



---

## POLICY

---

# PUBLIC SPOKESPEOPLE

## POLICY CONCERNING PUBLIC AND MEDIA STATEMENTS MADE ON BEHALF OF THE BAR

### PURPOSE

The work of the Victorian Bar (the Bar) and its members includes advocating on issues of policy importance to the profession, raising awareness of the distinctive expertise of barristers and responding to media enquiries on topics of public interest.

The making of public statements can be a valuable means of promoting the interests of the Bar and its members, and of furthering respect for the rule of law and the administration of justice.

Public commentary can also give rise to risks, including risks to the reputation of the Bar and to the cohesion of its membership.

The purpose of this policy is to:

- codify who is authorised to speak publicly on behalf of the Bar and its operations; and
- outline the guiding principles for barristers when they are asked to speak as subject matter experts or generally on topics of public and media interest.

The Bar neither seeks to compel nor restrain barristers from speaking publicly; the decision to do so is as the discretion of the individual barrister, subject to the ethical constraints set out in rules 76–78 and 100 of the Legal Profession Uniform Conduct (Barristers) Rules 2015.

Any member making public statements should, however, make a clear distinction regarding whether they are speaking:

- on behalf of the Bar;
- as a subject matter expert; or
- as an individual barrister providing a personal perspective.

### VICTORIAN BAR SPOKESPEOPLE

The authority to speak on behalf of the Bar is vested in the Bar Council, with the role of spokespersons delegated to the President of the Bar or his duly authorised delegate.

Policy Name: Public spokespeople policy	Date approved: 10 October 2019
Approved by: The Victorian Bar Council	Last reviewed: 17 May 2021
Page 1 of 3	



The President may also delegate the spokesperson role to any member of the Bar, or any other person, as they deem fit.

When Bar members and staff receive requests to make public statements on behalf of, or that might reasonably be understood to be on behalf of, the Bar, they should promptly refer those requests to the Executive Director at [ED@vicbar.com.au](mailto:ED@vicbar.com.au).

## PUBLIC COMMENTARY - GUIDING PRINCIPLES

Two key principles should be kept in mind regarding public statements made on behalf of the Bar. The two principles are set out in clause 2 of the Bar's Constitution being:

- there is a fundamental shared interest amongst members in having a strong and independent Bar in the State of Victoria; and
- the Bar and its members share a commitment to, and an interest in, furthering, both generally and in specific cases, the rule of law, access to justice and the administration of justice.

In many cases, it will be obvious that it is appropriate for the Bar to make public statements in respect of particular issues, because they relate to either or both of those guiding principles, for example:

- explaining the importance of the Bar and the independence of its members;
- responding to attacks upon, and criticisms of, the Bar;
- defending the independence of courts and the judiciary both generally and in specific cases;
- advocacy in support of adequately resourcing courts and the adoption of measures to reduce pressures faced by members of the judiciary; and
- advocacy in relation to proposed changes to the law that affect access to justice, equality before the law or rights to representation.

In other cases, reasonable minds might differ as to whether it is appropriate for the Bar to speak publicly in respect of a particular issue.

In all cases, the President has discretion as to the making of public statements on particular issues on behalf of the Bar. Where the President considers that reasonable minds might differ, he or she should consult with the Bar Council Executive.

## SUBJECT MATTER EXPERTS

In addition to requests for public statements on behalf of the Bar, media regularly approach the Bar seeking subject matter experts willing to comment on topical matters. The President or his duly authorised delegate may approach members to gauge their interest in responding as a subject matter expert. Public commentary made as a subject matter expert is made as an individual, not on behalf of the Bar. Subject matter experts must be careful not to make public statements on behalf of,

Policy Name: Public spokespeople policy	Date approved: 10 October 2019
Approved by: The Victorian Bar Council	Last reviewed: 17 May 2021
Page 2 of 3	



or that might reasonably be understood to be on behalf of, the Bar without the express authority of the President or the President’s duly authorised delegate.

The Bar neither seeks to compel nor restrain barristers from speaking publicly; the decision to do so is as the discretion of the individual barrister. Barristers must, however, comply with their ethical obligations, including those in rules 76–78 and 100 of the Legal Profession Uniform Conduct (Barristers) Rules 2015.

The reputation of the Bar can be enhanced where members speak with authority and contribute to public understanding of topical issues.

This policy should be periodically reviewed.

*Adopted by resolution of the Bar Council on 10 October 2019*

Policy Name: Public spokespeople policy	Date approved: 10 October 2019
Approved by: The Victorian Bar Council	Last reviewed: 17 May 2021
Page 3 of 3	