



VWL MEDIA RELEASE

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The Law Council's 2009 Court Appearance Survey demonstrates that female representation at the Bar and in the higher courts, both in Victoria and nationally, remains significantly low.

Astrid Haban-Bear, Convenor of **Victorian Women Lawyers** (VWL), Victoria's peak organisation representing the interests of women lawyers in Victoria, says that the survey's findings prompt many questions about why so relatively few women choose to pursue a career at the bar, and of those that do, why they are leaving and why women are missing out on a high proportion of briefs from private law firms.

The Victorian situation

The results show that Victoria's Bar is made up of only 421 women (22%) as opposed to 1488 males (78%). Of the 421 women, only 20 are Senior or Queen's Counsel compared to 274 males. These figures alone, are of concern.

In 2008 and 2009, almost half of the barristers signing the Victorian Bar roll were women, at 42 of total cohort of 90 and 41 of total cohort of 92, respectively. In 1999, just 18 of the 73 new admissions were women. Whilst we have seen a marked improvement over the last 10 years, we must be careful not to replicate the position existing in private practice, where we see over 50% of female law graduates but only a small percentage of females entering the higher ranks of the profession to senior associate and partnership level.

Most notably, Victoria was the only jurisdiction where the survey indicates that appearance by gender proportions were significantly different from the gender proportions at the Bar.

Regardless, the results still tell us enough about what is happening in our higher courts. In Victoria, male barristers appeared in 87 % of matters surveyed, whereas they comprised 78% of the Bar. Females, while making up 22% of the Bar, appeared only 13% of the time. This did not accord with the national results which showed that male and female barristers appeared in the same proportions as they exist at the bar (81% male, 19% female).

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The results for Victoria only become more discouraging when we look at the number of hours women are on their feet in Victoria's higher courts (3.6 hours on average with total hours of 379) compared with their male counterparts (5.8 hours on average with total hours of 4004); and where those briefs are coming from. Private firms are briefing males in 88% of matters and women in 12% of matters. This is significant when we consider pay differentials. It is commonly known that rates on private firm briefs are higher than any other briefing entity.

The Model Briefing Policy in Victoria has gone some way in ensuring that women are being briefed by panel firms in government matters. A similar reporting mechanism needs to be imposed on private firms when it comes to non-government matters.

VWL is committed to pursuing these matters in conjunction with its national body, Australian Women Lawyers.

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