

Celebrating 100 Years of Women at The New South Wales Bar

The Hon PA Bergin SC¹, Women Barristers' Forum, Sydney, 12 May 2021

Your Excellency, Judges, Members of the Bar, ladies and gentlemen
The name, Ada Evans is very well known to you, in particular to those members of the eponymous Chambers who are represented this evening.² Notoriously, Ada Emily Evans was the first female graduate in law from Sydney University in 1902 and was prevented from admission to practice until 1921 consequent upon the enactment of the Women's Legal Status Act 1918 (the Act).

Much has been written and said about these matters over the years.

However, this evening is a celebration of 100 years of women at the NSW Bar and of the person you have come to know and respect as a pioneer in seeking entry into the very conservative profession from which women were barred from practice until the passing of the Act.

What of the true nature of Ada Emily Evans? What drove her? What interested her and how did she cope with such extraordinary barriers?

Finding a window into her personality has in part been through her public statements and the statements of some others back at the beginning of the 20th Century.

One matter that should not be forgotten is that the New South Wales Parliament was constituted only by men at the time of the passing of the Act enabling women to be admitted to the Bar. It was those men who were instrumental in advocating for and achieving that enactment.

The attorney-general at the time, Mr D. R. Hall, in debating the Bill in the Legislative Assembly referred to Ada Evans without mentioning her name. The attorney said:³

I remember one woman who passed her examination for admission to the Bar seventeen or eighteen years ago, when the Chairman and I were studying for the Bar. She passed as well as we did – not better than the Chairman, but better than I did – but she has not been permitted to practise.

The attorney continued:⁴

She has occasionally communicated with my department asking when she will be permitted to practise the profession for which she qualified herself seventeen or eighteen years ago.

This gives us some idea of one method Ada Evans deployed in advocating for change. Her advocacy, 'occasionally communicating' in the fashion described, was not loud. However, it was clearly persistent.

You will recall that the Act enabled women not only to practise the law but also to be appointed as judges. It should be said that the vast majority of those who debated the Bill were supportive of the change. However, some of the debate at the time exposes the attitudinal problems with which Ada Evans had to deal.

One Honourable Member⁵ had this to say:⁶

The question is: 'Is it in the interests of the general public that a woman should be a judge?' I say it is not ... A man is a very much more capable and efficient judge if he has a good general knowledge of the affairs of the country. That being the case it is plain it would be a mistake to appoint women as judges. To place women in that position would bring justice into contempt. ... The bill goes too far. The public will not appreciate it, and it will do no good. Later on, some government will come into power, and for the sake of making it appear they are doing something wonderful for women, they will appoint one of them a judge of the Supreme Court. It will be an absolute failure, and the country will be saddled with expenditure of from £2000 to £3000 per year for many years in connection with the failure.

Although Ada Evans did not ultimately practise at the Bar⁷ taking the view that too much time had passed since her graduation, she allowed us to observe her advocacy skills through her articles in the rather popular newspaper the *Australian Star* in which she wrote under the nom de plume 'A. L. B.'

As A.L.B., Ada Evans wrote two columns. One was entitled 'The Ladies' Corner;

Fashion and Gossip at Home and Abroad'. The other was 'A Page for Women From The Pen of a Woman'.

Topics that were covered included opinion pieces on 'Colour Harmonies'⁸ 'Ambition',⁹ 'Creature Comforts'¹⁰ 'Gossip'¹¹ and 'Affectation'¹²; with more serious analysis on such topics as 'Women's Clubs'¹³, 'Thinking Women'¹⁴, 'Friendship'¹⁵, 'Solitude'¹⁶ and 'Alms Giving'¹⁷ to name but a few.

In an amusing and masterful debate about the appropriateness of women's choices of hats ALB suggested the following in her article entitled 'Bizarre Millinery':¹⁸

If we were all the fortunate possessors of beautiful faces and delicate complexions, the style of millinery we adopted would not be of so much importance. The faces would beautify the hats. It would be difficult in some cases. But we do not all possess faces of surpassing beauty. As regards mere external appearances, therefore, it is the mission of the hat to beautify the face ... I do not regard the unlimited choice of hat as an unmixed blessing. It affords so much greater opportunity for the display of incongruities.

In her article entitled 'The Point of View' ALB wrote:¹⁹

What an immense amount of mental suffering might be avoided if men and women could not necessarily see things from the same point of view, but adjust their mental vision to each other's views. On the removal of restrictions to our intellectual advancement will follow, I trust, the gradual elimination of our own petty failings in the uprooting of the habit of regarding things from a narrow, one-sided standpoint.

We are able to sense the deep disappointment she must have felt at the barrier that was placed in her way preventing her from practising her profession in her article entitled 'Ambition' in which she wrote:²⁰

Ambition in women is nearly always denounced by the opposite sex. ... Why should it be despised in her when it is a longing to live a higher kind of life; to expand

her intellectual faculties; to succeed in some career she has mapped out for herself.

There are still a great many people who would condemn women to mental inactivity.

Her series of articles on *The Education of Girls* demonstrates not only her deep interest in the topic but also her fine analytical intellect.²¹ This interest was no doubt nurtured during the time that she operated the private school, Cheltenham College at Summer Hill in Sydney, with her sister.

The articles also evidence a deep interest in human rights, animal rights and the rights of children. In this latter regard she expressed concern about children who were looked after by nannies, or 'strangers' as she called them, expressing the view that the children of the 'poorer classes' (the language of that era) were more fortunate because their care and attention was bestowed upon them by their mothers (who could not afford domestic help).²²

It is also quite clear from the articles that Ada Evans had an abiding dislike for humbug. In this regard I commend a reading of her article entitled 'Masculine Inconsistency' of 18 April 1903.²³

These articles (and many more) demonstrate an inquiring mind and cheerful heart, with a willingness to amuse and entertain, with boldness and a lack of concern for political correctness.

When asked in an interview in 1921 after her admission to the Bar how she took exercise and relaxation from the hard study to which she had applied herself for so long she enthusiastically reported that she loved gardening which was her chief recreation. It may be that this love of gardening had an influence in her writing on the topic of early childhood in which she likened mothers to 'head gardeners watching over and tending their little human flowers'.²⁴

Another very interesting aspect to her life disclosed in the interview was that she played golf.

The records of the Royal Sydney Golf Club first record her associate membership in 1905 and 1906 simply as 'Miss Evans'. In 1919 'Miss Evans' is recorded as an associate with country status because by this time she had moved to the Southern Highlands where she established an estate with a beautiful garden for herself and her extended family.

Notwithstanding the conservative nature of the golf club at the time, what a sense of refreshing freedom from the barriers presented to her in respect of her quest of admission to the Bar Ada Evans must have felt on those beautiful fairways as she walked with men and women playing the sport that she clearly loved.

In the same interview the newly admitted barrister was recorded as having said that



some 'society women' did not think it was necessary to take exercise but that 'professional women' knew the value of it and it would help society women to also recognise the value of exercise.²⁵

Let me take you back to the day that you stood in the Banco Court awaiting admission to the Bar after your long road to that point. Try to recapture the emotions that you felt in those wonderful moments.

And let us go back to this very day 100 years ago when Ada Evans stood in the Banco Court awaiting her call. One can only imagine the depth of her emotions as the Chief Justice, Sir William Cullen, said 'Let

Ada Emily Evans be admitted as a barrister of this honourable court' followed by the question 'Do you move Miss Evans'.

We are all the beneficiaries of Ada Emily Evans' affirmative bow in response.

It is not overstating the position to say that the admission of women barristers has enriched our profession.

In advocating for and achieving this equal status for women Ada Evans and those Parliamentarians enabled all of us, both men and women, to have such wonderful and fulfilling lives together in the law.

We toast them and the 100 years of enrichment of our profession. **BN**

ENDNOTES

- 1 The assistance of Larissa Reid and her colleagues in the Law Courts Library is gratefully acknowledged as is the assistance of Ruth O'Hey, Archivist of the Royal Sydney Golf Club.
- 2 The presence of Mr Tom Hughes of Counsel of Ada Evans Chambers is acknowledged.
- 3 Hansard; Legislative Assembly, 3 October 1918, page 1955.
- 4 Hansard; Legislative Assembly, 3 October 1918, page 1955.
- 5 The Hon Thomas Waddell, member of the Legislative Assembly from 1887 to 1917 and member of the Legislative Council from 1917 to 1934 (also serving briefly as the 15th Premier of New South Wales from 15 June 1904 to 29 August 1904—the shortest tenure of any New South Wales Premier).
- 6 Hansard; Legislative Council, 5 December 1918 page 3467.
- 7 The first female barrister to practise at the Bar was Mrs Sibyl Vera Munro Morrison, admitted in June 1924: JM Bennett *A History of the NSW Bar*; The Law Book Company (1969) page 127.
- 8 *Australian Star*, 27 June 1903, page 9.
- 9 *Australian Star*, 20 June 1903 page 9.
- 10 *Australian Star* 11 July 1903 page 9.
- 11 *Australian Star* 2 May 1903 page 3.
- 12 *Australian Star* 8 August 1903, page 9.
- 13 *Australian Star* 13 June 1903, page 9.
- 14 *Australian Star* 4 July 1903, page 9.
- 15 *Australian Star* 19 September 1903, page 9.
- 16 *Australian Star*, 26 September 1903 page 9.
- 17 *Australian Star* 15 August 1903, page 9.
- 18 *Australian Star*, 30 May 1903, page 9.
- 19 *Australian Star*, 6 June 1903 page 9.
- 20 *Australian Star* 20 June 1903 page 9.
- 21 *Australian Star*, 24 January 1903, page 3; 28 February 1903 page 3; 7 March 1903, page 3; 14 March 1903, page 3; 21 March 1903, page 3; 28 March 1903, page 3; 4 April 1903, page 3; 11 April 1903, page 3.
- 22 'Children's Rights' *Australian Star*, 21 February 1903 page 3.
- 23 *Australian Star* 18 April 1903 page 3.
- 24 'The Garden of Children' *Australian Star* 31 January 1903 page 3.
- 25 *The Sun* 12 May 1921 page 8.