

Entry type: Person
Entry ID: AWE5636

Yates, Heidi

(1980 -)

Born 19800101, Canberra Australian Capital Territory Australia

Occupation Lawyer, Solicitor

Summary

Heidi Yates is Head of General Practice at Legal Aid ACT, a position she has held since 2015. A well-known solicitor and human rights advocate, Heidi has been appointed to roles including Executive Director of the ACT Women’s Legal Centre, advisor to the ACT Human Rights and Discrimination Commissioner and a Clinical Education Convenor at the ANU College of Law.

Heidi’s professional reputation is well-established at a national level as an advocate for the development and funding of free legal services across Australia (particularly for victims of family violence) and as a trailblazer in gender-related law reform.

Heidi has also been a spokesperson and advocate at a local and federal level for the removal of legislative discrimination on the basis of gender identity and sexual orientation. She has undertaken this work through roles including spokesperson for the community law reform group ‘Good Process’ and as the inaugural chair of the ACT LGBTIQ Ministerial Advisory Council.

After just two years of practice, her work was recognised when she won the ACT Law Society’s Young Lawyer Award in 2008. In 2011, Heidi was also a state finalist in the Young Australian of the Year Awards.

Go to ‘Details’ below to read a reflective essay written by Heidi Yates for the Trailblazing Women and the Law Project.

Details

The following additional information was provided by Heidi Yates and is reproduced with permission in its entirety.

The principles of social justice have been a constant in my life, taking root early and ultimately informing my decision to pursue a career as a legal practitioner and law reform advocate. Born in Canberra, the second of four children, I grew up in a supportive family and community where the big questions were asked and debate was encouraged. I was a curious small person, and I asked a lot of questions.

School should have been a good fit for me and although I did well academically, the experience was not without its challenges. In third grade we were asked to count how many corners there were in different geometric shapes. When we got to circles, a classmate quickly volunteered that a circle did not contain any corners. I put my hand up and alternatively suggested that circles have infinite corners, but that they are too hard to count because they are so close together. I was hauled in front of the class and told that 'nobody likes little girls who are too smart for their own good.'

Looking back, I recognise I was only one of an infinite number of girls and young women who were 'put in their place' for providing an insightful response. Although it was an upsetting experience as a 9 year old, it ultimately revealed to me a more complex world, and marked the beginning of my aspirations to 'level the playing field' for those who may otherwise go unheard.

I completed my education in the ACT and, like many of my peers, took a gap year after Year 12. I worked as an administrator, a piano teacher, an academic tutor, a netball coach and a boarding house 'mum' at a small boarding school in Suffolk before returning to Australia in 2000 to study Arts/Law at the Australian National University (including an exchange year at McGill University, Montreal in 2002-03).

Legal Practice

I had tossed up between doing social work or law at University. I settled on Arts/Law with a Women's Studies Major, but never intended to practise as a lawyer. Instead of applying for a corporate clerkship at the end of my fourth year of law studies, I obtained an internship at the ACT Office of the Community Advocate. I had heard about the Office through my mother's work and it sparked my interest as a place where 'non-lawyers' undertook community-based advocacy for vulnerable clients.

In 2005, I was accepted into a graduate program in the Australian Public Service. I had applied to the department in which my father, a career public servant, had spent the bulk of his working life, keen to understand that world and the workings of government. It was the era of WorkChoices and when I found myself tasked with contributing to the creation of industrial relations policy aimed at stripping rights and entitlements from vulnerable workers, something had to give. I began seeking other options.

In mid-2005 I joined the Legal Aid Office (ACT) as the Primary Dispute Resolution Program Manager. The interview panel noted that I had limited experience for the role but, in part due to my raw enthusiasm, offered to let me 'give it a crack'. I began my Graduate Diploma of Legal Practice whilst managing the program and subsequently took on my first solicitor's role in the Legal Aid Domestic Violence and Protection Orders Unit.

Working on the 'treadmill' of cases churning in and out of the Magistrates Court, I became keenly aware of the systemic issues impacting the operation of the Domestic Violence Order system. In 2007, I joined the Women's Legal Centre (ACT & Region) as a solicitor, welcoming an environment where my client work could be complemented by law reform and community education roles. The holistic approach of Community Legal Centres has always appealed to my sense of efficiency. It makes good sense when doing casework to identify recurring legal problems and then develop community education and law reform proposals to prevent and mitigate them. The efficacy of grassroots organisations pushing to improve systems, rather than tackling cases one at a time, has consistently driven my interest in law reform.

In 2013, I spent an inspiring year working as an Advisor to ACT Human Rights and Discrimination Commissioner, Dr Helen Watchirs, before being appointed as the Women's Legal Centre (ACT & Region) Executive Director. In this role, I fought hard (and successfully) to safeguard the Centre when the Federal Government brought the axe down on funding for the legal assistance sector. My work was part of a national campaign, highlighting the appalling social and economic consequences of cutting legal support for vulnerable Australians. In particular, I advocated the essential role of specialist, front-line legal services for women subjected to Domestic and Sexual Violence.

In 2015, I returned to Legal Aid ACT as Head of the Commission's General Law Practice. The position offered the opportunity to increase delivery and coordination of education, outreach and duty legal services to vulnerable clients across the region, particularly those isolated due to experiences of domestic violence, trauma and/or cultural marginalisation.

Law Reform

I have had an enduring interest in the intersections between gender, sexuality and the law that has driven my systemic law reform work. I work from the premise that Australia's federal system provides unique opportunities for lawyers to work together, either as a unified voice for federal change, or as colleagues exchanging expertise to inform incremental state reform. Such reform is often 'organically' improved as individual jurisdictions observe the operation of new law or policy and seek to address any weaknesses or inconsistencies in their subsequent implementation. In this context, I have worked with colleagues across Australia to improve law relating to issues including relationship recognition, domestic violence and gender identity.

I have been appointed to a range of national law reform roles including as convenor of the National Association of Community

Legal Centres (NACLC) Human Rights Network; convenor of the NACLC Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Network; and convener of Women's Legal Services Australia, the peak national body for women's legal services in Australia. I have also been appointed to various government advisory bodies including the ACT Victims Advisory Board, the ACT Law Reform Advisory Council and as the inaugural Chair of the ACT LGBTIQ Ministerial Advisory Council.

My professional engagement with law reform has been complemented and augmented by my involvement in community-based advocacy. In 2002 when I was undertaking my Arts/Law degree, the ACT Assembly passed a motion to remove legislative discrimination against LGBTI people. I joined a group of local community members intent on making this motion a reality. As a media spokesperson, community facilitator and legal consultant for the 'Good Process' lobby group, I was one of many Canberrans who rode the wave of political controversy surrounding parenting laws, discrimination legislation and Federal overturn of the 2006 Civil Unions Act.

In 2014, the ACT became the first Australian jurisdiction to remove the requirement for sexual reassignment surgery as a prerequisite for change of legal sex, and to introduce a third legal sex category. My involvement in the 10 year push for this reform included representing transgender discrimination complainants; sitting as a member of the Law Reform Advisory Council tasked by the ACT Government to consider these issues; volunteering as a legal consultant to community-based intersex and transgender organisation 'A Gender Agenda'; and chairing the ACT LGBTIQ Ministerial Advisory Council whose advice was sought on the details of the amending legislation. The passing of amendments to the Births, Deaths and Marriages Registration Act 2013 with bipartisan support in March 2013 was monumental, setting a new bar for recognition of sex and gender in Australian law.

Legal Education and Good Governance

Since 2008, I have been regularly involved in the teaching work of the ANU College of Law. As a course convenor, guest lecturer, tutor and assessor I have welcomed the opportunity to engage future colleagues in various aspects of social justice, in particular, about how experiences of intersectional disadvantage can impact an individual's experience of the law. Reflecting the 'hands-on' focus of other client-focused degrees such as medicine and allied health, I believe that clinical law programs provide a crucial opportunity for students to 'practise' legal practice and better understand how the law is experienced by different parts of the community. Clinical courses are also a great opportunity to promote pro bono work with community legal centres as part of a well-rounded legal education and indeed, a well-rounded legal career.

I have also made significant contributions to the broader community through volunteer board and committee work. Although a strong interest in corporations law may not generally be considered a 'natural fit' for a social justice lawyer, I have become a strong advocate of good governance. In 2012, I was fortunate to receive a scholarship from the ACT Office for Women to undertake the Australian Institute of Company Directors 'Company Directors Course' and have since worked as a consultant and facilitator with a range of organisations to streamline their risk-management and strategic frameworks. My board roles have included the National LGBTI Health Alliance Ltd, the Welfare Rights and Legal Centre Ltd and more than a decade on the ACT Domestic Violence Crisis Service Board including three years as Chair during a time of significant organisational change.

The future

Today, I commute to work in Canberra from the home I share with my partner, child, dog (on loan) and a growing number of chickens in Gundaroo Village, NSW. My work spans casework; community education and engagement; working with community and government on law reform; education of future lawyers; upskilling of community organisations to achieve their goals through good governance; and experimenting with our unruly vegetable patch. I haven't stopped asking questions.

What are the limitations of an adversarial system where one party can't access legal representation?

How can the law recognise the diversity and lived experience of sex and gender?

How can the law protect survivors of domestic violence, and how can legal services best empower survivors to stay safe and move forward?

These are questions that are unlikely to be answered in my lifetime, but I value the chance to be an active part of the dialogue.

Events

2008 - 2008

Winner – ACT Law Society Young Lawyer of the Year Award

2011 - 2011

Finalist – Young Australian of the Year

2014 - 2014

Speaker – 10th Anniversary of the Human Rights Act event

Published resources

Site Exhibition

Australian Women Lawyers as Active Citizens, Trailblazing Women Lawyers Project Team, 2016,
<http://www.womenaustralia.info/lawyers>

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