



# Gender Equitable Briefing Policy

A Guide to Reporting for Barristers



NEW SOUTH WALES  
BAR ASSOCIATION

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Dear Colleague

In June 2016 the Law Council of Australia (LCA) launched the National Model Gender Equitable Briefing Policy (Policy).<sup>1</sup> In September 2016 the New South Wales Bar Association formally adopted the Policy.

The aims of the Policy are to achieve a nationally consistent approach towards bringing about cultural and attitudinal change within the legal profession with respect to gender briefing practices, so as to maximise choices for legal practitioners and their clients, promote the full use of the independent bar and optimise opportunities for practice development of all barristers.

As the New South Wales Bar Association is a briefing entity under the Policy, it is now encouraged to make all reasonable endeavours to brief or select women barristers with relevant seniority and expertise, experience or interest in relevant practice areas and collect data addressing separately the figures for male and female barristers in respect of the number of barristers it briefs, whether they are senior or junior barristers, whether they are junior barristers briefed without a leader and the monetary value of the briefs. The New South Wales Bar Association is required to provide a report on the collected data to the LCA each year.

It is important that our own Bar Association supports a fair, equitable, dynamic, inclusive and diverse Bar which continues to attract and retain the best male and female talent and is actively involved in promoting the aims of the Policy. You can also be involved in these endeavours.

The Policy is available for adoption by barristers. We encourage all barristers at the New South Wales Bar to adopt the Policy via the LCA website.<sup>2</sup> By adopting the Policy, collecting data and reporting under it, each member of the New South Wales Bar is contributing to the aims of the Policy.

To assist barristers at the New South Wales Bar in adopting the Policy and implementing the Policy requirements into their practice, the Bar Association has developed the following resources:

- Answers to Frequently Asked Questions that barristers may have about the Policy, adopting and reporting under it (available on the New South Wales Bar Association website);
- The Guide to Reporting for Barristers (attached below); and
- Barrister Worksheet and Report Templates to facilitate the collection and reporting of data (attached to the Guide below and also available on the New South Wales Bar Association website).

If you have any questions in relation to the Policy, the adoption of it, implementation of it or how to report under it, you may wish to contact the Policy Lawyer, Ms Ting Lim, of the New South Wales Bar Association who would be happy to assist you.



Arthur Moses SC  
President  
New South Wales Bar Association



Kate Eastman SC  
Chair  
Diversity and Equality Committee

1 The National Model Gender Equitable Briefing Policy can be found here: [http://www.lawcouncil.asn.au/lawcouncil/images/National\\_Model\\_Gender\\_Equitable\\_Briefing\\_Policy\\_-\\_June\\_2016.pdf](http://www.lawcouncil.asn.au/lawcouncil/images/National_Model_Gender_Equitable_Briefing_Policy_-_June_2016.pdf)

2 Persons who wish to adopt the National Model Gender Equitable Briefing Policy can do so via the LCA website: <http://www.lawcouncil.asn.au/lawcouncil/lca-divisions?id=499>

## Introduction

This Guide is for the benefit of barristers from the New South Wales Bar who have adopted the National Model Gender Equitable Briefing Policy (Policy). It has been developed to assist barristers to comply with the requirements under the Policy to collect and report data to the New South Wales Bar Association.

### Adoption of the Policy

The Policy is open for adoption by barristers, solicitors and clients. Increasingly law firms and government agencies are adopting the Policy and it is likely they may be seeking barristers who have also adopted the Policy. Moreover, clients, law firms, and government agencies are required to report on the status of gender equality in their workplaces. This includes strategies and policies used to promote equality. By adopting the Policy barristers can assist their clients and law firms in meeting their equitable briefing requirements.

Barristers who adopt the Policy are to make all reasonable endeavours to ensure that all recommendations they make of other barristers include at least one woman, unless there is no qualified woman.

### The obligation to report

The Policy requires barristers who adopt the Policy to collect data to enable them to provide a confidential annual report to the New South Wales Bar Association addressing the following information, by reference to gender:

- a) the number of barristers briefed as their junior or as their leader during the year;
- b) the number of barristers who were briefed as junior barristers as a result of a recommendation by senior barristers (if known);
- c) the number of barristers who were briefed as senior barristers as a result of a recommendation by junior barristers (if known); and
- d) the number of barristers recommended to briefing entities in new matters.

The Policy defines a senior barrister as a barrister of 10 or more years standing at the independent bar or who is Queen's Counsel or Senior Counsel, and a junior barrister means all other barristers.

Barristers' clerks should work with barristers who adopt the Policy to develop practices and protocols to assist with their reporting obligations.

### The reporting period

The New South Wales Bar Association has determined that the reporting period for the collection of data by barristers is to be from **1 July to 30 June** each year and that barristers are required to submit their report to the New South Wales Bar Association by **30 September** each year.

### The form of the report

The New South Wales Bar Association has developed the Barrister Worksheet and Report Templates so that it may make it easier for barristers to collect data during the reporting period and then compile their report at the end of the reporting period. The Barrister Worksheet and Report Templates are annexed.

The Worksheet and Report Templates cover all of the categories for which barristers are to collect data and report under the Policy. Whilst the barrister can collect and record the information in a form most convenient to the barrister, it is recommended that it be done in the form of the template Worksheet. The information completed in the Worksheet used by a barrister will be used to compile the barrister's report.

The New South Wales Bar Association has determined that the required form of the barrister's report is to be in accordance with the Report template.

If a barrister is not able to submit the report in the form of the Report template for any reason, as long as the barrister addresses the four areas for barristers required under the Policy (see 'The obligation to report' above) in the report it will be accepted by the New South Wales Bar Association.

The Report is the only document a barrister who has adopted the Policy will need to submit to the New South Wales Bar Association by 30 September each year.

### **Submitting the report**

Barristers can provide their reports to Ms Ting Lim, Policy Lawyer of the New South Wales Bar Association, via email (to [ebpolicyreport@nswbar.asn.au](mailto:ebpolicyreport@nswbar.asn.au)) or hardcopy at:

Ms Ting Lim  
New South Wales Bar Association  
Selborne Chambers  
B/174 Phillip Street  
SYDNEY NSW 2000  
DX 1204 SYDNEY

### **What the New South Wales Bar Association does with the report**

The New South Wales Bar Association is required to provide a report to the Law Council of Australia (LCA) on the data barristers in NSW have collected and reported. The New South Wales Bar Association must submit its report to the LCA by 30 October each year.

The New South Wales Bar Association intends to collect, aggregate and anonymise the data provided by barristers before producing its report to the LCA. Subject to Bar Council approval, the New South Wales Bar Association intends on making the report provided to the LCA available to members.

The information contained in individual reports will be kept confidential and in accordance with the Australian Privacy Principles contained in the *Privacy Act 1988* (Cth). Other than the aggregated report of anonymised data, a barrister's report will not be made public or shared with other barristers of the New South Wales Bar, other Bar Associations, Law Societies or the LCA.

### **Keeping members informed of the progress of the New South Wales Bar in meeting the targets set out in the Policy**

The Bar Association intends to keep members informed of the progress in achieving the goals set out under the Policy.

The Strategic Plan for implementing the Policy over the next three years up to June 2020 which has been adopted by the New South Wales Bar Association outlines where the Bar Association's focus will lie and the discrete tasks it is using to achieve each strategic goal. The Bar Association intends to report on a yearly basis for the purposes of transparency, consistency and ongoing monitoring of the data provided by barristers who have adopted the Policy. The information will be published in an anonymised and aggregated manner. Between 2017 and 2020, the New South Wales Bar Association aims to successfully implement the Policy at the New South Wales Bar and endeavor to meet the targets contained in the Policy.

## Gender Equitable Briefing Policy

### Barrister Worksheet and Report Templates

The Worksheet below allows a barrister who has adopted the Policy to keep a running tally of the gender and experience level of each of those barristers briefed with them, the gender and experience level of each barrister recommended for all recommendations of barristers made, whether each recommendation resulted in a brief and the number of barristers recommended in new matters. The first two entries on the Worksheet are completed as examples.

At the end of the reporting year (from 1 July each year to 30 June the following year), all the reporting barrister will need to do is to compile the total numbers from each of the columns from the Worksheet and to prepare the Report below for submission to the New South Wales Bar Association by 30 September each year.

Relevant definitions used are:

- **‘Senior barrister’** is a barrister of 10 years or more standing at the independent bar or who is a Queen’s Counsel or Senior Counsel and **‘junior barrister’** means all other barristers.
- **‘New matter’** is defined as a matter for which a barrister is asked to make a recommendation for the first time in the reporting year.

### WORKSHEET

Date	Matter Type	Briefs With You		Recommendations			
		Female/ Male	Senior/ Junior	Female/ Male	Senior/ Junior	Briefed Yes/No	New Matter Yes/No
1.1.17	Commercial	F	J				
31.1.17	Criminal			M	S	Y	N

### REPORT

Barrister Name:		Briefs With You		Recommendations	
		Total female senior:		Total female senior:	
Reporting Period:		Total female junior:		Total female junior:	
Report Date:		Total male senior:		Total male senior:	
<b>TOTALS</b> (expressed as number of barristers)		Total male junior:		Total male junior:	
				Briefed (if known)	

<b>New matters:</b>
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## Acknowledgments

Diversity and Equality Committee

Women Barristers Forum



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