

Gender Equity initiatives undertaken by



THE LAW SOCIETY
OF SOUTH AUSTRALIA
THE VOICE OF THE SOUTH AUSTRALIAN LEGAL PROFESSION

**Presentation to the 2016 Australian Women Lawyers' Conference by
David Caruso, President**



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Gender Equity Working Group

Established by the Society's Council on 5 May 2014

The Working Group's role is to consider, report and make recommendations to Council as to

- Equitable Briefing policy
- Judicial appointments
- Senior Counsel appointments
- Responses to the Law Council in relation to the NARS study and report
- Responding to the HREOC Report on maternity leave and return to work following maternity leave
- Wages equity
- Promotion of women in private practice and in public employment environments, including but not limited to, women as Partners of firms and women in senior positions within government departments.



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Diversity and Equality Charter

- Adopted by the Council on 2 June 2015

The Australian legal profession is committed to promoting diversity, equality, respect and inclusion consistent with the principles of justice, integrity, equity and the pursuit of excellence upon which the profession is founded. We recognise that diversity benefits the legal profession and the community as a whole.

Accordingly, the Australian legal profession and its members:

- *treat all people with respect and dignity regardless of sex, sexuality, disability, age, race, ethnicity, religion, culture or other arbitrary feature*
- *create and foster equality through a supportive and understanding environment for all individuals to realise their maximum potential regardless of difference*



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- *promote and support a strong and fair legal profession comprising, accommodating, encouraging and respecting a diverse range of individuals and views*

- Identical terms to the LCA's Charter

- Advised and recommended to Members

- The LCA's website records that the following SA firms/firms with an SA office/sole practitioners in SA have signed up
 - Ashursts
 - Cowell Clarke
 - Hume Taylor
 - Lynch Meyer
 - Tindall Gask Bentley
 - Ms Claire O'Connor SC



Consultation Meeting held on 28 April 2015

- To find out what women, in particular, would like the Society to focus on within the parameters of what NARS will address.
- Approximately 45 attendees

Report and Review Meeting held on 17 November 2015

Gender Equity Webpage

The Society's website:

- sets out the business case for gender equity
- links to the Society support services for its Members
- advises the “Diversity and Equality Charter” and a link to LCA to sign up
- provides information on key contact groups for women, childcare and parenting resources
- links to the “Women at the Bar” Committee established by the SA Bar Association and the LCA's flexible work practices website.
- links to the report of the Society's 2014-15 Practising Certificate Survey.



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Gender Equity

The Law Society's Gender Equity online resource hub is an initiative of the Gender Equity Working Group. This Group will drive the Law Society's gender equity by making recommendations to Council on matters relating to gender equity.

[Read the Gender Equity Working Group's terms of reference](#)
[Final the Rules of the Society \(amended AGM 28 October 2015\)](#)

The Law Society supports gender equity in the legal profession. As community leaders and advocates for justice and equality, lawyers are well placed to advance the cause for gender equity and set an example for the community and employment sector.

A business case for gender equity

The Society believes that as well as being a matter of equity and freedom from discrimination, there is a strong business case for gender equity. Studies have shown that businesses that have strong female representation in senior levels achieve higher levels of productivity, profitability, and talent retention, as well as minimising liability and enhancing the reputations of the business. [read](#) the Federal Government's business case for gender equality.



Practitioner Support

The Law Society of South Australia provides a number of services to assist members to reduce the pressures of practice and improve their health and well-being.



Diversity and Equality Charter

On 2 June 2015, the Law Society adopted the Law Council's Diversity and Equality Charter. [Sign up](#) for this Charter.



Key Contacts

[Gender Equity Working Group](#)
[Women Lawyers' Committee](#)
[Women Lawyers' Association of SA](#)
[Women on Boards](#)
[Women's Legal Service \(SAIL\) Inc](#)



A report commissioned by the Law Society of South Australia.



“Step Up to the Bar” Program

- The Society supported the establishment of the “Step up to the Bar” program introduced by the Courts Administration Authority for females wishing to join the Independent Bar.
- Every year, one female practitioner will work with a Judicial Mentor to gain experience and exposure to complex legal cases and work closely with the judiciary.
- The participant is engaged as a Legal Officer on a 12 month contract and appointed to multiple Justices of the Supreme Court on a rotation basis.
- An exemption from Section 30 of the *Equal Opportunity Act 1984* was obtained to allow the program to involve only female practitioners.

Court Sitting Hours

- The Society and the “Women at the Bar” group proposed to the Chief Justice that the Courts follow the example of the Federal and some NSW Courts to adopt a protocol for Court Sitting Hours
- The Judges of the Supreme Court have adopted a “Certainty in Sitting Hours” protocol
- The protocol aims to ensure that consideration is given to the family or other carer responsibilities of practitioners who are parties to a matter.



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Certainty in Sitting Hours Proposal

Where appropriate, the Court will consider the following:

That the parties be notified at the earliest possible time of a proposal to commence proceedings any time before 9:30am or to sit beyond 4:30pm.

If possible, 24 hours' notice be given of a proposal for an early start date and notice of extended sitting hours be given no later than prior to the luncheon adjournment on the day it is proposed to sit the extended hours.

In considering whether or not to set extended hours, the family or other carer responsibilities of practitioners are relevant considerations and the judge should give practitioners an opportunity to raise any such commitments.

It is noted that these suggestions may not be appropriate for:

Circuit sittings;

Bail applications; or

Duty lists.

The suggestions listed above are intended for guidance only and are not binding.



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Gender Balance in Governance – Society Council

At the Annual General Meeting of the Society on 27 October 2015, Members passed amendments to the Rules of the Society which entrench gender balance in the constituency of the Society’s Council.

The changes, which come into effect from the 2016 elections (i.e. for the 2017 year)

- Introduce a definition of “man” and “woman”

Man includes the plural and includes a person who identifies as a male or non-specific gender.

Woman includes the plural and includes a person who identifies as a female or non-specific gender.

- Insert a statement of intention in relation to diversity, in the Society's Mission Statement

The Society is enhanced by the full and effective involvement of its members irrespective of their background, race, religion, age, sex, sexual orientation, gender identity or intersex status.

The Society will promote the broad diversity of its membership on all governing and policy committees.

- Provide that there will be two Vice-Presidents, one male and one female
- Divide the 16 positions for Metropolitan Members into 8 positions reserved for males and 8 reserved for females.

Gender Balance in Education and Work – Society CPD Presenters and Briefs by the Society

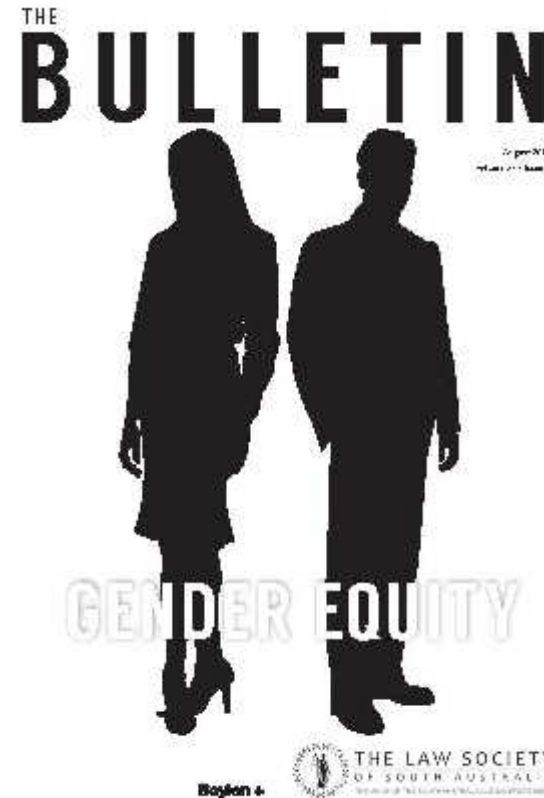
The Society has implemented policies and commenced collection of statistics as to:

Gender balance of presenters for its CPD offerings (including those who are approached but decline/are unavailable); and

Counsel briefed by the Society.

Gender Equity edition of the *Bulletin* – August 2015

- *The psychology of unconscious bias*
By Dr Carolyn Semmler
- *Towards a diverse and inclusive profession*
By Fiona McLeod and Stuart Clark
- *Flexible arrangements: making it work*
By the Women Lawyers' Committee
- *Women in the Law: advancing in the legal profession*
By Christina von Meunster



2014–15 Practising Certificate Survey

With the approval of the Chief Justice, the Society included a survey with the 2014-15 Practising Certificate renewal documentation.

There were 343 respondents to the survey (all practising barristers and solicitors), being 11% of all barristers and solicitors.

The report is available on the Society's website.

The report includes detailed data on areas of practice, hours worked and wages paid with gender as one of the criteria by which statistics are presented.

From a gender perspective, key findings in the report include:

- 29% of males had practised over 30 years, compared to 6% of females
- 41% of females work part time, compared to 13% of males
- more females (85%) were leaving the profession for lifestyle reasons compared to males (15%)



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2014–15 Practising Certificate Survey (cont'd)

- there was a higher representation of women in government positions, non-legal and “other” legal employment
- a higher proportion of males worked in Commercial law (63%) and Wills and Estates (60%) to females (37% and 40% respectively).
- Conveyancing (73%), Corporate Law (74%), Small Business (81%) and Banking (94%) also had high proportions of males compared to females.
- females were more strongly represented in Other Law (61%) or Administrative Law (55%)
- close to 2/3 of Directors (63%) and nearly half (48%) of Equity Partners have over 30 years' experience, compared to 11% of employees
- the average income for all females (\$90,164) was \$34,548 less than males (\$124,712), but note...



2014–15 Practising Certificate Survey (cont'd)

- when years since admission is taken into account, the average difference between male and female reported income was \$20,172 per year
- full time practitioners reported higher average incomes (\$121,427) compared to those who worked part time (\$77,222) which also accounts for certain differences between reported incomes for males and females
- females reported lower mean incomes across all “years since admission” categories with the exception of those admitted for 1 year or less, for which females had very slightly higher mean income (\$53k) compared to males (\$52k).

Specialist Refresher Course – Returning to the Legal Profession Following Extended Leave

A 2 hour workshop is scheduled for 26 May 2016 for legal practitioners who are returning to or contemplating a return to the legal profession following an extended period of leave.

The program will include

- Updates from Law Society Business Units including LawCare, Membership Services, Ethics and Practice and Law Claims
- Presentations on 'areas of law' written update reports. These summarise recent changes to the relevant area of law along with a summary of useful resources that have been prepared by the Society's Special Interest Committees
- A 'reflection style' panel presentation involving practitioners who have recently returned to the legal profession following extended leave.



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Diversity edition of the *Bulletin* – March 2016

- *What can pirates teach us about treating people with disabilities?*
By Graeme Innes
- *Flexible worker profile*
By Sarah Bartholemeusz
- *Born this way: The pursuit of one's identity*
By Heather Stokes
- *Reviewing SA's discriminatory laws*
By Stacey Rowse
- *The call for Asian cultural diversity in the legal profession*
By Jing Zhu and Helen Tung

