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ARTICLES

BY THE SKIN OF OUR TEETH – THE PASSING OF THE WOMEN'S LEGAL STATUS ACT 1918

The Hon Virginia Bell AC

This year marks the centenary of the enactment of the Women's Legal Status Act 1918 (NSW). The common law had long been resistant to recognition of women as "persons" for the purposes of holding public office and admission to the legal profession. A group of remarkable women fought, inch by inch, Act by Act to overcome that resistance. While the Commonwealth Franchise Act 1902 (Cth) gave women the right to vote and made them eligible to stand for election to the new Commonwealth Parliament, suffragists quickly appreciated the vote was of little account while women were excluded from a voice in the State Parliament, which was responsible for so much legislation that affected women's lives. And they fought to support Ada Evans in her long struggle to be admitted to the New South Wales Bar. It would be many decades before fundamental social and economic changes allowed women to begin to take advantage of the rights that the Women's Legal Status Act conferred. A lesson from 100 years of history is that changing the legislative framework is only one part of the struggle, and that the resistance to practical equality is not so easily overcome. 966

JUDICIAL REVIEW OF THE FAIRNESS AND REASONABLENESS, AS BETWEEN CLASS MEMBERS, OF FEDERAL CLASS ACTION SETTLEMENTS

Vince Morabito

Settlement is the most common way in which federal class actions are resolved in Australia. In order to safeguard the interests of absent class members the settlement or discontinuance of class actions must be judicially approved. A crucial component of this judicial scrutiny entails a determination of whether the settlement in question gives preferential treatment to some class members over others and, if so, whether there are strong reasons that justify the approval of the settlement agreement notwithstanding this differential treatment. Despite the conceptual and practical importance of this dimension of the judicial review of class action settlements, it has been largely ignored in the legal literature. The aim of this article is to address this lacuna by exploring the way in which federal trial judges have, over the last 25 years or so, evaluated the fairness and reasonableness, between the class members inter se, of federal class action settlements. 976

CORPORATE KNOWLEDGE: THE SEARCH FOR THE RELEVANT MIND(S)

Daniel Reynolds

The law of corporate knowledge is a complex field, engaging principles of company law, agency, statutory interpretation, and others. This article is an attempt to summarise the law in this area, in particular arguing that the "directing mind and will" formulation should no longer be understood as a test of general application, but rather as one subsumed into the taxonomy set out in Meridian Global Funds Management Asia Ltd v Securities Commission; attempting to provide a more detailed explanation of how each category of the "rules of attribution" might work in practice; and making the case that there may yet be some work for aggregation to do. 991

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