

**CELEBRATING
DIVERSITY STRATEGY**



1. INTRODUCTION

In 2014 the Law Council of Australia (LCA) released a National Attrition and Re-engagement Strategy (NARS). This report identified issues of concern for the entire legal profession with an emphasis on retention of women in the profession. These issues are:

- Bullying and harassment in the workplace;
- Need for access to flexible work practices;
- Transparent employment and promotions;
- Gender bias.

The Law Society northern Territory (the Society) has for some time been aware of and responding to these issues through various opportunistic measures as have three (3) individual employers and workplaces. Similarly, the Northern Territory Bar Association (NTBA) and individual chambers have been addressing these issues through targeted initiatives. This strategy aims to bring together an industry-wide response and to identify priorities and measure outcomes.

The NTBA is supportive of initiatives that promote women at the Bar and encourage diversity generally, noting it is intended that the legal profession, including the courts, reflect the community it serves.

In 2015, Presidents of the NTBA, the Society and LCA are barristers and this presents an important opportunity to progress these initiatives.

2. WHAT'S THE ISSUE?

The issues identified by the NARS report have broader application. Addressing these issues will bring benefits to the broader profession. When cast broadly the issues that need to be addressed are:

- Workplace attitudes e.g. bullying and harassment in the workplace;
- Barriers to accessing flexible work practices;
- Barriers to employment and promotion of a diverse workforce;
- Unconscious bias.

In addressing diversity in the workplace, the strategy will benefit all members of the legal profession and ensure that the profession reaps the benefits of a flexible workplace.

Addressing diversity will also deliver for the community by ensuring the opportunities for diverse appointments to judicial office, such that the bench reflects the community it serves.

3. WHAT DO THE SOCIETY AND NTBA WANT TO ACHIEVE?

By collaborating, the NTBA and the Society strengthen their commitment to the strategy and its outcomes. The object of the NTBA is to ensure that there is a strong and independent Bar in the Northern Territory and aims to achieve its main object by:

- Advancing the good administration of justice;
- Maintaining the highest standards of ethical and professional conduct for advocates in the Northern Territory;
- Promoting quality advocacy in courts, tribunals and other forums; and promoting and representing the interests of its members.

The Society's Strategic Plan 2013–16 states the Society's vision to be: The pre-eminent voice supporting and advancing the legal profession in the Northern Territory.

Promoting and advancing a diverse legal profession advances these objectives. This strategy ensures that the NTBA and the Society continue to take leadership roles to:

- Be thoughtful leaders, promoting and celebrating best practice;
- Ensure chambers, firms, employers and the legal profession generally have access to current information about the business case for workplace diversity;
- Communicate data about the demographics of the profession making it available for consideration and analysis;
- Identify, publicise and promote role models that show working flexibly is not incompatible with senior roles;
- Link with other work in this area through its stakeholders within the legal profession
 - Northern Territory Young Lawyers (NTYL), Northern Territory Women Lawyers Association (NTWLA), Australian Bar Association (ABA), LCA; and more broadly e.g. Anti-Discrimination Commission (ADC) and Diversity Council.

4. WHO IS THE AUDIENCE?

The target audience is:

- The profession overall;
- Barristers (8 of 48 were female);
- The courts: Supreme Court, Local Court and the Federal Court's data to be collected from annual reports;
- Other tribunals and commissions;
- Law students;
- Employers within the profession including HR;
- Government including the executive.

5. WHAT ARE THE GOALS?

The Society and NTBA will proceed where possible to:

- Reform professional standards;
- Share practical tools to assist workplaces;
- Positively promote diversity when participating in selection for silk or judicial and other appointments;
- Address information deficits;
- Encourage financial support; and
- Facilitate mentorships.

PROFESSIONAL STANDARDS	
Adoption of the Australian Solicitor Conduct Rules (ASCR) and NTBA rules	The ASCR includes provisions that make it a matter of conduct to engage in bullying and harassment. The adoption of these rules will be an important indicator that this behaviour is not acceptable in a professional context and will bring the Northern Territory into line with many other Australian and international professional standards.
PRACTICAL TOOLS	
Communicate and share tools	Whilst larger firms have put in place measures to address diversity, there are challenges for smaller firms/ chambers and remote firms. Similarly whilst larger firms and employers e.g. Northern Territory Government (NTG), have put in place measures to offer flexible work practices, there are challenges for smaller firms and barristers. The Society and NTBA will play a role in sharing information and practical tools.
PROMOTING DIVERSE CANDIDATES	
Diversity on the bench	The Society and the NTBA play a role in appointments to judicial office (and similar) and will ensure that there are no impediments to the diversity of candidates considered for appointment.
Diversity at the bar	Individual direct approaches to potential female applicants to join the Bar have delivered success. The Society and NTBA will explore a means of encouraging diverse applicants more regularly. This will include recruiting female judges, magistrates and senior solicitors to make direct approaches.
Sponsorship to achieve silk	The Society and the NTBA play a role in appointments to silk There are currently a number of obvious female candidates for silk that ought succeed if they apply. It is important that appropriate individuals within the Society and NTBA have awareness of diverse candidates.

ADDRESSING INFORMATION DEFICITS	
Work mix of female barristers existing and recent entrants	<p>The existing women at the Bar with established practices all seem to have successful and very busy practices and enjoy the support of solicitors. Further information could be gathered regarding these barristers' perceptions of barriers and recommendations for future initiatives. Subject to this input, there is an opportunity to consider a surveys of:</p> <ul style="list-style-type: none"> • Solicitors' briefing habits; • Comparisons of work-mix (quantity, quality, value); • The impact of gender v experience on work mix.
Diversity among senior appointments in firms and government sector	<p>It is generally considered that NT has a good track record of promoting women to senior roles. There is an opportunity to gather baseline data for future comparison.</p>
FINANCIAL	
Financial barriers to commencement at the bar	<p>Some chambers e.g. William Forster Chambers (WFC), have been offering financial support to get more women at the Bar. This initiative seems to be working. In 2014/15, six (6) out of seven (7) new barristers joining WFC were female. There is an opportunity to share this learning with other chambers, to encourage participation.</p>
Business case for diversity	<p>Whilst it is accepted that there is a clear business case for diversity, the Society and NTBA will play a role in ensuring this information is readily available and acknowledged.</p>
COLLEGIALITY	
Encourage mentorship and sponsorship across the legal profession	<p>Important support for new recruits to the Bar has been derived from the NTWLA and other senior women in decision making positions. This mentorship and support appears to be important to the development of their practices. The Society and NTBA will explore opportunities to encourage this support.</p>
Connection with Charles Darwin University (CDU)	<p>Some female barristers have continued to work at the Bar whilst engaging in work at CDU. The Society and NTBA should investigate strengthening these connections and promoting positive diversity messages to students.</p>
Mentorship to achieve silk	<p>Female candidates for silk will benefit from mentoring and sponsorship. Given low numbers, the Society and NTBA will open avenues for mentorship from interstate female silk particularly in relation to practice development/getting into better quality work.</p>
Focus on work-life balance activities	<p>Continued promotion of work-life balance and healthy lifestyle through sports and recreation, ensuring events are family friendly.</p>

6. HOW WILL WE MONITOR AND EVALUATE THE SUCCESS OF THIS STRATEGY?

The latest demographics of the Northern Territory legal profession were published in *Balance* edition 1/2014. This data will again be published in edition 2/2015. Data that could inform the Society about the other aspects of diversity of the profession is not collected and as such gender diversity is possibly the only available indicator.

There are a number of information deficits identified above and the Society and NTBA will explore opportunities to increase the available information to identify successful strategies. Where possible activities will identify a success measure.

7. WHAT IS THE CONSULTATION AND DECISION PATH OF THIS STRATEGY?

This Strategy to be reviewed and input sought from:

- Legal Practice Committee – who will monitor the implementation;
- Executive;
- Council (will approve the strategy);
- Membership will be invited to comment;
- Staff of the Secretariat (who will implement);
- This strategy can be reported on annually in the annual report or alternatively supervision of the strategy can be placed with one of the Society's Committees or CEO.