

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Budget Estimates 2017 - 2018

Agency - Fair Work Commission

Department of Employment Question No. EMSQ17-004117

Senator Cameron asked on 30 May 2017 on proof Hansard page 18

Question

FWC - Policies relation to gender balance for briefing counsel

Senator CAMERON: Does the Fair Work Commission have any policies relating to gender balance for briefing counsel?

Ms Carruthers: Again, I think this refers back to the Legal Services Directions. I will need to take that on notice.

Answer

The Fair Work Commission is governed by the requirements of Appendix D of the *Legal Services Directions 2017* regarding the engagement of Counsel. Rules 4C and 4D of Appendix D provide:

Rules about selection of counsel

- 4C All barristers are to be selected for their skills and competency independently of their gender. A Commonwealth agency is to ensure that arbitrary and prejudicial factors do not operate to exclude the engagement of female barristers or to limit the range of barristers being considered for the brief.
- 4D In selecting counsel, all reasonable endeavours are to be made to:
 - (a) identify all counsel in the relevant practice area
 - (b) genuinely consider engaging such counsel, and
 - (c) regularly monitor and review the engagement of counsel.