

Building a supportive environment at the bar

By Jane Needham SC



At the beginning of this, my first column for *Bar News* as president, I would like to say two important things. The first is that I am very conscious of the honour and privilege of being president of this association, and I will be continuously striving to do my best in this important role. The second is that in so striving, I am very conscious of those who have undertaken the role before me; most recently, that very model of a modern president, Phillip Boulten SC. I have been on Bar Council for around 21 years, and have served as a councillor under many good men and two good women. I would like to thank Boulten SC for his service to the association and his strong leadership in what was a somewhat tumultuous time.

I had been hoping that my time would be slightly less tumultuous, but it appears that that is not to be. Since taking on the role (at time of writing, some six weeks ago) I have been plunged into issues concerning the new Bail Act, proposed amendments to the Motor Accidents Act and the workers' compensation scheme, and other matters which were previously outside my ken. It has, despite the learning curves required, been fascinating.

Starting off along with me is a new attorney general, Brad Hazzard. It is not the role of the president always to agree with the attorney general; sometimes vociferous disagreement is required. Despite some immediate differences of view, I am hopeful that we will be able to forge a good working relationship and to work together to improve access to justice in this state. The attorney general was good enough to submit to cross-examination by Arthur Moses SC for an interview in this issue of *Bar News*. I trust that that experience will not affect the working relationship which I hope to achieve.

Each president has an area of particular interest which he or she brings to the role. Mine is an aspect of life at the

bar which I had to work out as I went along, due to the complete lack of any formal guidance or structures to assist me. I am referring to the difficulties of combining an active practice at the bar with a need for flexibility, in my case, due to the birth and parenting of my three children. Each parent at the bar – male or female – has a story of juggling the various calls on their time, often culminating in tales of urgent advices being given by telephone in unlikely situations (mine involves the emergency room at Sydney Kids' Hospital and a Federal government agency). I am sure the same stories can be told by barristers who have carer responsibilities for elderly family members, or who have academic or other careers running in parallel to their practice at the bar.

I was able to maintain my practice over the period of having my children largely due to the assistance of my fellow Floor members. I was given a great deal of latitude to licence my room, and to share rooms when I returned from leave and was working part-time. In one case I shared a room with another floor member who was returning from paternity leave at the same time – a study in sleep deprivation. I was given significant assistance in ensuring that my



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working from home was supported by Floor technology. For that, I am entirely grateful. I was rather saddened, then, when I returned to full-time practice, to hear stories from other barristers who were not so supported, and who have had to sell their rooms, curtail their practices, or even leave the bar as a result of having children.

Most of these stories come from women, but of course, parenting is not solely a female endeavour. I am hopeful that the recently adopted Model Parental and Other Extended Leave Best Practice Guideline (an initiative of the Equal Opportunity Committee developed partly in response to the National Attrition and Re-engagement Survey by the Law Council of Australia or 'NARS') will provide a level of support to those barristers wishing to take career breaks for various reasons and enable them to return to their floor and to their practice when the time is right. The adoption of the Model Best Practice Guidelines by floors will enable both mothers and fathers who wish to spend more time with their children to be able to do so, as well as enabling barristers who need some flexibility for any number of reasons to structure their time off in a supportive environment.

In this edition of *Bar News* you will find an article on the NARS report. This survey highlighted the systemic and often unconscious bias against women in the legal profession and provided some worrying statistics on harassment, bullying and discrimination. The Bar Association's response to NARS is an ongoing one. The Council has already provided a response to the Law Council

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detailing the work undertaken by the bar to date, and has established two working parties; one to deal with longer-term responses to the issues raised by the NARS report, and the other to address equitable briefing issues. Further, Model Best Practice Guidelines have been approved by Council to assist Floors and members in dealing with harassment, discrimination and vilification; bullying; and grievance handling. I am looking forward to leading the work done by the various committees and working parties whose remits include issues raised by the NARS report, and seeking to make the bar a better working environment for every barrister.

May I commend the Model Best Practice Guidelines to each member of the bar for adoption by their chambers. The guidelines will be the subject of CPDs and information sessions, and it is to be hoped that their widespread adoption throughout the bar will assist in improving equality of access, diversity, and working conditions for all barristers.

At the risk of making this president's column sound like an editorial for *Girls Own Annual*, I am also happy to see a report in this issue of Justice Melissa Perry's speech to a forum held recently by the Women Barristers Forum. Ironically I was unable to attend that forum because of high school netball commitments. Justice Perry's words are inspiring and

deserving of general attention, and should be read alongside the speech given by Justice Ruth McColl at a NSW Women Lawyers' function 'Celebrating Women in the Judiciary' in February 2014, which was published in *In Brief*.

I am very much looking forward to working with the Bar Council and in particular with the Executive. The work that we do would not be possible without the enthusiastic support of the Bar Association staff, led by Philip Selth OAM. I have also been working particularly closely recently with Megan Black, senior policy lawyer, without whom a number of important recent initiatives would not have been possible (including the excellent childcare scheme which will enable those members who take up places to have a guaranteed spot at a city childcare centre). By singling out Philip and Megan I do not mean to imply that the rest of the staff are not worthy of mention; far from it. The Bar Association is extremely lucky to have such talented people working for us.

I am sure that you will enjoy this issue of *Bar News*. As ever, it is only possible through the hard work of the Bar News Editorial Committee under the leadership of Stoljar SC supported by Chris Winslow of the Bar Association, for which many thanks.