



THE VICTORIAN BAR INCORPORATED

GENDER EQUITABLE

BRIEFING POLICY

A GUIDE TO REPORTING FOR BARRISTERS

Dear Colleague

In June 2016 the Law Council of Australia (LCA) launched the National Model Gender Equitable Briefing Policy (Policy).¹ In 2016 the Victorian Bar Council formally endorsed 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.

It is important that our own Bar Council 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 Victorian Bar to adopt the Policy via the LCA website.²

By adopting the Policy, collecting data and reporting under it, each member of the Victorian Bar is contributing to the aims of the Policy. To assist barristers at the Victorian Bar in adopting the Policy and implementing the Policy requirements into their practice, the Victorian Bar has developed the following resources:

- Answers to frequently asked questions ([link](#))

¹ The National Model Gender Equitable Briefing Policy can be found here: https://www.lawcouncil.asn.au/files/pdf/policy-guideline/National_Model_Gender_Equitable_Briefing_Policy_updatedversion.pdf

² Persons who wish to adopt the National Model Gender Equitable Briefing Policy can do so via the LCA website: <https://www.lawcouncil.asn.au/policy-agenda/advancing-the-profession/equal-opportunities-in-the-law/national-model-gender-equitable-briefing-policy>

- Guide to Reporting for Barristers (below)
- Barrister Worksheet and Report Templates to facilitate the collection and reporting of data (attached to the Guide below and also available [here](#))

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 <mailto:policy@vicbar.com.au>.

Dr Matthew Collins QC

President

Victorian Bar Council

Jacinta Forbes QC

Chair

Equality and Diversity Committee

Introduction

This Guide is for the benefit of barristers from the Victorian 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 Law Council of Australia (LCA).

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 LCA 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 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 LCA by 30 September each year.

The form of the report

The Victorian Bar provides a Barrister Worksheet to assist barristers in collecting data during the reporting period and compiling their report at the end of the reporting period. The Barrister Worksheet is annexed.

The Worksheet covers 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.

Reporting to the LCA is both simple and quick as the LCA website provides an online portal to insert the statistics recorded by a barrister for the annual reporting period.



VICTORIAN BAR

Gender Equitable Briefing Policy

Barrister Worksheet and Annual Report

This document comprises a template Worksheet and Annual Report to assist barristers to comply with their reporting obligations under the Law Council of Australia's Equitable Briefing Policy.

The Worksheet allows barristers to keep a running tally of the gender and seniority of all barristers briefed with them, the gender and seniority of all barristers recommended by them or by other barristers (if known), whether recommendations resulted in a brief (if known), and the number of barristers recommended for new matters.

At the end of the reporting period (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 on the Worksheet and prepare an Annual Report for submission to the Law Council of Australia via its online portal by 30 September each year. The template Annual Report can be used for this purpose.

Relevant definitions used are:

“**New matter**” is a matter for which a barrister is asked to make a recommendation for the first time in the reporting year.

“**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.

WORKSHEET

(If more than one barrister has been recommended or briefed with you, use a separate line for each such barrister)

Date	Name or Type of Matter	New Matter? (Yes/No)	Recommendations made by a senior barrister (including by you if you are a senior barrister) (if known)			Recommendations made by a junior barrister (including by you if you are a junior barrister) (if known)			If briefed, other barristers briefed with you	
			Gender (Female/Male)	Senior/Junior	Briefed? (Yes/No)	Gender (Female/Male)	Senior/Junior	Briefed? (Yes/No)	Gender (Female/Male)	Senior/Junior

EQUITABLE BRIEFING POLICY ANNUAL REPORT
(Reporting period is 1 July to 30 June; report is due by 30 September)

Barrister Name:

Senior or Junior barrister:

Reporting Period:

Report Date:

TOTALS
(expressed as number of barristers)

Barristers briefed with you during the reporting period

Total female senior:

Total female junior:

Total male senior:

Total male junior:

Barristers recommended by a senior barrister (including by you if you are a senior barrister) during the reporting period

Total female senior:

Total female junior:

Total male senior:

Total male junior:

Number briefed:

Barristers recommended by a junior barrister (including by you if you are a junior barrister) during the reporting period

Total female senior:

Total female junior:

Total male senior:

Total male junior:

Number briefed:

New matters in which you or other barristers made recommendations during the reporting period

Total number: