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Sexism is still rife in the legal profession

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Fiona McLeod said the legal profession needed a cultural change and the policy also aimed to boost retention. **Louis Porter**

by Marianna Papadakis

The Law Council of Australia has launched a national program to increase the number of briefs given to female lawyers and to ensure that more women are selected on their skills and expertise.

The new policy includes interim and long-term targets to give senior women barristers at least 20 per cent of briefs. The council aims to increase this figure to 30 per cent by 2020 in line with international benchmarks.

For junior female barristers the figure is 30 per cent by July 2018.

The targets are not mandatory, but there would be a register of signatories.

Women make up the majority of lawyers yet they are still paid less fees than men and are not given as much work.

"This policy reflects a recognition of the longstanding challenges facing women lawyers, including women barristers, reflected in relatively low appearance rates in superior courts and reported pay inequity," Law Council of Australia president-elect Fiona McLeod SC said.

Ms McLeod said the legal profession needed a cultural change and the policy also

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aimed to boost retention. This included stemming the tide of women leaving law because of the high pressure and long work hours and demonstrating to graduates that a career at the bar was possible.

The targets reflected the proportion of women barristers across each of the independent bars, with an additional percentage added to a potential target.

[NSW Bar Association records show women earn 38 per cent less than men, with male barristers taking home average gross annual fees of \\$437,450 compared with \\$269,958 for women.](#)

Women make up 21 per cent of the total 2352 barristers in NSW and 28 per cent of the total 2023 barristers in Victoria, despite women dominating graduate and lawyer numbers.

[Male barristers declare almost three times the taxable annual income, \\$169,000 compared to just \\$60,000 for women, the worst pay gap of all professions, according to the Australian National University's Centre for Social Research and Methods.](#)

Caroline Kirton QC said there was systemic sexism in the profession and gender bias in briefing practices. Some areas such as tax, planning and family law had done better, while commercial and construction law remained difficult for women to get decent work.

Ms Kirton said the target was not high enough, but it was a start.

"Government also has a big role to play. There needs to be more political willingness and attention paid to the enforcement of their equitable briefing targets," Ms Kirton said. "The big corporates also have huge purchasing power. They should question whether their firms are putting up women as potential counsel."

Barrister Laura Keily said the initiative could improve client outcomes by encouraging the selection of barristers based on merit and not on gender.

"It may also ameliorate the imbalance that exists for historical reasons, particularly in commercial law, where not all women get briefing opportunities commensurate with their skills and experience," Ms Keily said. "Currently clients miss out on the benefit of that skill and experience."

Previous initiatives in NSW and Victoria have set the bar far lower with targets in line with the proportion of women at the bar.

[NSW commenced targets of 10 per cent of briefs going to women senior counsel by July next year, 20 per cent to counsel with more than five years seniority and 35 per cent of briefs to junior barristers.](#) In Victoria, the judiciary and the Victorian Equal Opportunity and Human Rights Commission set targets at 16 per cent for female senior counsel and 30 per cent of junior barristers.

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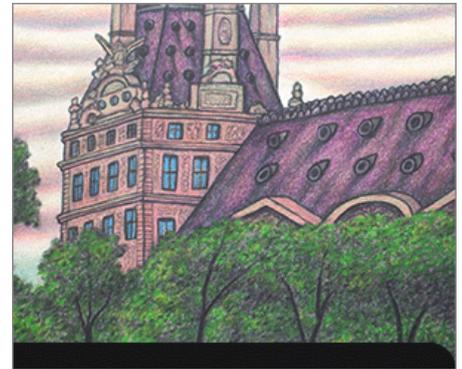
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