

# Barristers Briefing Report

2006-2007

Government Legal Services

DEPARTMENT  
OF JUSTICE

State Government  
**Victoria**

# The Victorian Government Barristers Briefing Report 2006 – 2007

---

## HIGHLIGHTS

The legal profession is a highly segmented industry. Despite the growing feminisation of law at university and women dominating the numbers at entry level, there is considerable evidence that women do not stay working in the law. The Victorian Government Barrister's Briefing Report complies with the Victorian Bar Equality of Opportunity Briefing policy. It responds to concerns about the gendered division of work that hinder equitable participation in the workplace.

Diagram 1 and 2 show the distribution of appearances by women and men barristers by jurisdiction. The data shows appearances in matters briefed by Government Departments, Panel firms, the Victorian Government Solicitor's Office, Transport Accident Commission (TAC) and the Victorian WorkCover Authority (VWA). Children's Court work accounts for a significant share of appearances by women barristers and County Court work is higher to male barristers. Much of the Children's Court work relates to child welfare matters from the Department of Human Services and the County Court work includes a significant number of personal injuries litigation briefed by TAC and VWA.

Diagram 1

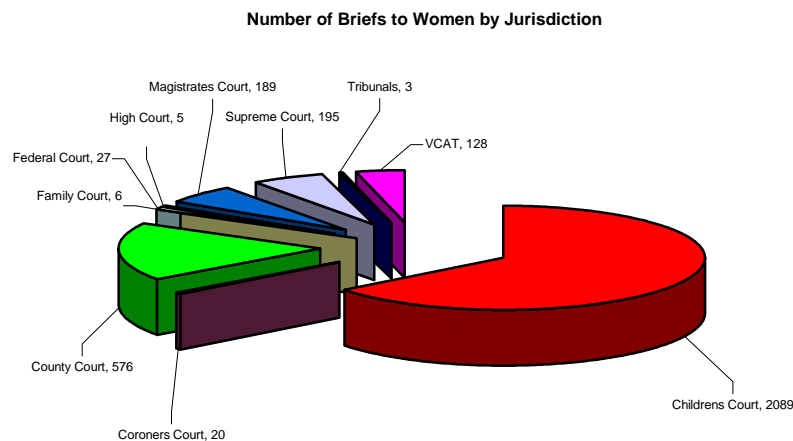
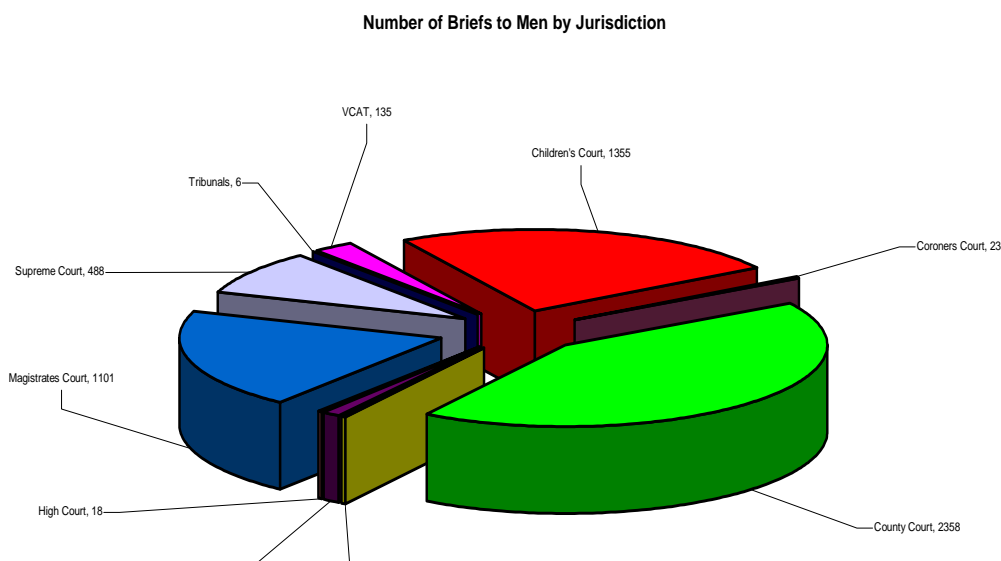


Diagram 2



There has been debate in the past about whether the significant share of work done by women in the Children's Court is gender stereotyping or whether it provides a training ground for women who move on to appearances in other jurisdictions. This is influenced by perceiving the court system as hierarchical with the Children's Court forming the base of the pyramid. However, a County Court judge heads the Children's Court and the dedication of lawyers acting for young and vulnerable people is more notable than in any other part of the court system.

Substantial shares of briefs go to women barristers in the Supreme and County Courts. High Court matters are rare for both men and women barristers and by their nature are more complex; the diagrams show that the small number of appearances by women and men barristers in the High Court are in equivalent ratio's to overall appearances.

### Acknowledgements

Government Legal Services is grateful for the co-operation of the Government Lawyers Forum, the Panel firms, Departmental contacts, the Victorian Government Solicitor's Office (VGSO), Victoria Legal Aid (VLA), OPP (Office of Public Prosecutions), Victoria WorkCover Authority (VWA) and Transport Accident Commission (TAC) in the implementation of the Policy and the time and effort in collecting the data in the requisite form.

### Contact

Government Legal Services  
 Department of Justice  
 Level 24, 121 Exhibition Street  
 MELBOURNE VIC 3001  
 AUSTRALIA  
 Telephone + 61 (0)3 8684 0887  
 Fax + 61 (0)3 8684 7500

gls@justice.vic.gov.au  
 www.justice.vic.gov.au

## SUMMARY

In the past four years, the Barristers Briefing survey has been completed by Departments, Panel firms, the VGSO and some Statutory Authorities (with varying detail) with growth in the number of matters surveyed reflecting more areas across government monitoring and reporting on their allocation of work to men and women Barristers. The 2007 report on the Legal Services to Government Panel Contract (the "Beaton Report") said that reporting briefing choices appears to be influencing the more equitable distribution of work between men and women barristers because there is more accountability.

Since 2003/04 when Departments first began reporting on their briefing arrangements, the overall percentage of briefs to women barristers under the panel arrangements (excluding statutory authorities) has increased by 24%, from 42% of work going to women increasing to 52% in 2006/07. In the same period, the overall percentage of fees invoiced by women has increased by 33%, from women barristers earning 21% of the fees for government work to 28% in 2006/07. There was a slight decline of 12.5% in the fees invoiced by women in 2006/07 compared to the previous financial year, which may be due to the unavailability of several senior female counsel historically used for government work.

Progressive trends may first appear uneven with minor variations between years but with a clearer direction over a longer period. Overall, the percentage of briefs to women barristers since 2004 is just over half of all briefs to barristers from government sources. Even discounting the high volume work to women barristers from the Department of Human Services, an overall distribution of work to women barristers is greater than the 20% benchmark of their representation at the Bar. Excluding Children's Court matters, women barristers are briefed in 31% of matters and invoice 24% of the fees.

Where less than 30 barristers were briefed in an area, this is not calculated as a percentage because the small numbers are not statistically robust.

The Barristers Briefing Report (2006-2007) meets the terms of the Victorian Bar Equality of Opportunity Briefing policy. Victoria is the only State to publish a detailed report on the distribution of work to male and female barristers, although many law firms collect and report internally on their briefing arrangements, their results are unpublished. The Barristers Briefing report is not an expenditure report. Law firms on the Panel that supply legal services to government, the Victorian Government Solicitor's Office (VGSO), Departments and a number of statutory authorities comply with the policy and monitor the use of Barristers and report on the nature and rates of engagement. However not all Departments have centralised co-ordination of legal services and therefore the data provided by some Departments, may not reflect all expenditure on Barristers' fees.

Although every attempt is made at accuracy, there are limitations to the data. The interpretation of the component and subcomponent areas of law under the Panel contract, the process for collecting the data and whether dollars spent reflect what is invoiced or actually paid in that financial year are not uniform across Departments, the VGSO, Statutory Authorities and Panel firms. Aggregating data by component area of law can also obscure initiatives taking place in different jurisdictions and by the various legal service providers to increase the range and exposure of women barristers to the higher jurisdictions or less traditional areas of work.

## USING THE BAR

### Membership Victorian Bar

<i>Description at April 2007</i>	<i>Women</i>	<i>Percentage Women</i>	<i>Men</i>	<i>Total</i>
Victorian Practising Counsel	343	20%	1328	1671
Queen's Counsel or Senior Counsel	16	7%	211	227
Junior Counsel	327	23%	1117	1444

The Victorian Bar web site membership statistics show that women are approximately 20% of its members, therefore as a benchmark it is desirable that women receive a similar and representative share of the work and income. In some specialisations, women have a much higher share (such as departmental briefs for the Family and Children's Courts), but in other areas of law, women may not be present in similar proportions, with the seniority, expertise or availability to undertake work for government clients. The choice of Counsel is a shared decision between the client and the solicitor although some Panel firms advise that the choice of Counsel is clearly made at the direction of the government client.

Choosing counsel for a matter is the result of many factors. In some of areas, buying external legal services, including briefs to the bar, is done by the legal services contract manager acting as an "informed purchaser" with an extensive understanding of the needs of their entity and the legal marketplace. The Victorian Bar Equality of Opportunity briefing Policy is not an affirmative action policy. The Equitable Briefing Policy states "in selecting counsel, all reasonable endeavours should be made to

- (a) identify female counsel in the relevant practice area; and
- (b) genuinely consider engaging such counsel; and
- (c) regularly monitor and review the engagement of female counsel; and
- (d) periodically report on the nature and rate of engagement of female counsel."

Consistent with previous year's, the significant amount of Children's Court work briefed out by the Court Advocacy Unit of Department of Human Services contributes to a very positive allocation of work to women barristers from government sources. Children's Court work tends to be high volume, low cost matters. There is no evidence that suggests the work either is a dead-end or provides a stepping-stone to better-paid briefs.

Tables 1, 2, 3 and 4 below summarise the detailed data found in Part 1, 2 and 3 of the Barristers Briefing Reports and were first reported in the Government Legal Services Annual Report 2006-2007.

Table 1: Women and men barristers: Number of briefs and fees earned from Departments, Panel firms, and VGSO (panel arrangements)

<i>Panel Arrangements</i>	<i>% Briefs to Women</i>	<i>% fees Invoiced by Women</i>	<i>Total fees Invoiced by Women</i>	<i>No of Briefs to Women</i>	<i>No. of Briefs to Men</i>	<i>Total Invoiced</i>
<b>2006/2007</b>	<b>52%</b>	<b>28%</b>	<b>\$2,940,242</b>	<b>2526</b>	<b>2313</b>	<b>\$10,496,845</b>
2005/2006	52%	32%	\$3,151,515	1864	1701	\$9,866,790
2004/2005	53%	26%	\$1,927,011	1452	1294	\$7,403,976
2003/2004	42%	21%	\$1,279,166	751	1034	\$6,023,560

In Table 2 below the Litigation, Administrative Law & Government and Employment Law matters were the main areas with the percentage of women receiving briefs is greater than their representation at the Bar and working in those areas of specialisation. The average share of brief fees for Administrative Law & Government and Employment law also suggests that women are receiving a proportionate level of fees commensurate with doing more substantive work. Other legal services include the significant volume of children's court work from the Department of Human Services and include a small number of criminal prosecutions.

The data contained in this report uses the descriptions of component and subcomponent areas of law derived from the Government Legal Services Panel contract see Appendix 1. The Victorian Bar Equality of Opportunity Briefing policy is Appendix 2.

Table 2: Number of briefs and fees to barristers by area of law from Departments, Panel firms and the VGSO, 2006-07

<i>2006/2007 Overall Expenditure on Barristers (Excluding Statutory Authorities) by Component</i>				
<i>Component</i>	<i>Overall (\$)</i>	<i>Number of Briefs to Women</i>	<i>Fees to women</i>	<i>Total Briefs</i>
Admin. & Government	\$2,042,248	143 (41%)	\$619,233 (30%)	351
Commercial	\$441,804	38 (39%)	\$108,189 (24%)	98
Employment Law	\$1,694,823	35 (31%)	\$554,389 (33%)	112
IP & Technology Law	\$11,850	nil	nil	4
Litigation	\$1,763,624	107 (27%)	\$317,147 (18%)	399
Other Legal Services	\$2,121,248	2157 (60%)	\$1,019,744 (52%)	3588
Project & Finance	\$4,295	nil	nil	4
Property	\$1,415,172	6	\$43,037 (3%)	125
Resources	\$171,020	2	\$71,845 (42%)	6
VGSO exclusive	\$830,761	37 (24%)	\$124,898 (15%)	152

Table 3 below shows that in 2006/07 women continue to be briefed in greater numbers than their overall representation at the Bar.

Departments, Panel firms and the VGSO have different requirements for legal services from Barristers. For example, Departments seek advice from barristers on a range of matters, often involving requests for advice but these matters are swamped by the high volumes of lower paid briefs for court appearances by the Court Advocacy Unit of the Department of Human Services. The high volume of welfare and child protection matters briefed principally to women barristers biases upwards the total number of briefs going to women.

Table 3: Historical comparison across the Panel arrangements of barristers briefed by gender, number of briefs and fees, 2003-04 to 2006-07.

<i>Area</i>	<i>Total Number of Briefs to Women</i>	<i>Total Briefs</i>	<i>Percentage Briefs to Women</i>	<i>Fees Invoiced by Women (Percentage)</i>	<i>Total fees invoiced</i>
<b>Departments 2006/2007</b>	2193	3741	59%	\$1,342,683 (38%)	\$3.5m
<i>Departments 2006/2007 Excluding Children's Court</i>	<i>104</i>	<i>297</i>	<i>35%</i>	<i>28%</i>	<i>\$1.94m</i>
Departments 2005/2006	1631	2809	58%	\$1,512,358 (44%)	\$3.44M
<i>Departments 2005/2006 Excluding Children's Court</i>	<i>141</i>	<i>380</i>	<i>37%</i>	<i>\$603,428 (30%)</i>	<i>\$2.04M</i>
Departments 2004/2005	1289	2108	61%	\$1,107,266 (41%)	\$2.69M
<i>Departments 2004/2005 Excluding Children's Court</i>	<i>99</i>	<i>334</i>	<i>30%</i>	<i>\$385,141 (24%)</i>	<i>\$1.64M</i>
Departments 2003/2004	555	1034	54%	\$561,471 (24%)	\$2.33M
<b>Panel Firms 2006/2007</b>	<b>75</b>	<b>266</b>	<b>28%</b>	<b>\$768,967 (27%)</b>	<b>\$2.8M</b>
Panel Firms 2005/2006	111	374	30%	\$1,029,956 (31%)	\$3.37M
Panel Firms 2004/2005	56	251	22%	\$371,694 (13%)	\$2.82M
Panel Firms 2003/2004	67	270	25%	\$209,607 (14%)	\$1.53M
<b>VGSO 2006/2007</b>	<b>258</b>	<b>832</b>	<b>31%</b>	<b>\$828,593 (20%)</b>	<b>\$4.1M</b>
VGSO 2005/2006	122	382	32%	\$609,201 (20%)	\$3.05M
VGSO 2004/2005	107	388	28%	\$448,051 (24%)	\$1.89M
VGSO 2003/2004	129	481	27%	\$508,088 (24%)	\$2.15M
<b>Whole of Panel Aggregate 2006/07</b>	<b>2526</b>	<b>4839</b>	<b>52%</b>	<b>28%</b>	<b>\$10.50m</b>
Whole of panel aggregate 2006/07 - excluding Children's Court	437	1395	31%	24%	\$8.93m

Putting to one side the Children's Court matters, the areas where women are securing briefs well above their average representation at the Bar are in Administrative law & Government, Employment and Litigation matters.

Table 4: Number of briefs and fees to women barristers from Departments, Panel firms and the VGSO aggregated and by area of law, 2006-07

<b>COMPONENT</b>	<b>Number of Briefs to Women (%)</b>	<b>Amount invoiced by women (%)</b>	<b>Overall (\$)</b>
<b>Admin. &amp; Government – all</b>	144 (41%)	\$619,233 (30%)	\$2,042,248
<i>Departments</i>	31 (35%)	\$203,669 (24%)	\$845,238
<i>Panel firms</i>	14 (30%)	\$117,195 (25%)	\$476,404
<i>VGSO</i>	99 (46%)	\$298,369 (41%)	\$720,606
<b>Commercial - all</b>	38 (39%)	\$108,189 (24%)	\$441,804
<i>Departments</i>	12 (20%)	\$35,475 (11%)	\$309,876
<i>Panel firms</i>	-	-	\$39,914
<i>VGSO</i>	26 (79%)	\$72,714 (79%)	\$92,014
<b>Employment Law - all</b>	35 (31%)	\$554,389 (33%)	\$1,694,823
<i>Departments</i>	8 (29%)	\$77,085 (49%)	\$156,116
<i>Panel firms</i>	19 (32%)	\$443,540 (31%)	\$1,423,069
<i>VGSO</i>	8 (33%)	\$33,764 (29%)	\$115,638
<b>I.P &amp; Technology Law - all</b>	-	-	\$11,840
<i>Departments</i>	-	-	-
<i>Panel firms</i>	-	-	\$6,450
<i>VGSO</i>	-	-	\$5,400
<b>Litigation – all</b>	107 (27%)	\$317,147 (18%)	\$1,763,624
<i>Departments</i>	18 (41%)	\$60,900 (21%)	\$291,244
<i>Panel firms</i>	41 (30%)	\$145,611 (24%)	\$600,001
<i>VGSO</i>	48 (22%)	\$110,636 (13%)	\$872,379
<b>Other legal services - all</b>	2157 (60%)	\$1,101,505 (52%)	\$2,121,248
<i>Departments</i>	2120 (60%)	\$924,717 (52%)	\$1,769,083
<i>Panel firms</i>	-	-	-
<i>VGSO</i>	37 (45%)	\$176,788 (50%)	\$352,165

<b>COMPONENT</b>	<b>Number of Briefs to Women (%)</b>	<b>Amount invoiced by women (%)</b>	<b>Overall (\$)</b>
<b>Project &amp; Finance – all</b>	-	-	\$4,295
<b>Departments</b>	-	-	-
<b>Panel firms</b>	-	-	\$4,295
<b>VGSO</b>	-	-	-
<b>Property -all</b>	6 (5%)	\$43,037 (3%)	\$1,415,172
<b>Departments</b>	3 (23%)	\$31,612 (25%)	\$127,080
<b>Panel firms</b>	-	-	\$128,120
<b>VGSO</b>	3 (3%)	\$11,425 (1%)	\$1,159,972
<b>Resources - all</b>	2 (33%)	\$71,845 (42%)	\$171,020
<b>Departments</b>	1 (50%)	\$9,225 (93%)	\$9,910
<b>Panel firms</b>	1 (25%)	\$62,620 (39%)	\$161,110
<b>VGSO</b>	-	-	-
<b>VGSO exclusive</b>	258 (31%)	\$828,593 (20%)	\$4,148,936

Table 5 below shows the ranked distribution of work to women barristers from Panel firms, Departments and the VGSO. This table illustrates how percentages are frequently misleading: the entity with the highest percentage of briefs to women, only briefed six matters to women barristers. There were seven entities where no work went to women and men barristers were briefed in very few matters.

Table 5: Ranking of distribution of work to women Barristers by number and percentage of briefs, 2006-07

<b>ENTITY</b>	<b>% briefs to women</b>	<b>Number briefs to women</b>	<b>Number briefs to men</b>
Education	75%	6	2
Sustainability & Environment	62%	8	5
Human Services	61%	2120	1382
Infrastructure	57%	8	6
Malleson Stephen Jacques	50%	5	8
Maddocks	39%	20	31
Justice	33%	34	70
Victorian Government Solicitor's Office	31%	258	574
Transport Accident Commission	30%	143	332
Minter Ellison	30%	17	39
Freehills	30%	3	7
Wisewoulds	29%	7	17
Holding Redlich	28%	5	13
DLA Phillips Fox	28%	5	13
Russell Kennedy	23%	7	23
Clayton Utz	22%	2	7
Treasury	21%	12	45
Premier & Cabinet	20%	4	16
Victorian WorkCover Authority	17%	639	3192
Corrs Chambers Westgarth	17%	2	10
Deacons	17%	2	10
Primary Industries	13%	1	7
Innovation, Industry & Regional Development			15
FOI Solutions			4
Blake Dawson Waldron			2
Kenna Teasedale			2
Ligeti Partners			2
Frenkel Partners			1
Francis Abourizk Lightowlers			1

**PART 1****Court action and advice data - for all entities summarised by area of law**

Part 1 of the Barristers Briefing report details the allocation of work to male and female Barristers by area of law using the descriptions of components under the Panel contract (Appendix 2). The briefs relate to advice and court proceedings.

The high numbers of matters reported under “other legal services” are predominantly matters in the Children’s Court briefed by the Court Advocacy Unit of Department of Human Services in “family and child welfare law.” Briefs from Departments to women for advice and appearance in Administrative law and Government matters are another substantial area of work.

Table 6: Departments - Number of briefs and fees to barristers by area of law for court action and advice, 2006-07

### Government Departments

<i>Component</i>	<i>% Briefs to Women</i>	<i>% Fees Invoiced by Women</i>	<i>Total Fees Invoiced by Women</i>	<i>No. of Briefs to Women</i>	<i>Total Fees Invoiced by Men</i>	<i>No. of Briefs to Men</i>	<i>Total Fees Invoiced</i>
Administrative Law & Government	35%	24%	\$203,669	31	\$641,569	58	\$845,238
Commercial Law	20%	11%	\$35,475	12	\$274,401	47	\$309,876
Employment Law	29%	49%	\$77,085	8	\$79,031	20	\$156,116
Litigation	41%	21%	\$60,900	18	\$230,344	26	\$291,244
Other Legal Services	60%	52%	\$924,717	2120	\$844,367	1386	\$1,769,083
Property	23%	25%	\$31,612	3	\$95,468	10	\$127,080
Resources	50%	93%	\$9,225	1	\$685	1	\$9,910
<b>TOTAL</b>	<b>59%</b>	<b>38%</b>	<b>\$1,342,683</b>	<b>2193</b>	<b>\$2,165,864</b>	<b>1548</b>	<b>\$3,508,547</b>

Women barristers received the highest number of briefs and fees in employment law matters from Panel firms.

Table 7: Panel firms - Number of briefs and fees to barristers by area of law for court action and advice, 2006-07

### Panel Firms

<i>Component</i>	<i>% Briefs to Women</i>	<i>% Fees Invoiced by Women</i>	<i>Total Fees Invoiced by Women</i>	<i>No. of Briefs to Women</i>	<i>Total Fees Invoiced by Men</i>	<i>No. of Briefs to Men</i>	<i>Total Fees Invoiced</i>
Administrative Law & Government	30%	25%	\$117,195	14	\$359,208	33	\$476,404
Commercial Law	0%	0%	\$0	0	\$39,914	6	\$39,914
Employment Law	32%	31%	\$443,540	19	\$979,529	41	\$1,423,069
Intellectual Property & Technology Law	0%	0%	\$0	0	\$6,450	3	\$6,450
Litigation	30%	24%	\$145,611	41	\$454,390	97	\$600,001
Project and Finance	0%	0%	\$0	0	\$4,295	4	\$4,295
Property	0%	0%	\$0	0	\$128,120	4	\$128,120
Resources	25%	39%	\$62,620	1	\$98,490	3	\$161,110
<b>TOTAL</b>	<b>28%</b>	<b>27%</b>	<b>\$768,967</b>	<b>75</b>	<b>\$2,070,396</b>	<b>191</b>	<b>\$2,839,363</b>

Administrative Law and Government matters are the stand area of briefs to women from the VGSO – but this component is to be expected in terms of the VGSO unique focus as the in-house legal adviser to government.

Table 8: VGSO - Number of briefs and fees to barristers by area of law for court action and advice, 2006-07

<b>Vic Govt Solicitor's Office</b>							
<b>Component</b>	<b>% Briefs to Women</b>	<b>% Fees Invoiced by Women</b>	<b>Total Fees Invoiced by Women</b>	<b>No. of Briefs to Women</b>	<b>Total Fees Invoiced by Men</b>	<b>No. of Briefs to Men</b>	<b>Total Fees Invoiced</b>
Administrative Law & Government	46%	41%	\$298,369	99	\$422,237	116	\$720,606
Commercial Law	79%	79%	\$72,714	26	\$19,300	7	\$92,014
Employment Law	33%	29%	\$33,764	8	\$81,875	16	\$115,638
Intellectual Property & Tech	0%	0%	\$0	0	\$5,400	1	\$5,400
Litigation	22%	13%	\$110,636	48	\$761,744	169	\$872,379
Other Legal Services	45%	50%	\$176,788	37	\$175,377	45	\$352,165
Property	3%	1%	\$11,425	3	\$1,148,547	105	\$1,159,972
VGSO Exclusive Work	24%	15%	\$124,898	37	\$705,864	115	\$830,761
<b>TOTAL</b>	<b>31%</b>	<b>20%</b>	<b>\$828,593</b>	<b>258</b>	<b>\$3,320,343</b>	<b>574</b>	<b>\$4,148,936</b>

The overwhelming focus for VWA and TAC is on litigation (personal injuries) which is to be expected. Both entities have developed strategies to introduce and develop the capabilities of women barristers in the area of personal injury litigation however, the high volume of work means there can be challenges in finding counsel with the appropriate expertise. Personal injuries litigation has not been an area of law that women barristers have traditionally practiced in. The 3-month court appearances survey carried out as part of a Report to the Victorian Bar Council in 1998 observed 17 (7.3%) appearances by women barristers in personal injury matters in contrast to 216 (82.7%) appearance by male barristers; more women appeared in family and criminal law matters and more men appeared in criminal law and personal injury matters<sup>1</sup>.

Table 9: Victorian WorkCover Authority and Transport Accident Corporation - Number of briefs and fees to barristers by area of law for court action and advice, 2006-07

<b>Statutory Authority - WorkCover and TAC</b>							
	<b>% Briefs to Women</b>	<b>% Fees Invoiced by Women</b>	<b>Total Fees Invoiced by Women</b>	<b>No. of Briefs to Women</b>	<b>Total Fees Invoiced by Men</b>	<b>No. of Briefs to Men</b>	<b>Total Fees Invoiced</b>
Administrative Law and	40%	39%	\$41,574	10	\$64,323	15	\$105,897
Employment Law	14%	7%	\$35,995	17	\$497,143	105	\$533,138
Litigation	18%	11%	\$1,500,069	754	\$11,640,346	3401	\$13,140,415
Other Legal Services	25%	16%	\$4,500	1	\$24,100	3	\$28,600
<b>TOTAL</b>	<b>18%</b>	<b>11%</b>	<b>\$1,582,139</b>	<b>782</b>	<b>\$12,225,911</b>	<b>3524</b>	<b>\$13,808,050</b>

<sup>1</sup> Equal Opportunity for Women at the Victorian Bar, Rosemary Hunter and Helen McKelvie (1998)

## PART 2 Jurisdiction by gender (court related matters only)

Part 2 of the Barristers Briefing report details the allocation of work to male and female barristers by jurisdiction. It is an aggregated summary of all matters in preparation for or involved court proceedings from departments, Panel firms, the VGSO and unlike previous years, it now includes work to the Bar from TAC and VWA. A small number of matters in unspecified or other tribunals has not been included. The inclusion of work from VWA and TAC is mainly in the Magistrate's and County Court.

Stakeholders in the past have asserted that appearances in the Supreme Court are a good indication of access by women barristers to more specialised work and the Australian Women Lawyers Gender Appearances Survey 2006 established a national benchmark of women appearing in 19.2% of matters in the higher jurisdictions.

The influential Victorian Bar study of Equal Opportunity at the Victorian Bar by Hunter and McKelvie in 1998 explored the distribution of work to men and women barristers based on court appearances, not advice matters because advocacy was seen as quintessential barristerial activity.

The data provided indicates that women barristers receive substantially more briefs to appear in court matters than advice. Women barristers received 40 briefs for advice from departments, Panel firms, the VGSO, TAC and VWA but received 3,268 briefs in court related matters. There were 446 junior briefs to women predominantly in administrative law, employment, litigation (particularly coronial inquests) and criminal law. The junior briefs supporting a silk, were in areas that are sought after by men and women barristers alike.

Table 10: Panel arrangements- Number of briefs and fees to barristers by jurisdiction for court action, 2006-07

<b>Jurisdiction</b>	<b>% Briefs to Women</b>	<b>% Fees Invoiced by Women</b>	<b>Total Fees Invoiced by Women</b>	<b>No. of Briefs to Women</b>	<b>Total Fees Invoiced by Men</b>	<b>No. of Briefs to Men</b>	<b>Total Fees Invoiced</b>
VCAT	49%	27%	\$555,067	128	\$1,493,179	135	\$2,048,245
Coroners Court	47%	35%	\$102,783	20	\$189,572	23	\$292,355
Children's Court	61%	51%	\$797,661	2089	\$766,080	1355	\$1,563,740
Magistrates Court	15%	14%	\$316,822	189	\$1,900,378	1101	\$2,217,200
County Court	20%	11%	\$1,186,961	576	\$9,837,215	2358	\$11,024,177
Supreme Court	29%	19%	\$681,203	195	\$2,821,528	488	\$3,502,730
High Court	22%	14%	\$39,409	5	\$245,154	18	\$284,563
Federal Court	32%	33%	\$302,913	27	\$609,232	58	\$912,143
Family Court	50%	44%	\$12,727	6	\$15,955	6	\$28,682
Tribunals	33%	17%	\$19,340	3	\$91,357	6	\$110,697

## Statutory Authorities

The table below is a comparison across all areas of law, of barristers briefed by statutory authorities by gender and percentage of fees invoiced. Each statutory authority has made a concerted effort to broaden the selection barristers engaged for their work.

Care must be taken in making comparisons between these organisations, which have distinct legal requirements, and different methods of recording the distribution of work. For example, Victoria Legal Aid statistics count 'claims' for payments to barristers - this does not always equate to one brief or file but can cover many briefs.

Table 11: Statutory authorities - Number of briefs and percentage fees to barristers for court action and advice, 2006-07

<i>Entity</i>	<i>Total number of briefs to women</i>	<i>Total briefs</i>	<i>Percentage of briefs to women</i>	<i>Percentage of fees invoiced/briefed by women</i>
Office Public Prosecutions <sup>2</sup>	1172	6557	18%	11%
Victoria Legal Aid <sup>3</sup>	5653	14978	38%	32%
Transport Accident Commission	143	475	30%	20%
Victorian WorkCover Authority	639	3831	17%	10%

<sup>2</sup> OPP statistics report on the total value committed as opposed to expenditure but capture all briefs.

<sup>3</sup> VLA statistics record claims from barristers which do not correlate to briefs; therefore any comparison with other entities is unreliable because of differences in counting & recording.

## PART 3 Component reports for court related and advice briefs for all entities

Part 3 of the report covers both advice and court related work and shows the breakdown by entity and component. Where less than 30 barristers were briefed in an area, this is not calculated as a percentage because the small numbers are not statistically robust.

### GOVERNMENT DEPARTMENTS

Table 12: Education- Number of briefs and percentage fees to barristers for court related work and advice by area of law, 2003-04 to 2006-07

<b>Education</b>				
<i>Component 2006-2007</i>	<i>% Briefs to women</i>	<i>% Fees invoiced by women</i>	<i>No. of briefs to women</i>	<i>No. of briefs to men</i>
Admin Law			1	0
Employment Law			5	1
Litigation			0	1
<b>total 2006-2007</b>			<b>6</b>	<b>2</b>
2005-2006			6	4
2004-2005			4	4
2003-2004			3	2

Table 13: Human Services - Number of briefs and percentage fees to barristers for court related work and advice by area of law, 2003-04 to 2006-07

<b>Human Services</b>				
<i>Component 2006-2007</i>	<i>% Briefs to women</i>	<i>% Fees invoiced by women</i>	<i>No. of briefs to women</i>	<i>No. of briefs to men</i>
Admin law & Government			8	11
Commercial Law				1
Employment Law			1	2
Litigation			15	12
Other Legal Services	61%	52%	2096	1356
<b>total</b>	<b>61%</b>	<b>48%</b>	<b>2120</b>	<b>1382</b>
2005-2006	61%	59%	1,548	1,003
2004-2005	66%	62%	1225	627
2003-2004	62%	52%	498	304

Table 14: Infrastructure - Number of briefs and percentage fees to barristers for court related work and advice by area of law, 2003-04 to 2006-07

<b>Infrastructure</b>				
<i>Component 2006-2007</i>	<i>% Briefs to women</i>	<i>% Fees invoiced by women</i>	<i>No. of briefs to women</i>	<i>No. of briefs to men</i>
Admin law & Government			8	4
Commercial Law			0	2
<b>total</b>			8	6
2005-2006	45%	32%	20	24
2004-2005			4	9
2003-2004	6%	6%	4	59

Table 15: Innovation, Industry and regional development - Number of briefs and percentage fees to barristers for court related work and advice by area of law, 2003-04 to 2006-07

<b>Innovation, Industry &amp; Regional Development</b>				
<i>Component 2006-2007</i>	<i>% Briefs to women</i>	<i>% Fees invoiced by women</i>	<i>No. of briefs to women</i>	<i>No. of briefs to men</i>
Admin law			0	1
Employment law			0	6
Property			0	8
<b>total</b>			<b>0</b>	<b>15</b>
2005-2006			2	7
2004-2005			2	5
2003-2004			12	8

Table 16: Justice - Number of briefs and percentage fees to barristers for court related work and advice by area of law, 2003-04 to 2006-07

<b>Justice</b>				
<i>Component 2006-2007</i>	<i>% Briefs to women</i>	<i>% Fees invoiced by women</i>	<i>No. of briefs to women</i>	<i>No. of briefs to men</i>
Admin law & Government	19%	12%	6	26
Commercial Law				2
Employment Law			2	8
Litigation			3	11
Other Legal Services			23	22
Property				1
<b>total</b>	<b>33%</b>	<b>30%</b>	<b>34</b>	<b>70</b>
2005-2006	27%	17%	19	51
2004-2005	28%	24%	31	78
2003-2004	46%	14%	19	22

Table 17: Premier and Cabinet - Number of briefs and percentage fees to barristers for court related work and advice by area of law, 2003-04 to 2006-07

<b>Premier &amp; Cabinet</b>				
<i>Component 2006-2007</i>	<i>% Briefs to women</i>	<i>% Fees invoiced by women</i>	<i>No. of briefs to women</i>	<i>No. of briefs to men</i>
Admin law & Government			3	10
Employment				3
Other legal services				2
Resources			1	1
<b>Total 2006-2007</b>			<b>4</b>	<b>16</b>
2005-2006			4	18
2004-2005			1	14
2003-2004			1	5

Table 18: Primary Industries - Number of briefs and percentage fees to barristers for court related work and advice by area of law, 2003-04 to 2006-07

<b>Primary Industries</b>				
<i>Component 2006-2007</i>	<i>% Briefs to women</i>	<i>% Fees invoiced by women</i>	<i>No. of briefs to women</i>	<i>No. of briefs to men</i>
Commercial law				1
Other legal services			1	6
<b>Total 2006-2007</b>			1	7
2005-2006			0	4
2004-2005			0	5
2003-2004			4	3

Table 19: Sustainability and Environment - Number of briefs and percentage fees to barristers for court related work and advice by area of law, 2003-04 to 2006-07

<b>Sustainability and Environment</b>				
<i>Component 2006-2007</i>	<i>% Briefs to women</i>	<i>% Fees invoiced by women</i>	<i>No. of briefs to women</i>	<i>No. of briefs to men</i>
Admin law & Government			5	4
Property			3	1
<b>Total 2006-2007</b>			8	5
2005-2006				
2004-2005			3	8
2003-2004			0	9

Table 20: Treasury and Finance - Number of briefs and percentage fees to barristers for court related work and advice by area of law, 2003-04 to 2006-07

<b>Treasury &amp; Finance</b>				
<i>Component 2006-2007</i>	<i>% Briefs to women</i>	<i>% Fees invoiced by women</i>	<i>No. of briefs to women</i>	<i>No. of briefs to men</i>
Admin law & Government				2
Commercial law			12	41
Litigation				1
<b>total</b>	21%	8%	12	45
2005-2006	26%	18%	19	54
2004-2005	21%	22%	19	70
2003-2004	15%	17%	12	67

Table 21: Victorian Communities - Number of briefs and percentage fees to barristers for court related work and advice by area of law, 2003-04 to 2006-07

<b>Victorian Communities</b>				
<i>Component 2006-2007</i>	<i>% Briefs to women</i>	<i>% Fees invoiced by women</i>	<i>No. of briefs to women</i>	<i>No. of briefs to men</i>
<b>Total</b>	<b><i>NIL</i></b>			
2005-2006	<i>NIL</i>			
2004-2005	<i>NIL</i>			
2003-2004			2	0

## VGSO

Table 22: VGSO - Number of briefs and percentage fees to barristers for court related and advice work by area of law, 2003-04 to 2006-07

Victorian Government Solicitors Office					
<i>Component 2006-2007</i>	<i>% Briefs to women</i>	<i>% Fees invoiced by women</i>	<i>No. of briefs to women</i>	<i>No. of briefs to men</i>	<i>Total invoiced</i>
Admin law & Government	46%	41%	99	116	\$720,606
Commercial Law	79%	79%	26	7	\$92,014
Employment Law			8	16	\$115,638
Intellectual Property & Technology Law				1	\$5,400
Litigation	22%	13%	48	169	\$872,379
Other Legal Services	45%	50%	37	45	\$352,165
Property	3%	1%	3	105	\$1,159,972
Exclusive Work	24%	15%	37	115	\$830,761
<b>Total 2006-2007</b>	<b>31%</b>	<b>20%</b>	<b>258</b>	<b>574</b>	<b>\$4,148,936</b>
2005-2006	32%	20%	122	260	\$3,049,405
2004-2005	28%	24%	107	281	\$1,893,561
2003-2004	27%	24%	129	352	\$2,147,751

## PANEL FIRMS

Table 23: Blake Dawson Waldron - Number of briefs and percentage fees to barristers for court related work and advice by area of law, 2003-04 to 2006-07

### Blake Dawson Waldron

<i>Component 2006-2007</i>	<i>% Briefs to women</i>	<i>% Fees invoiced by women</i>	<i>No. of briefs to women</i>	<i>No. of briefs to men</i>
Intellectual property & Technology				2
<b>total</b>				<b>2</b>
2005-2006			1	11
2004-2005			0	8
2003-2004	24%	9%	15	47

Table 24: Clayton Utz - Number of briefs and percentage fees to barristers for court related work and advice by area of law, 2003-04 to 2006-07

### Clayton Utz

<i>Component 2006-2007</i>	<i>% Briefs to women</i>	<i>% Fees invoiced by women</i>	<i>No. of briefs to women</i>	<i>No. of briefs to men</i>
Employment law			1	1
Litigation				1
Property				2
Resources			1	3
<b>total 2006-2007</b>			<b>2</b>	<b>7</b>
2005-2006			5	13
2004-2005			4	12
2003-2004	Not formally part of panel			

Table 25: Corrs Chambers Westgarth - Number of briefs and percentage fees to barristers for court related work and advice by area of law, 2003-04 to 2006-07

<b>Corrs Chambers Westgarth</b>				
<i>Component 2006-2007</i>	<i>% Briefs to women</i>	<i>% Fees invoiced by women</i>	<i>No. of briefs to women</i>	<i>No. of briefs to men</i>
Admin law & government			1	2
Commercial law				2
Employment law			1	5
Property			0	1
<b>Total 2006-2007</b>			<b>2</b>	<b>10</b>
2005-2006			6	10
2004-2005			3	12
2003-2004			5	7

Table 26: Deacons - Number of briefs and percentage fees to barristers for court related work and advice by area of law, 2003-04 to 2006-07

<b>Deacons</b>				
<i>Component 2005-2006</i>	<i>% Briefs to women</i>	<i>% Fees invoiced by women</i>	<i>No. of briefs to women</i>	<i>No. of briefs to men</i>
Admin law & government				1
Employment Law			1	1
Litigation			1	8
<b>Total 2006-2007</b>			<b>2</b>	<b>10</b>
2005-2006	46%	32%	16	19
2004-2005	22%	23%	9	32
2003-2004	24%	9%	11	35

Table 27: DLA Phillips Fox - Number of briefs and percentage fees to barristers for court related work and advice by area of law, 2003-04 to 2006-07

<b>DLA Phillips Fox</b>				
<i>Component 2006-2007</i>	<i>% Briefs to women</i>	<i>% Fees invoiced by women</i>	<i>No. of briefs to women</i>	<i>No. of briefs to men</i>
Commercial Law				3
Employment law			2	3
Litigation			3	7
<b>Total 2006-2007</b>			<b>5</b>	<b>13</b>
2005-2006			3	25
2004-2005			2	13
2003-2004			7	20

Table 28: FOI Solutions - Number of briefs and percentage fees to barristers for court related work and advice by area of law, 2004-05 to 2006-07

<b>FOI solutions</b>				
<i>Component 2006-2007</i>	<i>% Briefs to women</i>	<i>% Fees invoiced by women</i>	<i>No. of briefs to women</i>	<i>No. of briefs to men</i>
Admin law & Government				4
<b>Total 2006-2007</b>				<b>4</b>
2005-2006			5	12
2004-2005			0	3

Table 29: Francis Abourizk Lightowlers - Number of briefs and percentage fees to barristers for court related work and advice by area of law 2006-07

<b>Francis Abourizk Lightowlers</b>				
<i>Component 2006-2007</i>	<i>% Briefs to women</i>	<i>% Fees invoiced by women</i>	<i>No. of briefs to women</i>	<i>No. of briefs to men</i>
Intellectual Property & Technology				1
<b>Total 2006-2007</b>				<b>1</b>

Table 30: Freehills - Number of briefs and percentage fees to barristers for court related work and advice by area of law, 2003-04 to 2006-07

<b>Freehills</b>				
<i>Component 2006-2007</i>	<i>% Briefs to women</i>	<i>% Fees invoiced by women</i>	<i>No. of briefs to women</i>	<i>No. of briefs to men</i>
Employment Law			2	6
Litigation			1	1
<b>Total 2006-2007</b>			<b>3</b>	<b>7</b>
2005-2006			6	23
2004-2005			1	28
2003-2004			1	5

Table 31: Frenkel partners - Number of briefs and percentage fees to barristers for court related work and advice by area of law, 2003-04 to 2006-07

<b>Frenkel Partners</b>				
<i>Component 2006-2007</i>	<i>% Briefs to women</i>	<i>% Fees invoiced by women</i>	<i>No. of briefs to women</i>	<i>No. of briefs to men</i>
Litigation				1
<b>total 2006-2007</b>				<b>1</b>
.....2005-2006				4
2004-2005			1	3
2003-2004			1	3

Table 32: Holding Redlich - Number of briefs and percentage fees to barristers for court related work and advice by area of law, 2003-04 to 2006-07

<b>Holding Redlich</b>				
<i>Component 2006-2007</i>	<i>% Briefs to women</i>	<i>% Fees invoiced by women</i>	<i>No. of briefs to women</i>	<i>No. of briefs to men</i>
Employment Law				1
Litigation			5	12
<b>Total 2006-2007</b>			<b>5</b>	<b>13</b>
2005-2006			6	15
2004-2005			8	6
2003-2004			4	6

Table 33: Kenna Teasdale - Number of briefs and percentage fees to barristers for court related work and advice by area of law, 2003-04 to 2006-07

<b>Kenna Teasdale</b>				
<i>Component 206-2007</i>	<i>% Briefs to women</i>	<i>% Fees invoiced by women</i>	<i>No. of briefs to women</i>	<i>No. of briefs to men</i>
Litigation				2
<b>Total</b>				<b>2</b>
2005-2006			4	7
2004-2005			3	2
2003-2004	Nil			

Table 34: Kennedy Wisewoulds - Number of briefs and percentage fees to barristers for court related work and advice by area of law, 2003-04 to 2006-07

<b>Kennedy Wisewoulds</b>				
<i>Component 206-2007</i>	<i>% Briefs to women</i>	<i>Total fees invoiced by women</i>	<i>No. of briefs to women</i>	<i>No. of briefs to men</i>
Total 2006-2007	Nil			
2005-2006				2

Table 35: Ligeti Partners - Number of briefs and percentage fees to barristers for court related work and advice by area of law, 2003-04 to 2006-07

<b>Ligeti Partners</b>				
<i>Component 206-2007</i>	<i>% Briefs to women</i>	<i>% Fees invoiced by women</i>	<i>No. of briefs to women</i>	<i>No. of briefs to men</i>
Litigation				2
<b>Total 2006-2007</b>				<b>2</b>
2005-2006			2	0
2004-2005			3	0
2003-2004			11	2

Table 36: Maddocks - Number of briefs and percentage fees to barristers for court related work and advice by area of law, 2003-04 to 2006-07

<b>Maddocks</b>				
<i>Component 2006-2007</i>	<i>% Briefs to women</i>	<i>% Fees invoiced by women</i>	<i>No. of briefs to women</i>	<i>No. of briefs to men</i>
Admin law & Government			6	10
Commercial Law				1
Employment Law			6	13
Litigation			8	6
Property				1
<b>Total 2006-2007</b>	<b>39%</b>	<b>33%</b>	<b>20</b>	<b>31</b>
2005-2006	10%	34%	3	28
2004-2005			2	16
2003-2004			3	21

Table 37: Malleson Stephens Jacques - Number of briefs and percentage fees to barristers for court related work and advice by area of law, 2003-04 to 2006-07

<b>Malleson Stephen Jaques</b>				
<i>Component 2006-2007</i>	<i>% Briefs to women</i>	<i>% Fees invoiced by women</i>	<i>No. of briefs to women</i>	<i>No. of briefs to men</i>
Admin law & Government			5	5
Project & Finance				3
<b>Total 2006-2007</b>			<b>5</b>	<b>8</b>
2005-2006			10	15
2004-2005			1	8
2003-2004			0	22

Table 38: Middletons - Number of briefs and percentage fees to barristers for court related work and advice by area of law, 2003-04 to 2006-07

<b>Middletons</b>				
<i>Component 2006-2007</i>	<i>% Briefs to women</i>	<i>% Fees invoiced by women</i>	<i>No. of briefs to women</i>	<i>No. of briefs to men</i>
<b>Total 2006-2007</b>	<b>Nil</b>			
2005-2006			5	3
2004-2005			0	3
2003-2004			2	7

Table 39: Minter Ellison - Number of briefs and percentage fees to barristers for court related work and advice by area of law, 2003-04 to 2006-07

<b>Minter Ellison</b>				
<i>Component 2006-2007</i>	<i>% Briefs to women</i>	<i>% Fees invoiced by women</i>	<i>No. of briefs to women</i>	<i>No. of briefs to men</i>
Admin law & Government			2	11
Employment Law			6	11
Litigation			9	17
<b>Total 2006-2007</b>	30%	30%	17	39
2005-2006	32%	48%	21	45
2004-2005	32%	45%	11	23
2003-2004			6	10

Table 40: Norton Gledhill - Number of briefs and percentage fees to barristers for court related work and advice by area of law, 2003-04 to 2006-07

<b>Norton Gledhill</b>				
<i>Component 2006-2007</i>	<i>% Briefs to women</i>	<i>% Fees invoiced by women</i>	<i>No. of briefs to women</i>	<i>No. of briefs to men</i>
<b>Total 2006-2007</b>	Nil			
2005-2006			1	2
2004-2005				4
2003-2004	Nil			

Table 41: Rigby Cooke - Number of briefs and percentage fees to barristers for court related work and advice by area of law, 2003-04 to 2006-07

<b>Rigby Cooke</b>				
<i>Component 2006-2007</i>	<i>% Briefs to women</i>	<i>% Fees invoiced by women</i>	<i>No. of briefs to women</i>	<i>No. of briefs to men</i>
<b>Total 2006-2007</b>	Nil			
2005-2006				1

Table 42: Russell Kennedy - Number of briefs and percentage fees to barristers for court related work and advice by area of law, 2003-04 to 2006-07

<b>Russell Kennedy</b>				
<i>Component 2006-2007</i>	<i>% Briefs to women</i>	<i>% Fees invoiced by women</i>	<i>No. of briefs to women</i>	<i>No. of briefs to men</i>
Litigation			7	23
<b>Total 2006-2007</b>	<b>23%</b>	<b>19%</b>	<b>7</b>	<b>23</b>
2005-2006			6	13
2004-2005			3	9
2003-2004			1	7

Table 43: Wisewoulds - Number of briefs and percentage fees to barristers for court related work and advice by area of law, 2003-04 to 2006-07

<b>Wisewoulds</b>				
<i>Component 2006-2007</i>	<i>% Briefs to women</i>	<i>% Fees invoiced by women</i>	<i>No. of briefs to women</i>	<i>No. of briefs to men</i>
Litigation			7	17
<b>total 2006-2007</b>			<b>7</b>	<b>17</b>
2005-2006			11	15
2004-2005			5	13
2003-2004				11

## Appendix 1 - Descriptions of areas of law

COMPONENT	SUB-COMPONENT
Component 1 – Property	Crown Land Leases and Licences Planning Real Property and Conveyancing Wills and Estates
Component 2 – Commercial Law	Contract Corporations Law Government Tendering Taxation and Stamp Duty Trade Practices/Competition Trusts
Component 3 – Project and Finance	Banking and Finance Construction & Project Management Infrastructure Insurance Joint Ventures Risk Management
Component 4 – Litigation	Expertise and resources to conduct litigation or represent the State in any jurisdiction affecting the State of Victoria. Particular Sub Components are: Building Disputes Coronial Inquests Personal Injury Prosecutions General
Component 5 – Employment Law	Discrimination/Equal Opportunity (including Sexual Harassment) Employment Industrial Relations Occupational Health and Safety Superannuation
Component 6 – Administrative Law and Government	Corporate Governance Freedom of Information Government/Public Law Natural Justice Privacy
Component 7 – Intellectual Property and Technology Law	Biotechnology Information Technology Intellectual Property (Copyright, Patents, Trademarks)
Component 8 – Resources	Agriculture Environmental, Water and Energy Fisheries/Marine Genetic Modification Minerals & Petroleum
Component 9 – Other Legal Services	Criminal law Family and child welfare law, Hague Convention including abduction matters. Migration Public transport franchising arrangements.

## Appendix 2

### MODEL BRIEFING POLICY

---

#### Victorian Bar Equal Opportunity Briefing Policy

At its meeting on 1 April 2004, the Victorian Bar Council adopted the following policy as a model for the briefing of counsel at the Victorian Bar.

#### Objectives of the Policy

Equitable briefing practices maximise choices for legal practitioners and their clients, promote the full use of the Independent Bar, and optimise opportunities for practice development of all counsel or solicitor advocates.

The adoption of equitable briefing practices can play an important role in the progression of women in the law, the judiciary and the wider community.

#### Application of the Policy

This policy is formulated for voluntary adoption by both clients and legal practitioners (including in-house counsel) throughout Australia.

Whilst acknowledging that the selection of counsel or solicitor advocates is ultimately the decision of the client, referring legal practitioners exercise significant influence in making that selection.

Consistent with that acknowledgement, this policy is also formulated to take into account the role relevantly played by barristers' clerks and counsel in its effective operation. When they are consulted by clients, briefing firms and briefing agencies with a view to engaging counsel, all barristers' clerks and counsel adopting this policy will include female counsel among the names of counsel they identify in the relevant practice area under inquiry.

#### Equitable Briefing Policy

In selecting counsel, all reasonable endeavours should be made to:

- (a) identify female counsel in the relevant practice area; (1.) and
- (b) genuinely consider engaging such counsel; (2.) and
- (c) regularly monitor and review the engagement of female counsel; (3.) and
- (d) periodically report on the nature and rate of engagement of female counsel (4.)

#### Notes to Assist in Implementing the Policy

1. Female counsel may be identified through searches of the relevant bar or women lawyer association websites; and/or by maintaining internal referral lists that are regularly updated; and/or through eliciting expressions of interest.

2. A genuine consideration would have regard to the skills and competency of counsel, regardless of gender and should avoid inappropriate assumptions about the capacities and aptitude of female and male counsel. Where there are equally capable male and female counsel available, arbitrary and prejudicial factors should not operate to exclude the engagement of female counsel.

***Notes to Assist in Implementing the Policy continued***

3. Briefing firms, agencies and where applicable\* barristers' clerks should develop the capacity to collect data and report upon that data so as to identify the nature of such engagement. The data should show the number, practice area, type (including hearing type) and gross value of such services. In-house counsel should consider requiring firms engaged by their organisation to ensure capacity exists to collect such data. Firms, agencies and where applicable \* barristers' clerks should take care to ensure that the data collected or retained is not used for any other purpose than that referred to in this policy. In particular, they should take care the data is not used improperly, or released or published in a way which identifies clients, matters or counsel or particulars relating to any of them which would reasonably be regarded as confidential information.

4. The objective of reviewing, monitoring and then reporting to clients and to Bar Associations or Law Societies on the nature and rate of engagement is that female counsel be briefed at no less than the prevailing percentage of female counsel in the relevant practice area. Applicable statistics are available from the Bar Association or Law Society in each jurisdiction. The review and periodic report should have regard to the success or otherwise of the implementation of an equitable briefing policy, and should initiate steps to redress inequity where it is identified. In-house counsel should consider requiring firms engaged by their organisation to periodically conduct such reviews and report on their outcome to the organisation.

5. Having regard to the diversity in legal practice which exists in different states and territories throughout Australia, it is envisaged that relevant legal bodies and interested parties in each jurisdiction will draft more detailed guidelines for the implementation of this policy.

\* In some jurisdictions barristers clerks do not have access to such data.