

# LIV/VICTORIAN BAR INDIGENOUS EQUAL OPPORTUNITY BRIEFING POLICY

## Introduction

1. The Law Institute of Victoria (LIV) and the Victorian Bar encourage members of the legal profession and barristers' clerks to promote and support Indigenous Australian lawyers by adopting the *LIV and Victorian Bar Indigenous Equal Opportunity Briefing Policy* (Briefing Policy).
2. The Briefing Policy has been developed in co-operation with Indigenous members of the Victorian Bar and seeks to encourage present and future Indigenous Australians to participate in the legal profession. Implementation of the Briefing Policy will be reviewed by the LIV Indigenous Issues and Aboriginal Reconciliation Committee and the Victorian Bar Indigenous Lawyers Committee, with input from the wider Indigenous Australian community.



THE  
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BAR



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## Objectives of the briefing policy

3. The Objectives of the Briefing Policy are to:
  - Promote equal opportunity for Indigenous barristers:
  - Offer the choice for legal practitioners and their clients to brief Indigenous barristers at the Victorian Bar;
  - Encourage members of the legal profession to play a role in addressing under-representation of Indigenous Australians in the legal profession; and
  - Increase awareness of the presence of Indigenous barristers practising at the Victorian Bar.
4. The LIV and Victorian Bar recognise the under-representation of Indigenous Australians working in the legal profession and that Indigenous Australians, their cultures and experiences, have an important place within the legal profession.
5. We encourage our members to positively engage with the Briefing Policy so that equal opportunity for Indigenous barristers is fully promoted.
6. The Briefing Policy has an important role in the progression of Indigenous Australians in the law, the judiciary and the wider community and promotes the adoption of Indigenous perspectives in the development of the Australian legal system and Australian law.
7. The Briefing Policy encourages a bridging of cultures between Indigenous legal practitioners, the legal profession and the wider Indigenous community.

## The briefing policy

8. In selecting legal counsel, all reasonable endeavours should be made to:
  - a. identify Indigenous barristers and solicitor advocates in the relevant practice area; and
  - b. genuinely consider engaging Indigenous barristers and solicitor advocates.
9. Indigenous barristers may be identified through searches of the Victorian Bar website; inquiries with barristers' clerks or through seeking expressions of interest from Indigenous barristers.

10. Indigenous solicitor advocates may be identified in the annual LIV Legal Directory, or through seeking expressions of interest from Indigenous solicitor advocates.
11. A genuine consideration would have regard to the skills and competency of legal counsel. Where there are equally capable Indigenous and non-Indigenous barristers available, those selecting legal counsel should endeavour to provide opportunities to Indigenous barristers and solicitor advocates.
12. Further information to assist with implementation of the Briefing Policy is available on our websites at [www.liv.asn.au](http://www.liv.asn.au) and [www.vicbar.com.au](http://www.vicbar.com.au).

## Application of the briefing policy

13. Members of the legal profession, including in-house counsel and barristers' clerks, are encouraged to adopt this Briefing Policy.
14. The Briefing Policy recognises the significant role played by the legal profession and barristers' clerks in selection of legal counsel.
15. Acknowledging that the selection of legal counsel is ultimately the decision of the client, members of the profession and barristers' clerks are encouraged to actively engage with Indigenous members of the profession to provide clients with a choice of skilled and competent advocates from diverse cultural backgrounds.

## Terminology

16. In the Briefing Policy, the term *Indigenous Australians* includes all Aboriginal and Torres Strait Islander people.
17. In the Briefing Policy, reference to *legal counsel* includes barristers and solicitor advocates.

## Note

18. The Briefing Policy should be read in conjunction with the LIV's existing policy statement on "*Indigenous Australians in the legal profession and justice system*", published in 2006. A copy of this policy can be found at [www.liv.asn.au/members/sections/admin/pdf/20062408indigenoureconciliation.pdf](http://www.liv.asn.au/members/sections/admin/pdf/20062408indigenoureconciliation.pdf).