

**Remarks by the President of the Western Australian Bar Association  
at launch of the National Model Equitable Briefing Policy  
25 May 2017**

Welcome to the Bar Association's launch of the National Equitable Briefing Policy which was developed by the Law Council of Australia and which was endorsed by the Western Australian Bar Association, the Australian Bar Association and the Law Society of Western Australia in 2016.

Thank you all for coming.

Barristers, as professionals engaged to represent parties before the Courts, have always been committed to the ideals of parties being equal before the law and for the law to operate fairly.

The Policy which is launched this afternoon is, at its core, about equality *within* the legal profession. It seeks to make people, both within and outside of the Bar, think about how barristers are briefed. It seeks to broaden the approach taken to briefing so as to maximise choices for legal practitioners and their clients and to open up access to suitably qualified barristers.

This is not the only initiative of the Association toward that end. For example, the Association has developed, and is about to offer for the first time, indigenous clerkships, by which indigenous law students will spend time with a barrister and then with a judge of the Supreme Court, or the Federal Court, as a shadow associate. That initiative has received the enthusiastic support of both the Supreme Court through the Chief Justice and the Judges of the local Federal Court Registry.

Last year the Association was the first in Australia, and remains the only so far, to mandate unconscious bias training as a compulsory part of our Bar Readers' Course. That training was also opened up to non-Readers and, to date, about a quarter of all of the Association's members have undertaken that training either as part of their Bar Readers' Course or voluntarily.

The Bar is a diverse place these days. The days of public society, the professions or the administration of justice being the preserve of a narrow group of men have passed.

Nonetheless, research commissioned by the Association into the demographic diversity of the Bar reported that perceptions remained that the Bar was not a place which welcomed women or other groups. Such perceptions are damaging.

The intention of endorsing this Policy, and of the other steps the Association is taking, is to shift those perceptions and to continue to develop the Bar as a professional place where all of society is represented and can thrive.

We deliberately decided to launch to corporate counsel because, as a group, you have been a very significant driver of change in the way that legal work gets done today. There is every reason to think that your influence in those respects will continue and grow.

The Western Australian Bar is perhaps the most competitive provider of advocacy services in Australia. The Bar competes with advocates in local firms, and with barristers from the major Bars from the rest of Australia who have demonstrated over many years a fondness for the Qantas Club and our Courts.

We see that there is very significant common interest between corporate counsel and the Bar in terms of the cost efficient provision of advice and the resolution of disputes. It is no idle boast to say that the Bar better understands how Courts approach disputes and generally go about their work. The relationship between the Bar and the Bench has always been a close one and that is particularly so in this day and age in Perth. The Bar is very grateful for that.

My colleague, Jennifer Batrouney QC, the President of the Victorian Bar, sent me an email congratulating the Association for launching this Policy.

Jennifer said that since she had launched an earlier policy as President of Australian Women Lawyers in 2004, that much champagne had been drunk, and perhaps not as much progress made as had been hoped.

Her observations draw attention to two things.

Firstly, this Policy is a reinvigoration of policies which first started to appear in the mid 2000s and which this Association has previously adopted.

But, secondly, and perhaps more importantly, a launch is not the same as effecting the change sought to be made by the Policy. The profession, including the Bar, must “walk the talk”. The rollout of the Policy is being developed by the Association’s Diversity Committee, and the Association looks forward to partnering with you as corporate counsel to continue to effect change.

It is now my pleasure to introduce Justice Pritchard of the Supreme Court to say a few words.