that I had with VALS so that I could go to VALS in the morning. I'd put my lapel pin on proudly, march round the courts with the VALS pin on my jacket and be known as the lawyer from VALS. And my concern at going to the bar was that I would just be in the mix and not be readily identifiable as a person associated with a known genre of law. I don't know what the what the wording is, but to be able to say, look, that's what I do in that area of law.

Michael Green [00:30:22] That's what I stand for. This is what I represent, an extension of me as a person.

Jill Prior [00:30:27] Yeah. And this is this is what I you know, this is something that I believe in all the time. What I needed was something that was grounded in that work on a daily basis and not interspersed with, you know, drink driving plea or a somebody who wants intervention or against their mother's dog. I needed it to be every day entrenched and with some traction going forward and. So, and so instead, I said, well, what is it that would give me that?

Michael Green [00:30:59] So because of that, you form the law and advocacy center for women with your friend from VALS Ellie Papas. So, what is the law and advocacy center for women. And why did you initially think there was a need for it?

Jill Prior [00:31:12] So Ellie Papas is a wonderful human being. And I had a very lengthy discussion with the CEO at the time when I was at VALS to convince him so that she was the right person to come and work with us. And thankfully, I was right. And he listened to me and she stayed there for a significant number of years and ultimately was the senior lawyer when I left. We together, I guess, developed the flesh on the bones of the law advocacy center for women. But it started with a thought, I guess, about who wasn't being represented. Part of what I saw at VALS and this is not entirely the picture, but part of what I saw at VALS was that there was an overwhelmingly it was a legal service that was acting for Aboriginal men because of the way in which people were being charged. From time to time. Aboriginal women were not able to be represented by VALS because of a conflict, because they came after. Now, look, that wasn't an overwhelming experience, but it was an experience. I also worked closely with Antoinette Braybrook, who's the CEO of JIRA.

Michael Green [00:32:18] Can I just cut in what is JIRA?

Jill Prior [00:32:21] So Jira is the renamed Aboriginal Family Violence Prevention and Legal Service, probably usefully renamed, which is an Aboriginal organization, an ACCO. And it is an organization that represents Aboriginal women who have been victims of family violence and then represent them in legal and non-legal ways. So, they are the only other Aboriginal legal service in Victoria and with peak bodies across the country. So, we had a close working relationship with FVPLS at the time. and VALS and I had close working relationships with the CEO, Antoinette Braybrook. And we would talk about particularly the women in Dame Phyllis Frost, the Aboriginal women. And she was very, very concerned about the overwhelming number of Aboriginal women sitting at Dame Phyllis Frost on remand waiting for their matters to be finalized. And so that developed into being an outreach service that we provided together to the women at Dame Phyllis. So that that sat there as well in forming sort of an idea that women were lagging behind. So, in the criminal justice system, women weren't filling the seats as frequently as men or with as serious matters as men. And nobody in the state was providing a legal service that provided a defense practice to women. And that was I guess that's the seed that that started that. So, then we started just as the two of us with an idea. We then met frequently came up with she came up with the data and the statistics around how many women were coming before the courts, what the common precursors were to their contact with the justice system.

Michael Green [00:34:07] Could you tell us what they are pleased with, those common precursors?

Jill Prior [00:34:10] Similar to men, but with a difference. So, poverty, mental health issues and social disadvantage, health issues, Aboriginality, there's an overwhelming overrepresentation of Aboriginal people in the justice system, drug and alcohol issues, all of the same types of things we hear about every day in the Magistrates Court. For women, the additional difference was that obviously they usually are primary caregivers for children. Overwhelmingly, high numbers of women at Dame Phyllis Frost are the mothers of children and also women, somewhere between 70 and 90 per cent of women with contact with the justice system have a history of victimization, family violence, sexual assault or other victimization. And so that is a different presentation for women. And often the complexity of all of that happening, the consequences are different than they are for men

in the justice system. But those have been learnings that have come. I mean, it came from an idea that this was happening and then it was really that idea was strengthened by Ellies overwhelming research into the area and then ultimately our experience of our clients, which really bears out all of those assumptions.

Michael Green [00:35:23] So what is the service which the Law and Advocacy Center for Women provides, which is different to a traditional legal service?

Jill Prior [00:35:33] Yes. Well, we can now see the law and advocacy center for women with no cringing that the center part was actually just she and I in a very small room answering a phone and then pretending somebody was on hold while we saw the other person was there, because that's how we started. What we set out to do was to have legal services, defense, legal services for women charged with criminal offending and what we identified as three likely frequent areas of law that women would present with, and they were intervention orders either as respondents or applicant's, victims of crime compensation applications or infringements. So, it was those four areas of law that we decided were the law and advocacy center for women and that we would provide case management or social work support or therapeutic support for those women where they presented with a legal issue. The idea of that being that the woman who comes to us with a legal issue where there is a need for intervention to deal with homelessness, mental health, drug and alcohol addiction, whatever it is, family violence, that there is a social worker there who will work with her during the life of her legal matter. And so, at the end of that, she comes in with a fistful of charges and hopefully she leaves with not only a better court result, but a better opportunity for her when she goes back out into the community.

Michael Green [00:37:02] When you say a better court result, do the courts, are they aware of those precursor factors you talked about and the what appears to be highly disadvantageous position women are in, particularly with 70 or 90 per cent of the women presenting to the justice system, having been victims of violence, is their sensitivity to this in our sentencing and in us as a community dealing with these people, these women?

Jill Prior [00:37:27] Look, I think the more we talk about these issues, the better. So, does the court have an appreciation? Look, members of the judiciary predominantly were lawyers before they were decision makers, and a lot of those magistrates or judges were defense lawyers. And the bulk of matters going through the Magistrates Court would say some of these features coming out. Now, the difference for women is that women are now the fastest growing criminal demographic, but that hasn't always been the case. And so perhaps there's been a focus decision making or even just the normal rhetoric around the courts has been around the men who have been presenting with criminal matters. And so, there is a shift. There are more women. In the 1980s when I was in high school, that there were 100 women in prison in Victoria. One hundred women, I mean, last before coronavirus, it was double bunking at tearing out prison time feels for us was bursting at the seams. Women are in prison at a much higher rate now. They are in front of the courts at much higher rates now. So there has to be some new language around this. And I think the more the courts hear examples of the kinds of issues that from our point of view, that our clients that women are dealing with the better because it becomes a normal narrative during a court hearing. Section 3A was introduced into the bail act, I can't remember when it was now, but to require obliged decision makers to have regard to somebody's Aboriginality when they are making a decision around bail. That's a legislative reform in the last 10 years. And unless there is an ongoing obligation to have that discussion in court, then nobody is forced to turn their mind to it. And so family violence has to be talked about. Issues around poverty, around people losing their children has to be talked about because

how much more compelling is it then to stand in front of a court and say, if you lock this person, you lock her up and that child goes into institutional care and all you are doing is creating the next generation of people coming through the courts. And we know that that's not fanciful. We know who's in Parkville Youth Detention. We know that when women lose their children, not only does it stuff them up, but it stuffs the children up and the communities that they come from. And so, if that's not squarely in front of a decision maker, then we have a problem. Because those are the consequences of the decisions that are made in the courts. So, we have to just be brave and put that information in front of decision makers and force the time in a very, very busy judicial system to say you need to listen to this aspect. You need to consider this aspect. There is an appetite for it. Absolutely. I don't I don't think it's, you know, sit down and be quiet, I don't want to hear about that. I do think there is an appetite to hear those aspects of women's lives, but I think it has been a very slow churn to find that space.

Voiceover [00:40:38] Lives in the Law is proudly sponsored by City Maps Illustrated their recent publication, The Melbourne Map, is a celebration of our wonderful city. This stunning hand drawn illustration, which took more than three years to create, is available as an art print, jigsaw puzzle and calendar. The perfect acquisition for your home office or corporate gifting. More information can be found on their website, themelbournemap.com.au.

Michael Green [00:41:06] So what you do at the law, an advocacy center for women, is obviously very worthwhile and important work. It's difficult to get not for profit organizations up and running. To get back to a very practical question, how did you, how do you generate the money to have the center operational and doing this work?

Jill Prior [00:41:25] It turns out it is. I mean, look, I don't I just figured, you know, if you had a good idea and you told everyone about it, everyone else would agree and they'd give you money to do it. But turns out that's not the case. I just think it's a good idea. But they won't give you anything. In the end Ellie and I, we spoke to a lot of people in anticipation of opening the doors or starting off. And whilst we had a lot of support for the idea, people couldn't really conceptualize how it would work, how it was different from, say, Women's Legal Service, Legal Aid, VALS, how was it different? What were you doing that was so unique that required us to give you money to do it? And in the end, we just did it anyway. So, we were assisted by JIRA, Aboriginal Family Violence Prevention Legal Service. They gave us... Kindly gave us a space which turned out to be about the size of a broom cupboard in the bottom of their building. And we just holed up in there, plug the phone in. Someone donated some computers and we took our first call and it just grew from there. So, we started with no funding. In fact, we're not only a not for profit, we didn't have anything.

Michael Green [00:42:37] A not for pay for the principals.

Jill Prior [00:42:40] That's right. Once what we decided was that we had to if nobody would invest in the idea, if you like, we needed to show them that it would work. And that was a hard decision to make because it meant we had no income coming in. But that's what we did. And as time went on, we were able to then have individual grants of legal assistance after about six months and that assisted and once we had some sort of evidence base to show people and say, well, look, we can do this, then it was just about clawing little dribbles here and there. We added a case manager half time at point six because we received a small amount of money from a philanthropic venture,

Michael Green [00:43:24] I believe you made a quite unique approach to them. You told a unique story to get that small amount of money?

Jill Prior [00:43:30] Actually, the first staff member we were able to employ was a case manager. And the reason that came about is a friend of mine was working in grant writing and she had come across this application process to the funding network, which was an unusual philanthropic model, I guess, or an unusual opportunity. And I made this decision sort of late at night, the night before the application was due. And I filled it in as best I could. And I thought nothing more of it, really. I then drove to Swan Hill and I appeared for a woman in court there. And I had received a message that I'd been shortlisted for this list of 12 organizations you could put a bid in for about thirty thousand dollars roughly. If you got the call back, they'd ring you at three o'clock and there'd be a panel of five in Sydney or somewhere and they'd ask you a series of questions. And I was panicked because I had been in Swan Hill and I had to drive back and I knew I had this phone call at three. And reception between Swan Hill and Melbourne is very, very patchy. Took the call, told them the idea. And it was fresh in my mind because I'd just represented an Aboriginal woman whose significant disadvantage and needs overwhelmingly needs social work support. So, I told them that. And, you know, the panel of five asked me some questions about what we would do with the money if we were invited to present at the open forum where three finalists got to go through to speak to a live audience of people with money to spend. And it was the next morning when I was listening to my messages that I learned that we'd been put through to this final round of three. The topic for that particular funding network was, I think, like women and family violence or something along those lines. And so, we had to speak within that that space. And there was this huge room of people. And we were pitched up against the product of the inner Melbourne Community Legal Center, which was the provision of legal services to women at the Royal Women's Hospital who were pregnant, victims of family violence, another organization which was an art seeking... So, it was a women's refuge and they were seeking funding for an art program for the women and children that were seeking refuge in that organization. And it was awkwardly really then I had to stand up and talk for seven minutes about women who, you know, perhaps don't behave in a way that is that palatable. But as I say, most of our clients are victims of family violence. And there I was telling them that the women that we were representing were victims of family violence and they were worthy of support and assistance. But they were also the women who rifle through your car late at night or call out to you in the street. Steal your mail, any of those things that... And the wonderful thing about that experience is that I really didn't think we had a chance, you know, talking about the unpalatable victim, really. I mean, the woman who doesn't behave like we want the victim of family violence or disadvantage to behave, the woman who's really infringing upon society's accepted behavioral codes. And yet we successfully achieved the highest number of donations that night. And really, to me, that was an amazing validation that people, not necessarily lawyers or judges or magistrates, but ordinary human beings, just going about the business could understand the idea that that person who has suffered that trauma has had that life, who's experiencing that current situation can behave in a certain way, can deviate from what we think is acceptable or pleasant or OK to deal with. And I can still feel sympathy or empathy. And I can still say, well, actually with the right supports in place, I can see that this can be fixed. More than the money, really, I mean, the money was very useful. But to have that validation in terms of an understanding that people do get it, it's not that wacky an idea that if we assist people with those fundamental needs around housing and support and drug and alcohol issues and grief and loss of mental health, all of those things, if we actually assist people, they are going to be better off than if we just keep putting them in front of the courts all the time. We're now with three social workers, seven lawyers, two paralegals. So, it was really that those little trickles of money

here and there that allowed us now to come to where we are now, which is enormously productive.

Michael Green [00:47:47] Jill, on that optimistic note, I find a very optimistic note that we as a community have got to heart and we can be empathetic towards those less fortunate than ourselves. So, on an optimistic note, I'd like to thank you for coming in today and telling us about your unique and inspiring and I believe inspiring, I find inspiring life in the law. Thanks very much.

Jill Prior [00:48:07] Thank you.

Voiceover [00:48:16] Show notes from today's episode can be found at [Greenslist.com.au/podcast](https://greenslist.com.au/podcast), there you'll find links to things talked about in this episode, a transcript of the show and some wonderful photos of our guests. If you're enjoying Lives in the Law, please tell your networks and subscribe, write and review the show. It really helps others find out about us. Your host is former lawyer and Greens List clerk Michael Green. Our show is produced by me, Catherine Green, mixed and mastered by Windmill Audio and recorded by Alex Macfarlane, who also wrote and performed all the music for the series. With covid restrictions limiting numbers inside the County Court of Victoria. We are currently recording our shows at Owen Dixon Chambers on the corner of William and Lonsdale Streets in our beautiful city of Melbourne. We acknowledge The Wurundjeri People of the Kulin Nation as the traditional custodians of this land and pay our respect to their elders past and present. There is no doubt that conversations about justice have been taking place on this land for thousands of years, and we are privileged to continue the discussion here today.