

# **AUSTRALIAN BAR ASSOCIATION**

## **DIVERSITY AND INCLUSION PRINCIPLES**

### **OUR COMMITMENT**

A strong independent referral Bar must be diverse and inclusive.

An Australian Bar should reflect the diversity of the Australian community it serves, consistent with the principles of justice, integrity, equity and the pursuit of excellence upon which the independent bars are founded.

The Australian Bar Association is committed to fostering a respectful and inclusive environment that celebrates the diverse and varied experiences and backgrounds of members of the Australian Bar and the community more generally.

We aim to facilitate inclusion and diversity at all levels of the Australian Bar and promote equality of opportunity irrespective of difference.

We acknowledge that by encouraging greater diversity and inclusion at the Australian Bar we can:

- continue to attract, develop and retain barristers of the highest standard, without fear of discrimination and sexual harassment;
- improve the quality of legal services, by bringing more varied experiences, perspectives and talents to the practice of law and the administration of justice;
- enhance public confidence in the Australian Bar and in the administration of justice.

### **GENERAL PRINCIPLES**

The Australian Bar Association encourages its constituent bodies to commit to diversity and inclusion in the following ways:

1. to enshrine that commitment in their Constitutions and governing policies;
2. to develop an implementation plan and strategies that can be reviewed regularly to ensure commitment to diversity and inclusion is both measurable and meaningful;
3. developing initiatives that strive to:
  - 3.1. foster greater diversity in the membership of the independent bars by eliminating barriers to access for sections of the community that have historically been underrepresented;
  - 3.2. promote equality of opportunity for members of the independent Bars regardless of their background;
  - 3.3. ensure that diversity in the communities we serve is reflected in appointments and recommendations made by the independent Bars (including as to judicial and quasi-judicial appointments);
  - 3.4. actively strengthen and communicate a commitment to diversity and inclusion as an essential aspect of the rule of law.

## **PRACTICAL STEPS TO PROMOTE DIVERSITY & INCLUSION**

The Australian Bar Association acknowledges that Australian barristers comprise people from many different cultural, ethnic, national, social and religious backgrounds.

The Australian Bar includes barristers who identify as LGBTIQ+, live and work with disability and have responsibilities as parents and carers.

Australian barristers span a number of generations with barristers in their early 20s through to those in their 90s in practice.

The Australian Bar draws on this diversity to demonstrate the Bar's collective experience, expertise, knowledge, skills and perspectives.

The Australian Bar Association aims to work with its member Bars to:

- identify and remove barriers to participation for those who have been historically excluded or underrepresented in the legal profession;
- foster, encourage and promote a culture of diversity and inclusion to allow all members of the Australian Bar to achieve their maximum professional potential regardless of difference.

The Australian Bar Association is aware that it is not enough to promote diversity but we need to create opportunities for those seeking to come to the Bar, and those already at the Bar, to build and maintain a practice.

State and Territory Bar Associations and chambers may choose to do this in a number of ways, including:

### **Policies**

I. Adopting policies within chambers that:

- permit barristers to share chambers with other barristers, if they choose to do so, so that they may work part-time;
- permit barristers to have a door tenancy to promote flexible working practices;
- ensure that chambers are accessible for people with a disability;
- provide readers' rooms for minimal cost (either generally, or to particular groups) in order to allow early career barristers to establish their practice;
- provide for parental and other forms of leave with accompanying financial relief in respect of chambers fees.

II. Adopting policies at the State and Territory level covering:

- anti-bullying;
- anti-discrimination;
- sexual harassment;
- the appointment of senior counsel which aim to achieve diversity (for example, by recognising that persons with parental or carers' responsibilities may have practised part-time, and by actively encouraging persons from minority groups to apply).

## **Education**

### **III. Building awareness and understanding by:**

- providing education to barristers (attracting CPD points) about equity and diversity issues;
- providing seminars to solicitors and others who wish to come to the Bar, which seek to generate discussion about diversity and equity issues such persons might face;
- providing seminars about unconscious bias and equitable briefing;
- adopting mentoring programs which may apply generally, or which may apply to particular groups such as women, Indigenous barristers or barristers with a disability.

### **IV Support**

- providing fee waivers and/or subsidised scholarships for the Bar practice course for persons in financial need or temporarily absent from practice or practising part-time;
- providing access to support services such as psychological and financial counselling to support barristers' health and wellbeing.

### **V Complaints and Feedback**

- providing complaints mechanisms, so that barristers who are subject to discrimination, sexual harassment, bullying or other negative conduct by other barristers, judges, chambers staff or solicitors, have a way of having the complaint heard and seeking to resolve it;
- providing support or mentoring services for those who, because of diversity, are subjected to adverse or hurtful treatment, whether complaints are made or not;
- surveying barristers regularly to obtain feedback about diversity and equity issues affecting them, with a view to developing strategies to address identified problems.

## **KEY CONCEPTS**

**Diversity** is an inclusive concept and encompasses, without limitation, race, colour, ethnicity, gender, sexual orientation, gender identity and expression, religion, nationality, age, disability and marital and parental status.

**Inclusion** means recognising and respecting difference. Inclusion means promoting flexibility in how we work and treat each other. The Australian Bar Association strives for an inclusive Bar and acknowledges inclusion enables the Australian Bar to be and remain diverse at all levels.

**Access** refers to eliminating barriers preventing underrepresented sections of the community from becoming barristers and practising as barristers.

Dated: 3 February 2020 (to be reviewed in November 2024)