



# **2024 Review of Harassment in the South Australian Legal Profession**

**Report by Equal Opportunity SA to the Attorney-General**

**December 2024**



**Government of South Australia**  
Equal Opportunity SA

The Hon Kyam Maher MLC

Attorney-General

Dear Attorney-General

In accordance with your letter of commission dated 9 November 2023, I present to you the report and recommendations of the 2024 *Review of Harassment in the South Australian Legal Profession*.

Yours sincerely



Jodeen Carney

Commissioner for Equal Opportunity

4 December 2024

# Support services

Some content in this document may be distressing for some readers. For support, please reach out to the following services:

Lifeline – a 24/7 personal crisis service – 13 11 14

1800Respect – a 24/7 domestic, family and sexual violence service – 1800 737 732

Women’s Safety Services SA – a 24/7 domestic violence crisis line – 1800 800 098

Yarrow Place– a 24/7 rape and sexual assault service – 1800 817 421

QLife – a 3pm to midnight LGBTQIA+ support service – 1800 184 527

13YARN – a 24/7 culturally safe helpline for Aboriginal and Torres Strait Islander people – 13 92 76

BeyondBlue – a 24/7 depression, anxiety and suicide prevention service – 1300 224 636

MensLine Australia – a 24/7 men's support service – 1300 789 978

# Acknowledgements

I am grateful for the strong response to this Review from those who work in the legal profession. The high volume of long-form survey responses far exceeded the number received in 2021 and I express my thanks, admiration, and respect for those who shared their distressing experiences in the hope that change will follow. Your contribution is courageous and invaluable.

Early in the review, the Chief Justice, the Honourable Chris Kourakis, reconvened the Respectful Behaviours Working Group, formed in 2020 as a mechanism for representatives across the legal profession to report on the work each had undertaken to respond to and limit harassment comprising senior representatives from across the legal profession including the courts, the Attorney-General's Department, the Law Society, the Bar Association, the Women Lawyers Association, and educational institutions. I thank him and the group's members for contributing their insights and expertise, and for promoting and participating in the Review's survey.

I thank the Chief Executive of the Attorney-General's Department, Caroline Meador, for the resources she was able to allocate, and the Assistant Commissioner, Colin Marsh, for his dedicated and thoughtful leadership of both the Review and its team. I also thank the team: the Law and Justice interns who worked in our office at various times throughout the year and the lawyers and staff assigned to us when they could be (Kate Brown, Emma Bria, Jayne Marshall and Hannah Zadow). I acknowledge the Adelaide University Law Students' Society whose submission detailing its various strategies to address sexual harassment and discrimination was considered and refreshing.

Finally, I express my thanks to those senior members of the profession who, although unnamed here, generously provided their thoughts, expertise, ideas, and encouragement. Their helpful insights and instructive input are greatly valued and have made this report stronger.

Jodeen Carney

Commissioner for Equal Opportunity

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# **COMMISSIONER'S FOREWORD**

# Commissioner's foreword

The legal profession wants change. In September 2024, the Law Council of Australia (the Council) published a *Public Leadership Statement on Sexual Harassment and Discrimination*. In that statement, the Council committed to pursuing the 'elimination of sexual harassment and discrimination by facilitating positive cultural change across the Australian legal profession' and called on other leaders across the legal and justice system to join them in this commitment.

The Council's statement makes this Review timely, with the data it has captured presenting an important opportunity for the South Australian legal profession to measure and understand the prevalence of sexual harassment, discrimination and bullying within its ranks and identify how to do better.

And do better it must, because the data is disappointing. While there has been some positive movement since our first review in 2021, (notably a reduction in some forms of sexual harassment, an increased willingness by victims and bystanders to take some kind of action, and greater awareness of the issues and the importance of reporting), progress has not been achieved on the scale hoped.

"Harassment" is the collective term used by the Review for bullying, discrimination, and sexual harassment. Each is different, and although there are elements common to all of them, each is unlawful.

Harassment in all its forms persists, and some senior members of the profession, including judicial officers, continue to offend. This is despite the efforts of many to implement the 2021 recommendations and the former Acting Commissioner's advice to senior members that they 'adopt the words of Melbourne barrister Rachel Doyle SC and "Stop it. You ought to be ashamed".'

Perpetrator responses to allegations such as 'Prove it', 'I'll sue for defamation', and 'No one will believe you' – reported by victims during interviews – show that the culture of denial, threat, intimidation and incivility, revealed in the first report, remains. Similarly, the well-known drivers of harassment, including the profession's enabling hierarchical structure and lack of gender equality persist.

Moreover, while complaint processes have improved, the 2024 data shows many victims continue to be fearful of engaging with them except, for the most part, anonymously. Some in the public sector are uncertain or apprehensive about their obligations to report.

All this puts the South Australian legal profession on par with many other professions. But as the Federal Sex Discrimination Commissioner has noted, the legal profession is not any other profession. It administers the law and knows it well and should rightly be held to a higher standard.

It is my hope that the recommendations in this report will contribute to achieving that standard and that working in concert with the regulatory reforms driven by *Respect@Work*, they will begin to address the drivers of harassment and prevent it occurring, improve reporting processes and supports for victims and bystanders, and ensure greater accountability for perpetrators at all levels, including judicial officers.

I urge all who work in the profession and who care about its state to champion change.



Jodeen Carney  
**Commissioner for Equal Opportunity**



# SUMMARY

# Summary

In November 2023, the Attorney-General the Honourable Kyam Maher MLC, requested the Equal Opportunity Commissioner to conduct a follow-up review to understand the impact of the 2021 Review of Harassment in the South Australian Legal Profession.

There were no terms of reference for the Review, however, in accordance with the Attorney's request and Recommendation 16 of the 2021 Review, this Review set out to:

- assess progress made since the 2021 recommendations (Part 1:1)
- consider pertinent changes in the regulatory and operating environments since the 2021 (Part 1:2)
- assess the current state of sexual harassment, discrimination and bullying in the legal profession in South Australia (Part 2:1)
- make new recommendations to address any shortfalls identified and accelerate change (Part 2:2).
- consider any other relevant issues that arose during the course of the Review.

## Methodology and participation

Adopting the methodology of the 2021 Review, EO SA sought written submissions from organisations with some responsibility (either direct or indirect) for implementing the recommendations in the 2021 Report.

It also conducted an anonymous online survey of people currently working in a legal profession workplace or who had done so in the last three years to understand their experience of harassment in the preceding three years, the progress their workplaces had made on implementing the relevant 2021 recommendations; and their views on the issues and challenges in relation to harassment they hoped to see addressed. Interest was strong, with EO SA receiving more than 600 in-scope surveys from individuals across the legal sector as well as 41 written submissions.

## Progress and prevalence

At the time of reporting, progress against the 2021 Recommendations had been steady. Implementation was complete for seven recommendations and had commenced for another five. Four recommendations were partially complete or under consideration (see 1.2).

Despite this progress, more than 50% of the 2024 survey respondents – one in every two – said they had experienced sexual harassment, discrimination or bullying at work in the past three years; and one in two said they had witnessed it.

***Bullying was the most reported form of harassment with two in every five respondents (39.2%) saying they had experienced it in the three years since the 2021 Review.***

***One in five (20.3%) said they had experienced *discrimination*.***

***Three in 20 (16.3%) said they had experienced *sexual harassment*.***

The most common forms of bullying experienced were unjustified criticism or complaints; belittling and humiliating comments; and aggressive and intimidating conduct.

As in 2021, the most common basis for the discrimination reported in the survey was sex, followed by age, caring and parental responsibilities, and race. Of the respondents who experienced discrimination, more than 45% said they experienced less favourable work or employment conditions, and more than 45% were subjected to comments or jokes. Around one in three said they were isolated or ostracised (34.3%) or experienced intrusive or inappropriate questions (31.5%).

In relation to sexual harassment, the most common forms experienced by survey respondents were incidents of suggestive or explicit jokes, comments and insults (63.7%) and intrusive questions about a person's private life or appearance (48.4%).

## **At-risk locations**

As in 2021, the most common location for every form of harassment was the victim's office or workplace. However, two out of every five respondents who had experienced sexual harassment said they had experienced it at work events, and one out of every four said they had experienced it at social events. The other most at-risk locations for bullying and discrimination were the offices of other legal professionals, on social media, and during legal proceedings.

## **At-risk relationships**

Most respondents who had experienced bullying, discrimination or sexual harassment said the perpetrator was someone more senior in their workplace; a line manager or supervisor; or a third party in the legal profession.

More than 20% of respondents who said they had experienced bullying specified that the perpetrator was a judicial officer, as did 10% of those who had experienced discrimination and 9% of those who had experienced sexual harassment.

## **Actions and outcomes**

More than 35% of survey respondents took no action on the incident of sexual harassment or discrimination that had most affected them. For bullying, this figure was 26%. However, many other respondents took at least one action. The most common actions for every form of harassment were speaking informally with either a colleague, workplace representative, manager, supervisor or human resources (HR). The results were similar for those who had witnessed harassment.

As in 2021, formal internal reports were few for every form of harassment: only about 10% of respondents who had experienced harassment and just over 7% of respondents who had witnessed it made an official report in their workplace. For each form of harassment, only 6% of respondents reported achieving a positive outcome through their report.

## **Reporting to complaint bodies**

Just over 5% of respondents said they made a complaint of bullying or discrimination to an external complaint body. This fell to 1% for sexual harassment. The figures were even lower for witnesses. The main reasons given for not reporting to an external body included uncertainty about what would become of the complaint, who would find out about it, how long the process would take, fear of repercussions, and the belief that no action would be taken.

However, when asked what they would do if they witnessed or experienced harassment in the future, almost half (45.6%) said they would make an official report in their organisation and nearly 30% said they would report it to an external body.

## **Action areas and recommendations**

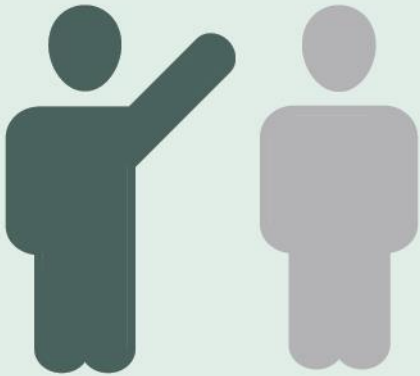
These results show that while seven of the 16 recommendations made in 2021 have been implemented, unlawful behaviours remain prevalent and victims continue to distrust complaint bodies and pathways. This is disappointing but unsurprising given the drivers of harassment (identified in the 2021 Report and elsewhere) remain evident: power and power imbalance; gender inequality; overlapping discrimination; a lack of understanding by the senior practitioner about what harassment is; a sense of entitlement; a lack of accountability; general incivility; and the abuse of alcohol in a work context.

This has important ramifications for the recommendations in this report. While continuing professional development (CPD) is valuable, simply recommending more is unlikely to provide the solutions required.

Instead, this report makes recommendations that enable leaders in the profession to develop change aimed at preventing harassment in all its forms and eliminate, or at least reduce its drivers, and ensure that those who experience harassment have best practice reporting avenues and are encouraged to use them.

# 2024 Survey Data Snapshot

## Prevalence

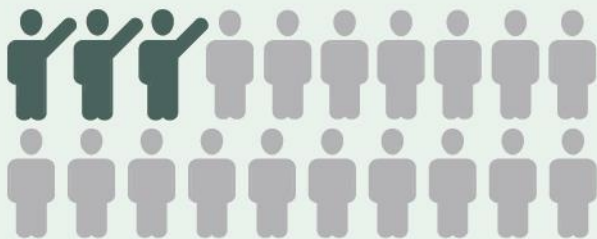


**1 in 2** said they had **experienced harassment**

(‘Harassment’: a collective term for sexual harassment, discrimination, and bullying).



## Sexual harassment



**3 in 20** said they had **experienced sexual harassment**.



**3 in 5**

experienced sexual harassment in their **office or workplace**.



**2 in 5**

experienced it at a **work event**.



**1 in 5**

said the perpetrator was their **line manager or supervisor**.



**1 in 10**

said it was a **judicial officer**.



**1 in 4**

experienced it at a **social event**.

# Discrimination



1 in 5

said they had **experienced discrimination.**



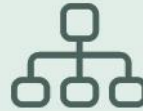
4 in 5

experienced discrimination in their **office or workplace.**



1 in 10

experienced it during a **legal proceeding.**



1 in 2

said the perpetrator was their **line manager or supervisor.**



1 in 10

said it was a **judicial officer.**

# Bullying



2 in 5

said they had **experienced bullying.**



4 in 5

experienced bullying in their **office or workplace.**



1 in 5

experienced it during a **legal proceeding.**



2 in 5

said the perpetrator was their **line manager or supervisor.**



1 in 5

said it was a **judicial officer.**

# Reporting

Most did not report the harassment they experienced or witnessed, **but in the future:**



2 in 5

say they would make an official report **in their workplace.**



1 in 3

say they would make an official report to an **external organisation.**



# RECOMMENDATIONS



# Recommendations

## Recommendation 1

That the Chief Justice reconvene the Respectful Behaviours Working Group (RBWG) to drive, develop, and champion cultural change across the profession aimed at preventing harassment by eliminating its drivers, and that it be adequately resourced to do so.

## Recommendation 2

That the Law Society promote the Australian Human Rights Commission (AHRC) guidance material on the positive duty to all members of the profession along with tailored training to support its full implementation in legal settings. The training should aim to:

- a) build organisational commitment and capacity to eliminate the drivers of sexual harassment by implementing whole of workplace prevention and response plans that are consistent with the AHRC's standards
- b) increase understanding of the AHRC's role in monitoring and enforcing compliance and the capacity of employees to initiate complaints to the AHRC when their employer breaches their positive duty.

## Recommendation 3

That the Law Society consider partnering with a research institute to develop an evidence-based training program that supports the profession in designing workplace systems that reduce the risks of all forms of harassment occurring.

## Recommendation 4

That all legal workplaces:

- a) review the availability, purpose and use of alcohol at work and work-related functions
- b) develop a policy on the safe use of alcohol at work and work-related events that outlines the steps the workplace will take to ensure the safety of all participants; the standard of conduct required of all participants; and the consequences for not meeting the standard.

## Recommendation 5

That all legal workplaces review and update their reporting and complaint handling systems, policies and procedures to ensure they:

- a) protect and advance all workplace rights and responsibilities in relation to harassment (including sexual harassment, discrimination and bullying)
- b) include a clear process for making and handling reports about senior officers that has been developed in consultation with workers.

## Recommendation 6

That the *Legal Practitioners Act 1981* (SA) be amended to provide the Legal Practitioners Conduct Commissioner (LPCC) with the powers to make interim orders that conditions be imposed on the practicing certificates of legal practitioners where the LPCC forms the view that the legal practitioner poses a serious risk to others, or is necessary to protect public health and safety or otherwise in the public interest.

## Recommendation 7

That the *Legal Practitioners Act 1981* (SA) be amended to provide that:

- a) the South Australian Bar Association (SABA) has the same reporting obligations as the Law Society under section 14AB, ensuring that suspected bullying, discrimination and sexual harassment by barristers brought to its attention is reported to the LPCC.
- b) where the Law Society or SABA refer a matter to the LPCC under section 14AB, they must advise the complainant of the referral and any other action taken pursuant to section 14AB unless the complainant expressly advises that they do not want further contact.

## Recommendation 8

That the Attorney-General obtain advice from the Solicitor-General about the extent to which judicial officers and tribunal members are protected against harassment and are prohibited from harassing others under the *Work Health and Safety Act 2012* (SA) (and/or the *Work Health and Safety Regulations 2012* (SA)), and if not, whether amendments are required.

## Recommendation 9

That the State Courts Administration Council and the Presidents of the South Australian Civil and Administrative Tribunal (SACAT) and the South Australian Employment Tribunal (SAET) commission an independent risk assessment of the Courts Administration Authority (CAA), the SACAT and SAET to identify and assess all harassment work hazards, using a work health and safety risk framework and informed by consultations with staff as outlined in Safe Work Australia's *Model Code of Practice: work health and safety consultation, cooperation and coordination*.

## Recommendation 10

That the Attorney-General, in consultation with the Chief Justice, develop and publish a protocol, determination, or framework with clear criteria for the appointment of all judicial officers and which includes:

- a) that an assessment or advisory panel is established to independently vet candidates against published criteria before providing a list of suitable candidates to the Attorney-General who will then consult widely (as per d)
- b) that the published criteria include the requirement that candidates must be of good character and have consistently demonstrated professional respect and courtesy to colleagues.
- c) that candidates must have completed a prescribed harassment awareness training course within the previous two years.
- d) that the Attorney-General consult widely with regulatory and professional bodies including the Legal Practitioners Conduct Commissioner to seek comment on any reason why an appointment should not proceed.

## Recommendation 11

That the Chief Justice amend the appointment criteria for Senior Counsel to provide that:

- a) Senior Counsel must be recognised as being of good character and to have consistently demonstrated professional respect and courtesy to colleagues and clients
- b) the Chief Justice consult with the Legal Profession Conduct Commissioner and other professional and regulatory bodies to seek comment on any reason, including impending disciplinary action, why an appointment should not proceed.
- c) applicants must have completed a prescribed harassment awareness training course within the previous two years.

## Recommendation 12

That the *Judicial Conduct Commissioner Act 2015 (SA)* be amended to require that the Judicial Conduct Commissioner establish guidelines in relation judicial conduct to ensure that the profession and the public are aware of the standard of conduct expected of judicial officers and the consequences for any breach, and that the guidelines have regard to those published by the Council of Chief Justices of Australia and New Zealand.

## Recommendation 13

That the *Judicial Conduct Commissioner Act 2015 (SA)* be amended to provide that the Judicial Conduct Commissioner may investigate allegations of misconduct after a judicial officer has left their position, and that in the event the Commissioner elects not to commence an investigation, he be required to provide to the Legal Practitioners Conduct Commissioner (LPCC) all records pertaining to the matter for consideration by the LPCC as to whether any further or other action is warranted.

## Recommendation 14

That the Attorney-General commission a further review four years from this Review to investigate the prevalence, nature, and reporting of harassment in the South Australian legal profession; assess the profession's progress toward its reduction; and make further recommendations as required.

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# **IMPORTANT NOTES**

# Important notes

## STRUCTURE OF THIS REPORT

This report is in two parts.

**Part 1** provides:

- a review of the key findings and recommendations of the 2021 Review including an assessment of how implementation of the 2021 recommendations has progressed
- a brief review of the regulatory reforms made in response to the *Respect@Work* report and other post-2021 initiatives in the legal profession and elsewhere to better address harassment and support victims.

These developments are presented before the 2024 data because they informed the 2024 Review. They also underpin its findings and influence its recommendations.

**Part 2** details the 2024 Review data and where possible, considers it against data in the 2021 Review and in other research findings such as:

- *Set the standard: report on the Independent Review into Commonwealth parliamentary workplaces* (November 2021)<sup>1</sup>
- *Time for respect: fifth National Survey on Sexual Harassment in Australian Workplaces* (November 2022)<sup>2</sup>
- *Beyond us too? Regulatory Responses to Bullying and Sexual Harassment in the Legal Profession* (April 2022)<sup>3</sup>

It also identifies key areas for action and makes recommendations to address issues of concern.

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<sup>1</sup> Australian Human Rights Commission (AHRC) (2021) [Set the standard: report on the Independent Review into Commonwealth parliamentary workplaces](#).

<sup>2</sup> Australian Human Rights Commission (AHRC) (2022) [Time for respect: fifth national survey on sexual harassment in Australian workplaces](#).

<sup>3</sup> K Pender (2022) [Beyond us too? Regulatory responses to bullying and sexual harassment in the legal profession](#), International Bar Association (2022).



## TERMS, DEFINITIONS AND ACRONYMS

Term	Meaning
Victims and perpetrators	<p>This report refers to the parties of impugned conduct as ‘victims’ and ‘perpetrators’. The Commission acknowledges these terms do not sit comfortably with legal practitioners but considers them appropriate for this Review.</p> <p>As in the Australian Human Rights Commission’s <i>Respect@Work</i> report, ‘victim’ in this report includes people who describe themselves as victims or survivors. ‘Perpetrator’ refers to those who have had an allegation made against them, whether proven or otherwise. Neither term is intended to convey any judgement about the veracity of any accounts or of a person’s legal status.</p>
Business(es) and employer(s)	<p>Australia’s work health and safety laws and regulations confer obligations on ‘persons conducting a business or undertaking’ (PCBUs). This is a broad term used to describe all forms of modern working arrangements under which a person may be engaged to carry out work. For simplicity, this report uses the common terms – business(es) and employer(s) – in place of PCBU(s).</p>
Bullying	<p>Bullying in this report is as defined in the <i>Fair Work Act 2009</i> (Cth): repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety.<sup>4</sup></p>
Discrimination	<p>‘Discrimination’ replaces the term ‘discriminatory harassment’ used in the 2021 report. It includes unfair or unfavourable treatment based on the 14 protected attributes in the <i>Equal Opportunity Act 1984</i> (SA): age, association with a child, caring responsibilities, disability, domestic abuse, gender identity, intersex status, marital status, pregnancy, race, religious dress, sex, sexual orientation, identity of a spouse or partner.<sup>5</sup></p>
Harassment	<p>When used in this report, ‘harassment’ is a collective term for bullying, sexual harassment and discrimination.</p>
Sexual harassment	<p>As in the 2021 report, sexual harassment in this report refers to the definition in the <i>Equal Opportunity Act 1984</i> (SA): ‘an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person being harassed, or a person who engages in other unwelcome conduct of a sexual nature in relation to the person being harassed’.<sup>6</sup></p>
Tribunal members	<p>Some members of tribunals are judicial officers and others are not. References to tribunal members in this report includes judicial officers <i>and</i> members of the South Australian Employment Tribunal (SAET) and the South Australian Civil and Administrative Tribunal (SACAT).</p>

<sup>4</sup> *Fair Work Act 2009* (Cth) S789FD.

<sup>5</sup> *Equal Opportunity Act 1984* (SA) S87(9).

<sup>6</sup> The term ‘sex-based harassment’ is not in the *Equal Opportunity Act 1984* (SA) and was not used in this Review.

<b>Acronym</b>	<b>Meaning</b>
<b>AGD</b>	Attorney-General's Department
<b>AHRC</b>	Australian Human Rights Commission
<b>AIJA</b>	Australasian Institute of Judicial Administration
<b>ASU</b>	Australian Services Union SA + NT Branch
<b>AULSS</b>	Adelaide University Law Students' Society
<b>CAA</b>	Courts Administration Authority
<b>CPD</b>	Continuing professional development
<b>CSO</b>	Crown Solicitor's Office
<b>EAP</b>	Employee Assistance Program
<b>EO SA</b>	Equal Opportunity SA <sup>7</sup>
<b>FWC</b>	Fair Work Commission
<b>GDLP</b>	Graduate Diploma in Legal Practice
<b>JCC</b>	Judicial Conduct Commissioner
<b>LPCC</b>	Legal Profession Conduct Commissioner
<b>LSC</b>	Legal Services Commission
<b>OCPSE</b>	Office of the Commissioner for Public Sector Employment

<sup>7</sup> Formerly referred to as the *Equal Opportunity Commission*.

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<b>ODPP</b>	Office of the Director of Public Prosecutions
<b>OPI</b>	Office for Public Integrity
<b>PLT</b>	Practical Legal Training
<b>SABA</b>	South Australian Bar Association
<b>SACAT</b>	South Australian Civil and Administrative Tribunal
<b>SAET</b>	South Australian Employment Tribunal
<b>SALPCR</b>	South Australian Legal Practitioners' Conduct Rules
<b>SCAC</b>	State Courts Administration Council
<b>VCAT</b>	Victorian Civil and Administrative Tribunal
<b>VEOHRC</b>	Victorian Equal Opportunity and Human Rights Commission
<b>WGEA</b>	Workplace Gender Equality Agency
<b>WHS</b>	Work, Health and Safety
<b>WLASA</b>	Women Lawyers' Association of South Australia

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## METHODOLOGY AND DATA

As in the 2021 Review, the data for this review was gathered through an online survey, written submissions, face-to-face interviews, and a review of selected research.

### Online survey

The online survey was conducted between 14 February and 31 March 2024 and made available to *anyone* who had worked in a South Australian legal workplace in the last three years via an anonymous link on the Equal Opportunity SA (EO SA) website. EO SA promoted this widely through media releases and regular social media posts and gave representative bodies and others a digital communications toolkit (with posters and draft content for social media, newsletters, and websites) so they could also promote it.

The survey aimed to assess change across the profession in the past three years. Comprising 45 questions (12 single answer, 30 multiple choice and three free text), it sought responses to the following five key issues:<sup>8</sup>

1. the extent to which key recommendations from the 2021 Review had been implemented
2. the nature and prevalence of sexual harassment, bullying, and discrimination (collectively 'harassment') since the 2021 Review
3. the actions of survey respondents taken in response to experiences of harassment
4. respondent awareness of complaint mechanisms and their willingness to use them
5. respondent demographics.

Only experiences of harassment that had occurred after the 2021 Review (or that started before the 2021 Review and continued after the publication of its report) were considered in scope.

The Review received 781 survey responses of which 600 were considered in scope.<sup>9</sup>

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<sup>8</sup> Respondents were able to provide further detail in the single and multiple-choice questions if their chosen response was 'Other'.

<sup>9</sup> The review excluded 181 survey responses from the analysis. Reasons for exclusion included: the respondent had never worked in the legal profession or did not confirm that they had; the respondent did not complete enough questions; the respondent had a low reCAPTCHA score and a response time of less than 60 seconds indicating it was a bot.

To ensure respondents stayed engaged with the survey and completed as many questions as possible, the survey logic guided them to the questions relevant to their experience dependent on their previous answers. This meant a different number of respondents answered each question.

As for the 2021 Review, it was not possible to determine the total number of people engaged in the South Australian legal profession before determining an appropriate sample size. However, with around 4,200 legal practitioners currently practising in South Australia, the volume of responses and the diversity of respondents suggests the Review received a representative sample.

Respondent demographics revealed the sample was consistent with the 2021 sample (Table 1).

Table 1: 2024 survey respondent profile <sup>10</sup>	2024%	2021%
Most were women	72.9%	68.4%
Most were aged 31-60 years at the survey date (just over 39% were aged between 31 and 45 in both 2021 and 2024)	68.2%	68.5%
Most described themselves as heterosexual	81.9%	86.8%
Most did not have a disability of disabilities	87.8%	93.9%
Most spoke English as their main language	87.8%	95.8%
Most described their cultural background as Australian	74.6%	NA <sup>11</sup>
Most said they were not of Aboriginal or Torres Strait Islander descent (0.4% said they were)	94.5%	95.8%
Sources: EO SA 2024 Review of harassment in the South Australian legal profession Questions (Qs) 45-51 and Equal Opportunity Commission (2021) <i>Review of harassment in the South Australian legal profession: report by the Equal Opportunity Commission to the Attorney-General</i> 51-53.		

Most respondents (95.5%) were working in the profession when they completed the survey. More than 70% had done so for more than five years and 30% had done so for more than 20 years.<sup>12</sup>

These demographics reflect the *2022 National Solicitor Profile* which showed SA had more female solicitors than male (55% to 45%); most (65%) were aged between 30 and 60 years

<sup>10</sup> The language and response options used for the demographic questions were modelled on research and standards from various sources including the Diversity Council of Australia and the Australian Bureau of Statistics.

<sup>11</sup> Where NA appears in tables the data is not available.

<sup>12</sup> EO SA 2024 Review of harassment in the South Australian legal profession survey question (Q) 42.

(with the mean age 43 years); only 0.6% identified as Aboriginal or Torres Strait Islanders; most worked in the private sector; and more than 70% had worked in the profession for more than five years.<sup>13</sup>

Nearly 40% of the 2024 survey respondents worked in a law firm and almost 30% worked in the public sector in a government office, agency or department. Just over 14% worked in the Courts Administration Authority (CAA) or a tribunal and just over 6% worked in barristers' chambers.<sup>14</sup> Almost 50% of respondents were either associates and solicitors (24.9%) or senior associates and solicitors (21.1%). Less than 8% were barristers and less than 5% were judicial officers.<sup>15</sup>

## Written submissions

EO SA called for general written submissions about experiences of harassment via its website, media release, social media posts, and participant information distributed through stakeholders. It received 2 written submissions from victims of harassment.

To assess the status of the 2021 recommendations, EO SA wrote to organisations, representative bodies, and relevant statutory officers with direct and indirect responsibility for implementing the 2021 recommendations seeking advice on what each of them had done to implement them. They were also invited to provide details of any other initiatives they had instituted since the 2021 Review.

EO SA received 41 submissions about the progress of the 2021 recommendations. They came from the following:

- the Attorney-General – 1
- within, or on behalf of, a court or tribunal – 9
- private law firms – 8
- complaints bodies – 6 (this does not include the Law Society which is counted with representative bodies)
- representative bodies – 5
- public sector organisations – 4 (this does not include courts, tribunals or complaint bodies)
- educational institutions – 4
- individuals – 2
- barristers' chambers – 2.

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<sup>13</sup> Urbis (2023) [2022 National profile of solicitors prepared for the Law Society of NSW](#) 10,14, 20, 25.

<sup>14</sup> EO SA 2024 Review of harassment in the South Australian legal profession Q44.

<sup>15</sup> EO SA 2024 Review of harassment in the South Australian legal profession Q43.

## Face-to-face interviews

EO SA did not intend to conduct face-to-face interviews, however, early in the process, several participants requested them. The Commissioner and Assistant Commissioner conducted 7 interviews with the help of those intermittently assigned to the Review. Of the interviewees, 6 were victims.<sup>16,17</sup>

## Research review

In line with the Review's constrained resources, the Review considered selected research published since the 2021 Review to understand the prevalence of harassment, reporting behaviours, and relevant recommendations from similar reviews in other jurisdictions. The Review also considered pertinent post-2021 changes to the legal and regulatory schemes regulating workplace harassment (namely anti-discrimination laws, the Fair Work system, and work health and safety legislation and regulations). This information is referred to in Parts 1 and 2.

## Using the data

Both data and comments from survey responses and submissions are cited throughout this report. This is because as well as providing quantifiable data about the prevalence and nature of harassment since the 2021 Review and the actions taken to address it, survey respondents also shared their perceptions about the extent to which key recommendations from the 2021 Review had been implemented (discussed in Part 1); their awareness of complaint mechanisms and their willingness to use them (discussed in Part 2); and areas of particular concern they hoped would be addressed in the future (discussed in Part 2).

Additionally, submissions included status updates on the 2021 recommendations (discussed in Part 1) as well as commentary on a range of concerns related to the prevalence and nature of harassment in the South Australian legal profession since the last review; the effectiveness of complaint mechanisms; and potential actions to address issues of concern (discussed in Part 2).<sup>18</sup>

To ensure confidentiality, any references to specific individuals, positions or workplaces have been removed or changed.

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<sup>16</sup> Several interviews were joint submissions – so more people were interviewed than interviews conducted.

<sup>17</sup> The use of the term 'victim' is explained in the notes on language in this report.

<sup>18</sup> This Report focuses on common themes emerging in the survey responses and submissions so some other issues in the survey responses and submissions do not appear.

## Limitations to comparing the 2021 and 2024 survey data

A key aim of this Review was to assess the current state of harassment in the legal profession in South Australia and to understand what had changed since the first review in 2021. However, in this report, comparisons between the survey data collected for each review are limited because of the following differences between the two surveys:

- The 2024 survey collected data from people who had worked in the profession since 2021 only. The survey logic was designed to ensure those who had left the profession before 2021 were unable to respond to the survey questions and were instead invited to make a general written submission.<sup>19</sup>
- The 2024 survey asked respondents about their experience of bullying as well as their experience of sexual harassment and discrimination. Bullying was not included in the 2021 survey.
- The 2024 survey was concerned only about the incidents of sexual harassment, discrimination and bullying that had occurred in the previous three years. The 2021 survey asked respondents if they had ever experienced sexual harassment or discriminatory harassment.
- Some questions were asked in 2024 that were not asked in 2021 and vice versa, and some questions asked in both surveys offered different options for answers. This is particularly so for questions around bullying, discrimination, reporting and reporting intention.

However, it is still possible to make constructive comparisons about the nature of harassment – what unlawful behaviour occurred, who experienced it, where it occurred and the relationship between victims and perpetrators – and these are in Part 2.

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<sup>19</sup> There are many reasons for this. For example, in 2021, the survey canvassed specific items so as to address the terms of reference. The 2021 reviewers noted a relatively high respondent dropout rate as a result so the survey logic and questions in the 2024 survey were structured to reduce such a dropout rate.



# **PART 1: 2021-2024**

# Part 1: 2021-2024

**Chapter 1:** a review of the key findings and recommendations of the 2021 Review, including an assessment of how implementation of the 2021 recommendations has progressed.

**Chapter 2:** a brief review of the regulatory reforms made in response to the Respect@Work report and other post-2021 initiatives in the legal profession and elsewhere to better address harassment and support victims.

# 1. The 2021 Review

In October 2020, when the South Australian Parliament passed a motion seeking an independent review into harassment in the legal profession, the Chief Justice of the High Court had recently investigated the sexually harassing conduct of a former Justice of that court (2019-20).

The Sex Discrimination Commissioner had published the *Respect@Work* report (March 2020) concluding that:

‘Workplace sexual harassment is prevalent and pervasive: it occurs in every industry, in every location and at every level in Australian workplaces. Australians, across the country, are suffering the financial, social, emotional, physical and psychological harm associated with sexual harassment. This is particularly so for women. This behaviour also represents a very real financial impost to the economy through lost productivity, staff turnover and other associated impacts.’<sup>20</sup>

A review of sexual harassment in Victorian courts was underway (August 2020).<sup>21</sup> A review into harassment in the South Australian Parliament was soon to commence (late 2020); as was the independent review into Commonwealth Parliamentary workplaces (March 2021).<sup>22,23</sup> Workplace sexual harassment was front page news around the nation so it was timely to examine the legal profession in South Australia.

The 2021 Review was charged with inquiring into the prevalence of harassment, including sexual and discriminatory harassment, in the legal profession; considering the adequacy of the laws and processes for making complaints about harassment; and making recommendations to improve them.

<sup>20</sup> Australian Human Rights Commission (AHRC) (2020) [Respect@Work: national Inquiry into sexual harassment in Australian workplaces](#) 13.

<sup>21</sup> Dr H Szoke, (2021) [Review of sexual harassment in Victorian Courts and VCAT: report and recommendations](#), Victorian Equal Opportunity and Human Rights Commission (VEOHRC) (2021).

<sup>22</sup> Equal Opportunity Commission (2021) [Review of harassment in the South Australian parliament workplace: report by the Equal Opportunity Commission to the houses of the South Australian Parliament](#).

<sup>23</sup> Australian Human Rights Commission (AHRC) (2021) [Set the standard: report on the Independent Review into Commonwealth parliamentary workplaces](#).

## 1.1 KEY FINDINGS

The ensuing *Report of Review of Harassment in the South Australian Legal Profession*, released in April 2021 (the 2021 Review/Report), revealed widespread sexual and discriminatory harassment in the South Australian legal profession. More than 40% of respondents who answered the primary questions about prevalence – two in every five – reported that they had experienced sexual or discriminatory harassment in the legal profession. One in three had experienced it more than once. Discrimination, particularly on the basis of caring responsibilities, was common, and many interview participants reported work practices reflecting gender bias.<sup>24</sup>

Almost 75% of those who had been sexually harassed – three in every four – had experienced it in an office or other workplace, and more than 50% had experienced it at a work event. One in 10 had experienced sexual harassment *during* legal proceedings. Four out of every five incidents were perpetrated by a person in the workplace *more senior* than the victim (80.2%).<sup>25</sup>

The Report found that several workplace features actively contributed to this unedifying result including: a patriarchal and hierarchical culture characterised by intense competition and widespread incivility; a lack of cultural diversity; a deeply entrenched gender bias; and a culture of silence in which instances of harassment were minimised, normalised and kept quiet.<sup>26</sup>

These cultural features were also a barrier to reporting, with almost 70% of survey participants who had experienced sexual harassment – more than two in every three – electing not to report it because they did not understand or trust the reporting process; were afraid of experiencing repercussions on their career and work life; or were inhibited by a workplace culture where it was considered best not to ‘rock the boat’.<sup>27</sup>

The clear message from many who participated in the 2021 Review was that harassment in the legal profession would not be reduced by increasing the number of formal complaints

<sup>24</sup> Equal Opportunity Commission (2021) [Review of harassment in the South Australian legal profession: report by the Equal Opportunity Commission to the Attorney-General](#) 55-72.

<sup>25</sup> Equal Opportunity Commission (2021) [Review of harassment in the South Australian legal profession: report by the Equal Opportunity Commission to the Attorney-General](#) 61. The 2021 Report found 80.2% of behaviours involved a person more senior in the workplace, including a line manager or supervisor (27.2%) (Q12).

<sup>26</sup> Equal Opportunity Commission (2021) [Review of harassment in the South Australian legal profession: report by the Equal Opportunity Commission to the Attorney-General](#) 88-96.

<sup>27</sup> Equal Opportunity Commission (2021) [Review of harassment in the South Australian legal profession: report by the Equal Opportunity Commission to the Attorney-General](#) 74-85.

brought by victims. Rather, the profession must scrutinise its ethos and work to foster mutual respect and civility through greater diversity and inclusive practices, with those in authority modelling professional and supportive conduct and calling out gender bias and harassment, and victims of harassment appropriately supported to make complaints so that the complaint process might ultimately 'equalise harassed and harasser.'<sup>28</sup>

The Report made 15 recommendations aimed at continuing to drive education and cultural change within the profession and stamping out all forms of harassment. The recommendations are discussed in 1.2. An additional recommendation was that the Attorney-General commission a further review within three years, thus enabling an assessment of the profession's response and a review of its progress. Hence this report.

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<sup>28</sup> Equal Opportunity Commission (2021) [Review of harassment in the South Australian legal profession: report by the Equal Opportunity Commission to the Attorney-General](#) 6.

## 1.2 STATUS OF THE 2021 RECOMMENDATIONS

*“Prompt and comprehensive implementation of all of the Commission’s recommendations will demonstrate that leadership across the legal profession is committed to a safe, respectful and inclusive environment for everyone.” – Acting Commissioner Halliday<sup>29</sup>*

In order to assess the status and impact of the recommendations made in 2021, this Review sought submissions from the people and organisations responsible for their implementation. It also asked survey respondents for their views on how implementation was progressing in their workplaces.

More than 570 survey respondents shared their views. As already noted, the Review also received 41 written submissions. These include eight from private law firms, two from barristers’ chambers, and four from educational institutions, as well as submissions from the following public sector agencies:

- Attorney-General’s Department (AGD)
- Office of the Commissioner for Public Sector Employment (OCPSE)
- Crown Solicitor’s Office (CSO)
- Courts Administration Authority (CAA)
- Judicial Conduct Commissioner (JCC)
- Legal Profession Conduct Commissioner (LPCC)
- Legal Services Commission (LSC)
- Office of the Director of Public Prosecutions (ODPP)
- Office for Public Integrity (OPI)
- Safe Work SA (SWSA)
- South Australian Civil and Administrative Tribunal (SACAT)
- South Australian Employment Tribunal (SAET)
- Independent Commissioner Against Corruption (ICAC).

It is important to note that the private sector legal workforce is significantly bigger than the public sector legal workforce, however this is not reflected in the level of participation by private law firms in this Review which is disappointing.<sup>30,31</sup>

<sup>29</sup> Equal Opportunity Commission (2021) [Review of harassment in the South Australian legal profession: report by the Equal Opportunity Commission to the Attorney General](#), p9

<sup>30</sup> Advice provided to the Review by the Attorney-General’s Department on 18 September 2024 stated that most of the public sector legal workforce (1,700 lawyers and non-lawyers) resides in the Attorney-General’s Department and related entities such as the Legal Services Commission and the Courts Administration Authority.

<sup>31</sup> The Law Society advised this Review that there is currently a total legal practitioner population of 4641, of which only 877 (19%) are in government practice.

Nevertheless, the Review determined that implementation was complete for seven recommendations and had commenced on five others. Four recommendations were partially complete or under consideration (Table 2).

<b>Recommendation</b>		<b>Responsibility</b>	<b>Status</b>
<b>R1</b>	Workplace equality and respect standards	All legal workplaces	Commenced
<b>R2</b>	Updated policies, procedures and processes	All legal workplaces	Commenced
<b>R3</b>	Positive duty in the <i>Equal Opportunity Act 1984</i> (SA)	Attorney-General	Under consideration
<b>R4</b>	Increased in-house CPD in harassment	Some legal workplaces <sup>32</sup>	Commenced
<b>R5</b>	Training, programs and resources for judicial officers	SCAC	Complete
<b>R6</b>	Review of ethics training	Universities & PLT providers	Complete
<b>R7</b>	Amendments to the Legal Practitioners Act 1981 (SA) re: <ul style="list-style-type: none"> <li>SA Bar Association Barristers' Conduct Rules</li> <li>LPCC and LPDT powers</li> </ul>	Attorney-General	Complete Under consideration
<b>R8</b>	(1) Legal Profession Conduct Commissioner funding for: <ul style="list-style-type: none"> <li>two additional investigative solicitors</li> <li>an online portal for informal reports and formal complaints</li> </ul> (2) Amendments to the <i>Legal Practitioners Act 1981</i> (SA) for compliance audits and management system directions	Attorney-General	Complete – not required Complete Under consideration
<b>R9</b>	Legal Practitioner Disciplinary Tribunal appointments	Chief Justice <sup>33</sup>	Complete
<b>R10</b>	Amendments to s13 of the Evidence Act 1929 (SA)	Attorney-General	Complete – not required
<b>R11</b>	Funds for an EO SA dedicated enquiries officer	Attorney-General	Complete – not required
<b>R12</b>	Amendment to s93(2) of the Equal Opportunity Act 1984 (SA)	Attorney-General	Under consideration
<b>R13</b>	Instrument for information sharing re complaints	Attorney-General	Commenced
<b>R14</b>	Victim-centred nondisclosure agreements	All legal workplaces	Commenced
<b>R15</b>	Public availability of <i>2021 Report</i>	Attorney-General	Complete
<b>R16</b>	Follow-up review	Attorney-General	Complete

<sup>32</sup> This recommendation applied only to legal workplaces providing in-house continuing professional development (CPD) at the time of the 2021 Report.

<sup>33</sup> Appointments are made by the Governor on the nomination of the Chief Justice. The Attorney-General receives recommendations from the Chief Justice and progresses them via Cabinet to the Governor.

## Recommendation 1

That all legal profession workplaces consider implementing the *Workplace Equality and Respect Standards* developed by Our Watch (or equivalent).<sup>34</sup>

### Status: Commenced

Almost 40% of survey respondents said their workplace had implemented the *Workplace Equality and Respect Standards* (the WER standards) – 30% had done so since the 2021 Review and 9% had done so before that Review. Approximately 15% said the WER standards had not been implemented and more than 40% did not know. This suggests many workplaces are yet to appreciate the standards' value.<sup>35</sup>

None of the few private law firms, barristers' chambers, or government agencies advised that they had implemented the WER standards. However, several stated that they complied with the standards through other mechanisms.

For example, in their submissions, the Courts Administration Authority (CAA) and the South Australian Civil and Administrative Tribunal (SACAT) advised that while they had not implemented the WER standards, their pertinent policies and instruments reflected those standards.<sup>36,37</sup>

One law firm advised that it was a Workplace Gender Equality Agency (WGEA) employer of choice for gender equality and another that it was a signatory to the *Charter for the advancement of women* (the Charter) produced and promoted by the Women Lawyers Association of South Australia.<sup>38,39</sup>

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<sup>34</sup> Our Watch (2022) [Workplace equality and respect standards](#).

<sup>35</sup> EO SA Review, 2024 survey Q9 n=589.

<sup>36</sup> Courts Administration Authority, *Submission to EO SA 2024 Review of harassment in the legal profession (SA)* (3 April 2024) 1-2.

<sup>37</sup> South Australian Civil and Administrative Tribunal, *Submission to EO SA 2024 Review of harassment in the legal profession (SA)* (28 March 2024) 2.

<sup>38</sup> The Workplace Gender Equality Agency (WGEA) [Employer of choice for gender equality citation](#) encourages, recognises and promotes organisations' active commitment to achieving gender equality in Australian workplaces. WGEA awards the citation for two years, after which organisations can reapply. WGEA has awarded 115 citations.

<sup>39</sup> Women Lawyers Association of South Australia (WLASA) (2019) [Charter for the advancement of women](#). The purpose of the Charter is to ensure that female lawyers in South Australia are afforded as much opportunity in their careers as their male counterparts. Any signatory to the Charter is committing to ensuring that female lawyers within their organisations are provided with equal opportunity and inclusive workplace cultures.



The Attorney-General's Department advised it was also a signatory to the Charter as well as being White Ribbon Accredited and a member of Equal Opportunity SA's WE'RE EQUAL initiative.<sup>40,41,42</sup>

While not identical to the WER standards, both the WGEA citation criteria and the Charter require a commitment to workplace gender equality and encourage direct change to address cultural issues.

## Recommendation 2

That all Persons Conducting a Business or Undertaking (PCBUs) of a legal nature in South Australia review and, where necessary, update, their policies, procedures and processes (including staff induction materials) to ensure that they eliminate or ameliorate, as far as is practicable, risks of harm arising from sexual and discriminatory harassment, by:

- developing, implementing and monitoring work health and safety systems with respect to psychological hazards
- encouraging diversity and inclusion, including in recruitment processes
- declaring that sexual and discriminatory harassment will not be tolerated
- clarifying acceptable and unacceptable conduct
- detailing internal and external complaint-handling procedures
- underlining the need to maintain confidentiality about complaints
- outlining internal and external support and services in the event of harassment, including links to relevant websites
- specifying the need to keep and secure store records regarding complaints of harassment, for six years after they are made.

### Status: Commenced

In its submission, the Australian Services Union SA + NT Branch (ASU), which represents practitioners and support workers in the non-government legal sector, expressed uncertainty about actions taken by workplaces to update policies, procedures and processes in keeping

<sup>40</sup> Attorney-General's Department, Chief Executive, *Submission to EO SA 2024 Review of harassment in the legal profession (SA)* (3 April 2024) 2.

<sup>41</sup> The [White Ribbon workplace accreditation program](#) requires a workplace to establish and implement practices, policies and procedures to create a healthy and safe workplace culture as outlined in the White Ribbon standards. Accreditation stands for 1 year from the date of assessment and evaluation after which workplaces can uphold their accredited status by adopting the Leading workplace status, by way of annual membership to the program.

<sup>42</sup> Members of EO SA's [WE'RE EQUAL](#) sign a statement of commitment to treating everyone equally, regardless of their age, ability, gender diversity, sexuality, relationship and reproductive status, race, religion, and culture.

with this recommendation and submitted that more proactive measures by employers were needed.<sup>43</sup>

These concerns are borne out by the survey data. While at least 30% of respondents indicated their workplace had taken each of the key actions, nearly 35% said either no action had been taken (13.6%) or they didn't know what action had been taken (20.7%) (Table 3).

As already noted, input from law firms and barristers' chambers was limited. The few who made submissions considered they had reviewed their policies in accordance with Recommendation 2, as did the following public sector agencies: the Attorney-General's Department (AGD) (including the Crown Solicitor's Office (CSO) the Legal Services Commission (LSC); the South Australian Civil and Administrative Tribunal (SACAT); and the South Australian Employment Tribunal (SAET)); the Courts Administration Authority (CAA); and the Office of the Commissioner for Public Sector Employment (OCPSE).

**Table 3: Action taken by workplaces to address Recommendation 2 in the 2021 Report**

<b>Actions</b>	<b>Percentage</b>
Declared zero tolerance for harassment	40.7%
Clarified acceptable and unacceptable conduct	38.4%
Encouraged diversity and inclusion	37.9%
Promoted internal and external support services	37.2%
Promoted external complaint-handling avenues	34.0%
Implemented or improved their WHS systems	31.7%
Don't know	20.7%
No action has been taken	13.6%
Other	5.1%
<b>TOTAL NUMBER OF RESPONDENTS</b>	<b>589</b>
Source: EO SA 2024 Review of harassment in the South Australian legal profession survey results Q10.	

<sup>43</sup> Australian Services Union, *Submission to EO SA 2024 Review of harassment in the legal profession (SA)* (28 March 2024) 1.

### Recommendation 3

That, consistent with Recommendation 15 of the Parliamentary Review, the Attorney-General consider amending the *Equal Opportunity Act 1984 (SA)* to impose a positive duty upon employers to eliminate discrimination, sexual harassment and victimisation.

**Status:** Under consideration

The Attorney-General has advised that this recommendation remains under consideration.<sup>44</sup> The recommendation is in keeping with Recommendation 26 of the *Respect@Work* report that the Australian Government work with state and territory governments to amend state and territory human rights and anti-discrimination legislation to achieve consistency, where possible, with the *Sex Discrimination Act 1984 (Cth)*, without limiting or reducing protections. As discussed in 2.2.1, the positive duty – established under the *Sex Discrimination Act 1984 (Cth)* in 2022– extends to employers in South Australia.

It requires all businesses and employers to take reasonable and proportionate measures to eliminate, as far as possible, discrimination on the grounds of sex, sexual harassment and sex-based harassment, conduct creating a workplace environment that is hostile on the grounds of sex, and related acts of victimisation.

Some state and territory jurisdictions also have a positive duty in their equal opportunity legislation that applies to all duty holders and to all protected attributes (Table 4).

<b>Legislation</b>	<b>Positive duty</b>	<b>Scope</b>
<i>Sex Discrimination Act 1984 (Cth)</i>	Section 47C	Applies to: <ul style="list-style-type: none"> <li>sex discrimination; sexual and sex-based harassment; conduct creating a workplace environment that is hostile on the grounds of sex; and related acts of victimisation</li> <li>all duty holders under the Act in all protected areas.</li> </ul>
<i>Discrimination Act 1991 (ACT)</i>	Section 75	Will apply to: <ul style="list-style-type: none"> <li>all protected attributes under the Act</li> <li>any ACT government administrative unit, territory authority and territory instrumentality and any individual with management responsibility for these entities from April 2025</li> <li>all other duty holders from April 2027.</li> </ul>

<sup>44</sup> Attorney General, Submission to Equal Opportunity SA 2024 *Review of harassment in the legal profession (SA)* (23 March 2024) 1.

**Table 4: Australian jurisdictions with a positive duty in relation to workplace harassment**

<i>Anti-Discrimination Act 1992</i> (NT)	Section 18B	Applies to: <ul style="list-style-type: none"> <li>• all protected attributes under the Act</li> <li>• all duty holders in all protected areas.</li> </ul>
<i>Anti-Discrimination Act 1991</i> (Qld)	Section 131I	Applies to: <ul style="list-style-type: none"> <li>• all protected attributes under the Act</li> <li>• employers and providers in the following areas: education, accommodation, goods and services from 1 July 2025.</li> </ul>
<i>Equal Opportunity Act 2010</i> (Vic)	Section 15	Applies to: <ul style="list-style-type: none"> <li>• all protected attributes under the Act</li> <li>• all duty holders in all protected areas.</li> </ul>

## Recommendation 4

That all legal profession workplaces which currently deliver in-house Continuing Professional Development (CPD) courses, deliver one CPD course per year for the next five years with respect to bullying, discrimination and sexual harassment, in addition to the fourth unit mandated by the Legal Practitioners Education and Admission Council Rules (LPEAC) 2018.<sup>45</sup>

### Status: Commenced

Submissions revealed that many organisations delivered in-house CPD in harassment for their staff in addition to that delivered by legal professional bodies. However, survey responses showed that not all workplaces offering such CPD do so each year as required by the recommendation. The ASU also submitted that although some in-house CPD sessions on bullying and harassment had been conducted since the last review, it held concerns about their frequency.<sup>46</sup>

More than 50% of respondents said their workplace had delivered a CPD every year. Another 10% said that a CPD had been delivered, but not every year. Importantly, while most respondents had attended CPD on bullying, discrimination and sexual harassment in the past three years, many questioned their quality and effectiveness.<sup>47</sup>

<sup>45</sup> Since 2021, LPEAC has now mandated a fifth session.

<sup>46</sup> Australian Services Union, Submission to *EO SA 2024 Review of harassment in the legal profession (SA)* (28 March 2024) 1.

<sup>47</sup> EO SA 2024 Review of harassment in the legal profession (SA) survey Q11 and 12.

Respondents raised a range of issues including that:

- availability of, and attendance at CPDs, did not equate to behavioural change
- the content covered was not always pertinent to the workplace or issues of concern
- colleagues who were known perpetrators did not take the CPD seriously
- training was sometimes run by known perpetrators
- training did not include non-legal staff
- mandatory annual training was repetitive and not an effective use of CPD
- mandatory training could re-victimised victims.

Comments included the following:

*‘Don’t see any real change except perhaps a bit of fear by harassers. I see CPDs on harassment being run by men with notorious reputations for harassment.’ – 2024 survey respondent*

*‘Whilst the mandatory CPD is a start, I see the partners I work for, who are the perpetrators of the bullying, laugh about it...and say, "I just need to do CPD this is bullshit, waste of my time!"’ – 2024 survey respondent*

*‘The mandatory bullying and harassment CPD is getting very repetitive and frustrating to complete each year. It covers the same topics and is not helpful for continuing professional development. I do not consider it is having the desired effect of increasing reporting or decreasing the undesired behaviours.’ – 2024 survey respondent*

*‘Previous CPDs I have attended, that were presented by lawyers at the firm, tended not to engage with the real issues. For example, focussing on legal definitions and one CPD did not address sexual harassment at all.’ – 2024 survey respondent*

## Recommendation 5

That the State Courts Administration Council, in consultation with the relevant bodies responsible for developing training, programs, and resources for judicial officers, develop a training program on the nature, drivers and impacts of harassment, including sexual harassment for delivery to South Australian judicial officers on an annual basis.

**Status:** Complete

Training opportunities are available to judicial officers. For example, the State Courts Administration Council (SCAC) offers training to all judicial officers during judicial development days each year.<sup>48</sup> This training includes content on the nature, causes and effects of bullying, harassment and sexual harassment, as well as training on judicial behaviour and judicial wellbeing more generally.<sup>49</sup>

Some training sessions are court specific and therefore not available to all judicial officers.

While some sessions occur annually, other sessions are one off and not repeated. Moreover, the available training is not compulsory. This was a concern among survey respondents. Comments included:

*‘...there has still been ZERO compulsory awareness training at any time, for any level of the SA judiciary. This is a glaring failure of the CAA. Further, the CAA has failed to consult with either staff or the Judges as to whether it should occur. Most staff and many judges think it should occur, as unless it is compulsory, those who need it are exactly those who are likely to decline voluntary options.’ – 2024 survey respondent*

*‘Judicial officers also need education about their conduct and the impact on practitioners.’ – 2024 survey respondent*

*‘[A key challenge to addressing harassment is] the ongoing failure of the Chief Justice and the CAA to mandate any form of compulsory harassment training for judicial officers, notwithstanding two serious instances of alleged sexual harassment by sitting Judicial officers in recent times.’ – 2024 survey respondent*

<sup>48</sup> SCAC primary membership comprises the Chief Justice of the Supreme Court, the Chief Judge of the District Court and the Chief Magistrate of the Magistrates Court, alongside other appointed judicial officers. Courts Administration Authority, *Submission to EO SA 2024 Review of harassment in the legal profession (SA)* (3 April 2024) 1.

<sup>49</sup> Courts Administration Authority, *Submission to EO SA 2024 Review of harassment in the legal profession (SA)* (3 April 2024) 2-3.

## Recommendation 6

That the South Australian universities and providers of practical legal training (PLT) review their ethics content with a view to providing a profession-specific perspective of harassment and ensuring that students have a comprehensive understanding of the issue as a means of fulfilling the Legal Practitioners Education and Admission Council's Professional Obligations competency.<sup>50</sup>

### Status: Complete

All South Australian universities and providers of PLT have reviewed and expanded their ethics content. Each university or provider delivers a compulsory ethics course, and each course has been expanded since the last review to better inform students about harassment in the legal profession and their professional rights and obligations.

Some universities or providers also provide information about harassment to students in the context of work experience placements.

The University of South Australia's ethics course, *Lawyers, ethics and society*, now includes a lecture dedicated to harassment in the legal profession. This covers ethical duties and includes a recorded interview with the Legal Profession Conduct Commissioner (LPCC) that discusses the Commissioner's role in dealing with complaints and investigating sexual harassment. Sexual harassment is also discussed in the first-year course *Lawyering and leadership*. These programs, as well as pre-placement training and the pre-vetting of placement providers, aim to better prepare students to deal with potential harassment as legal professionals.<sup>51</sup>

At Flinders University, bullying, discrimination and harassment are discussed in the context of the South Australian Legal Practitioners' Conduct Rules and in the compulsory courses: *Ethics and Professionalism* (undergraduate) and *Ethics and Regulation of the Legal Profession* (postgraduate). Students also receive links to the 2021 Report, the International Bar Association's *Us too report*, support services, Equal Opportunity SA resources as well as to the websites of the Judicial Conduct Commissioner (JCC), the LPCC, the Australian Human Rights Commission (AHRC) and various law societies.<sup>52</sup>

<sup>50</sup> Recommendation 6 referred to PLT providers which are organisations hosting students. The review determined that the recommendation was directed at educational institutions and organisations who provide a Graduate Diploma in Legal Practice (GDLP) or equivalent.

<sup>51</sup> University of South Australia, *Submission to EO SA 2024 Review of harassment in the South Australian legal profession (SA)* (4 March 2024) 2-3.

<sup>52</sup> Flinders University, *Submission to EO SA 2024 Review of harassment in the South Australian legal profession (SA)* (14 March 2024) 4.

At the University of Adelaide, the final year course, *Dispute Resolution and Ethics*, covers professional obligations as well as harassment in the legal profession. Content includes conduct rules; ethical requirements for practitioners (with a focus on inappropriate behaviours such as sexual harassment and bullying); along with discussion of enforcement mechanisms and the support and information services available. It also includes an online interactive resource exploring inappropriate workplace behaviours with case files based on real-world reports; videos from members of the profession providing advice; summaries of workplace rights; and information about what to do if inappropriate workplace behaviours are encountered.<sup>53</sup>

In the Graduate Diploma of Legal Practice (GDLP) program delivered jointly by the University of Adelaide and the Law Society, the relevant compulsory course is *Professional Obligations*. The ethics component of this course makes reference to the South Australian Legal Practitioners' Conduct Rule 42 and provides students with relevant resources including a link to the 2021 Report; a recording about *Keeping yourself safe during the internship*; and a link to the LPCC's website. Before starting a PLT placement, students are also informed about their ethical responsibilities with reference to the LPCC and the South Australian Legal Practitioners' Conduct Rule 42 and receive information about who to contact for help at the Legal Services Commission (LSC).<sup>54</sup>

The College of Law has incorporated a series of online training modules into their PLT program, entitled *Towards a Better Legal Profession for Everyone: Addressing Workplace Bullying and Sexual Harassment*. The modules were initially developed in collaboration with the International Bar Association following the *Us Too* Report and are embedded into the *Ethics and professional responsibility* compulsory course in the form of a practical workplace conduct exercise where students reflect on case scenarios.<sup>55</sup>

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<sup>53</sup> The University of Adelaide, *Submission to EO SA 2024 Review of harassment in the South Australian legal profession (SA)* (23 February 2024) 2.

<sup>54</sup> The Law Society of South Australia, *Submission to EO SA 2024 Review of harassment in the South Australian legal profession (SA)* (29 March 2024) 3.

<sup>55</sup> The College of Law South Australia, *Submission to EO SA 2024 Review of harassment in the South Australian legal profession (SA)* (2 April 2024) 1.



## Recommendation 7

That the Attorney-General amend the *Legal Practitioners Act 1981 (SA)* to:

- a) amend section 5 to include the South Australian Bar Association Barristers' Conduct Rules under the definition of 'legal profession rules', and
- b) grant the Legal Profession Conduct Commissioner and the Legal Practitioners Disciplinary Tribunal the power to make an order that a respondent practitioner do, or refrain from doing, a specified or unlawful act.

### a) Status: Complete

In his submission to the Review, the Attorney-General confirmed that recommendation 7(a) had been implemented but not by legislative amendment. Section 5 of the *Legal Practitioners Act 1981 (SA)* provides that 'legal profession rules' mean the Law Society of South Australia's professional conduct rules. Accordingly, the Law Society has amended its rules to incorporate the South Australian Bar Association (SABA) Barristers' Conduct Rules.<sup>56</sup> Commencing on 1 January 2022 as the South Australian Legal Practitioners' Conduct Rules (SALPCR), they explicitly apply to all South Australian legal practitioners, including those who practice exclusively as barristers.<sup>57</sup>

### b) Status: Under consideration

Recommendation 7(b) of 2021 was made to give the Commissioner the power to make orders to a respondent practitioner *without* requiring their consent to do so. The Attorney-General advised that recommendation 7(b) remains under consideration. Hence, it is the case now as it was in 2021 that the Commissioner can only make orders *with the consent* of the respondent practitioner.<sup>58</sup>

<sup>56</sup> Attorney General, *Submission to EO SA 2024 Review of harassment in the legal profession (SA)* (23 March 2024) 1-2.

<sup>57</sup> Part B of the SALPCR contains an amended version of the SABA Rules. Law Society, *Submission to EO SA 2024 Review of harassment in the legal profession (SA)* (27 March 2024) 4.

<sup>58</sup> Attorney General, *Submission to EO SA 2024 Review of harassment in the legal profession (SA)* (29 June 2024) 1.

## Recommendation 8

That the Legal Profession Conduct Commissioner be adequately funded to:

- a) increase the informal reporting initiative to two investigative solicitors, and that those officers be provided with adequate training to provide trauma-informed management of complaints of harassment
- b) establish an online portal for receiving and managing informal reports and formal complaints

That the Attorney-General consult with the Legal Profession Conduct Commissioner regarding amendments to the Legal Practitioners Act 1981 (SA) to empower the Commissioner to conduct compliance audits and issue management system directions, as available to regulators under the *Uniform Law Application Act 2014 (Vic)*, and that the Legal Profession Conduct Commissioner receive adequate funding to allow the proper exercise of those functions.

**Status:** Complete (8a and b)

The LPCC and the Attorney-General advised in their submissions that Recommendation 8 (a and b) is now complete.<sup>59</sup> Commissioner Keane confirmed that his office employs a staff member dedicated to managing inappropriate personal conduct reports and that the staff member has received adequate training to provide a trauma-informed approach. He also advised that the need for an additional staff member should be revisited if reports increase significantly.<sup>60</sup>

Commissioner Keane also confirmed that his office had introduced an online portal called *Speak Safely* to provide for the confidential and anonymous reporting of bullying, discrimination and harassment (collectively, “inappropriate personal conduct”) and that two additional staff members had been trained to use the *Speak Safely* system and respond to the reports it received.

The introduction of the portal recognises that victims are often reluctant to make a formal complaint for fear of negative professional or personal implications or retaliation from the perpetrator. It is consistent with portals used by the LPCC’s counterparts in New South Wales, Victoria, Queensland, Tasmania and Western Australia.<sup>61</sup>

<sup>59</sup> Attorney-General, *Submission to EO SA 2024 Review of harassment in the legal profession (SA)* (23 March 2024) 2.

<sup>60</sup> Legal Profession Conduct Commissioner, *Submission to EO SA 2024 Review of harassment in the legal profession (SA)* (8 March 2024) 1-2.

<sup>61</sup> Legal Profession Conduct Commissioner, *Submission to EO SA 2024 Review of harassment in the legal profession (SA)* (8 March 2024) 1-2.

**Status:** Under consideration

The Attorney-General advised that he is continuing to consult with the Law Society of South Australia and the LPCC in relation to the recommended amendments to the *Legal Practitioners Act 1981 (SA)*.<sup>62</sup>

## Recommendation 9

That the members to be appointed to the Legal Practitioners Disciplinary Tribunal include one or more members:

- a) with expertise in dealing with sexual harassment and / or other trauma, and that this member be appointed to any panel constituted to consider a charge arising from alleged harassment, including sexual harassment
- b) be of a culturally and linguistically diverse or Aboriginal and / or Torres Strait Islander background, or, failing that, be experienced in working with individuals in these groups.

**Status:** Complete

In a letter to the Attorney-General, the Chief Justice confirmed that two lay members of the Legal Practitioners Disciplinary Tribunal (LPDT) have relevant expertise in dealing with sexual harassment and other trauma. One has experience dealing with diverse communities.<sup>63</sup>

## Recommendation 10

That the Attorney-General amend section 13 of the *Evidence Act 1929 (SA)* to ensure that it applies to witnesses appearing in an inquiry before the Legal Practitioners Disciplinary Tribunal (LPDT).

**Status:** Complete (not required)

In his submission to the review, the Attorney-General advised that section 13 of the *Evidence Act 1929* already applies to the LPDT.<sup>64</sup> Accordingly, no further action is required.

<sup>62</sup> Attorney General, *Submission to EO SA 2024 Review of harassment in the legal profession (SA)* (23 March 2024) 2.

<sup>63</sup> Letter from the Chief Justice to the Attorney-General dated 6 October 2023 provided to the EO Commissioner by the Attorney-General in his letter dated 23 September 2024.

<sup>64</sup> Attorney General, *Submission to EO SA 2024 Review of harassment in the legal profession (SA)* (23 March 2024) 3.

## Recommendation 11

That the Attorney-General create and fund an additional ongoing position within the Equal Opportunity Commission (now EO SA) for a designated enquiries officer to take enquiries and conciliate matters relating to sexual harassment.

**Status:** Complete (not required)

This recommendation is no longer required. An analysis of enquiries and complaints to EO SA over the preceding five years showed that while matters involving sexual harassment are increasing, the volume did not warrant additional resources or a standalone position. The Commissioner for Equal Opportunity advised the then-Attorney-General, the Hon Vickie Chapman, accordingly.<sup>65</sup> This advice still applies.

## Recommendation 12

That the Attorney-General amend section 93(2) of the *Equal Opportunity Act 1984* (SA) to increase the time limits in which a complaint may be made to three years, or such longer period as the Commissioner may allow, having regard to the nature of the failure to make a complaint within the timeframe and the public interest in receiving and progressing the complaint.

**Status:** Under consideration

The Attorney-General advised in his submission that this recommendation remains under consideration.<sup>66</sup> However, under *the Equal Opportunity Act 1984* (SA), the Equal Opportunity Commissioner already has the discretion to grant an extension to the reporting timeframe (12 months) if there is a good reason to do so and if doing so would be just and equitable.<sup>67</sup> Consequently, the Equal Opportunity Commissioner has advised the Attorney-General that increasing the time limit for complaints would have a negligible practical effect.

## Recommendation 13

That the Attorney-General facilitate the creation of an instrument pursuant to which Safe Work SA, the Legal Profession Conduct Commissioner and the Commissioner for Equal Opportunity can share information relating to reports, complaints or other information about harassment by a member of the legal profession.

**Status:** Commenced

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<sup>65</sup> Attorney General, *Submission to EO SA 2024 Review of harassment in the legal profession (SA)* (23 March 2024) 3.

<sup>66</sup> Attorney General, *Submission to EO SA 2024 Review of harassment in the legal profession (SA)* (23 March 2024) 3.

<sup>67</sup> *Equal Opportunity Act 1984*, s 93(2a).

The Attorney-General advised the Review that he is consulting with the relevant stakeholders to determine the detail of the legislative or regulatory changes required by this recommendation.<sup>68</sup> Safe Work SA and the LPCC affirmed this in their submissions.<sup>69</sup>

## Recommendation 14

That all legal profession workplaces consider, adopt and apply, as part of their workplace policies, good-practice principles with respect to the appropriate, victim-centred use of non-disclosure agreements (NDAs).

### Status: Commenced

Despite the guidelines and resources produced by the National Respect at Work Council, only a few survey respondents were aware their workplaces had adopted best-practice NDA principles.<sup>70</sup> For example, most survey respondents (71.5%) indicated they did not know if their workplace applied a victim-centred approach to using non-disclosure agreements, and 14.9% said their workplace did not do so. Just 11% considered their workplace did.<sup>71</sup>

Only one barristers' chamber and one law firm addressed this recommendation in their submissions. Neither had implemented the recommendation but the barrister's chamber said it would consider reviewing its policy to emphasise that the use of NDAs should be appropriate and victim centred. The Courts Administration Authority (CAA) advised that it followed the Office of the Commissioner for Public Sector Employment (OCPSE) Guideline and that this guideline prioritised the wellbeing of victims in relation to NDAs.<sup>72</sup> The South Australian Civil and Administrative Tribunal (SACAT) advised that, when considering NDAs, it was guided by advice from the Crown Solicitor's Office.<sup>73,74</sup>

<sup>68</sup> Attorney General, *Submission to EO SA 2024 Review of harassment in the legal profession (SA)* (23 March 2024) 3.

<sup>69</sup> Legal Profession Conduct Commissioner, *Submission to EO SA 2024 Review of harassment in the legal profession (SA)* (8 March 2024) 2 and Safe Work SA, *Submission to EO SA 2024 Review of harassment in the legal profession (SA)* (18 March 2024) 1.

<sup>70</sup> Respect at Work Council (19 December 2022) [Guidelines on the use of confidentiality clauses in the resolution of workplace sexual harassment complaints](#).

<sup>71</sup> EO SA Review of harassment in the South Australian legal profession survey results, Q13.

<sup>72</sup> The Office of the Commissioner for Public Sector Employment (OCPSE) (December 2023) [Guideline: preventing and addressing harassment and discrimination in the workplace](#), provides guidance on the use of NDAs in the settlement of sexual harassment cases and other workplace matters in the public sector.

<sup>73</sup> Courts Administration Authority, *Submission to EO SA 2024 Review of harassment in the legal profession (SA)* (3 April 2024) 4.

<sup>74</sup> South Australian Civil and Administrative Tribunal, *Submission to EO SA 2024 Review of harassment in the legal profession (SA)* (28 March 2024) 6.

## Recommendation 15

That the Attorney-General make this Report publicly available and provide it to the following organisations for further dissemination:

- Attorney-General's Department
- The Law Society of South Australia
- Legal Profession Conduct Commissioner
- Legal Services Commission
- South Australian Bar Association
- Courts Administration Authority
- Women Lawyers' Association of South Australia
- Respectful Behaviours Working Group
- Office of the Commissioner for Public Sector Employment
- South Australian Universities and Practical Legal Training providers.

**Status:** Complete

The former Attorney-General, the Hon Vickie Chapman, completed this recommendation by tabling the report in the South Australian House of Assembly on 4 May 2021 and providing it to a wide range of legal organisations and bodies, including those identified in the recommendation.<sup>75</sup>

## Recommendation 16

That the Attorney-General commit to commissioning a further review into the effectiveness of the laws, policies, structures and complaint mechanisms relating to harassment, including sexual harassment, in the South Australian legal profession within three years of the publication of this Report.

**Status:** Complete

The Attorney-General commissioned this review on 9 November 2023.

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<sup>75</sup> Attorney General, *Submission to EO SA 2024 Review of harassment in the legal profession (SA)* (23 March 2024) 3.

## 2. Reforms and initiatives since the 2021 Review

When recommending this follow-up review in 2021, Acting Commissioner Halliday noted that it would be conducted at a time when many other national initiatives would have come to fruition, including implementation of the recommendations arising from the *Respect@Work* report and the Law Council's National action plan.<sup>76</sup>

These initiatives have changed the regulatory and operating environments significantly.

### 2.1 RESPECT@WORK

The *National Inquiry into Sexual Harassment in Australian Workplaces* commenced on 20 June 2018. Conducted by the Australian Human Rights Commission (AHRC), it was tasked with reviewing and reporting on a range of issues in relation to workplace sexual harassment, including:

- the prevalence, nature and reporting of sexual harassment in Australian workplaces
- online workplace-related sexual and sex-based harassment and the use of technology and social media to perpetrate workplace related sexual and sex-based harassment
- the drivers of workplace sexual harassment
- the current legal framework with respect to sexual harassment
- existing measures and good practice by employers in preventing and responding to workplace sexual harassment
- the impacts on individuals and business of sexual harassment – including economic impacts as well as health and wellbeing impacts
- recommendations to address sexual harassment in Australian workplaces.

The Inquiry was informed by the findings of the AHRC's fourth *National Survey* on the prevalence, nature, reporting and impacts of sexual harassment in Australian workplaces. Released in August 2018, the survey found one in three people had experienced sexual harassment at work in the preceding five years but fewer than one in five people (17%)

<sup>76</sup> Equal Opportunity Commission (2021) [Review of harassment in the South Australian legal profession: report by the Equal Opportunity Commission to the Attorney-General](#) 180.

made a formal complaint about it. Of those who made a formal complaint, almost half (45%) said nothing changed at their workplace as a result.<sup>77</sup>

The report on the National Inquiry, *Respect@Work*, was released in March 2020. It found that:

- sexual harassment was a significant issue in Australian workplaces
- while legislative and regulatory frameworks provided avenues for victims to seek redress, employers and victims were confused about how to navigate them
- the nature of work had changed since the *Sex Discrimination Act 1984* (Cth) was introduced and many of these changes created challenges for reporting sexual harassment
- technological change created new opportunities for sexual harassment to occur
- public awareness of sexual harassment had increased and Australia was well positioned to take a leadership role in the global response to sexual harassment.

The report made 55 recommendations, all of which have now been actioned in some way. Most pertinent to the legal profession in South Australia are the recommended regulatory reforms which have strengthened protections for workers and increased obligations on businesses and employers. They have also encouraged other reviews into harassment and led to developments including model policies, procedures, and guidelines which have improved complaint support.

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<sup>77</sup> Australian Human Rights Commission (AHRC) (2018) [Everyone's business: fourth national survey on sexual harassment in Australian workplaces](#).



## 2.2 REGULATORY REFORM

Workplace harassment is regulated by anti-discrimination laws, the Fair Work system, and work health and safety (WHS) law and regulations.<sup>78</sup>

Since the 2021 Review, these schemes have been amended as recommended by the *Respect@Work* report to better address workplace harassment.

### 2.2.1 Sex Discrimination Act

The *Sex Discrimination Act 1984* (Cth) has been amended to expressly prohibit sexual and sex-based harassment and discrimination and creating or facilitating an intimidating, hostile, humiliating or offensive environment on the basis of sex.

The definitions of ‘workplace participant’ and ‘workplace’ have been expanded to cover all people in the workforce, including paid and unpaid workers and those who are self-employed. The exemption relating to state public servants has also been removed. This means interns, volunteers, students, self-employed workers and public servants at all levels of government are now also protected from sexual harassment. The Act’s scope has also been clarified to make clear it extends to Members of Parliament, their staff, and judges.<sup>79</sup>

As stated in 1.2 Recommendation 3, a positive duty has also been established under the *Sex Discrimination Act 1984* (Cth) and requires businesses and employers to take reasonable and proportionate measures to eliminate, as far as possible:

- discrimination on the grounds of sex in a work context
- sexual harassment and sex-based harassment in connection with work
- conduct creating a workplace environment that is hostile on the grounds of sex
- related acts of victimisation.

The positive duty recognises that all workers have the right to a workplace that is safe and free from sexual harassment and sex-based harassment and discrimination. Importantly, it requires employers to be proactive. Rather than simply responding when someone makes a complaint, employers must now prioritise prevention and early intervention.<sup>80</sup>

<sup>78</sup> [Sex Discrimination Act 1984 \(Cth\)](#); [Discrimination Act 1991 \(ACT\)](#); [Anti-Discrimination Act 1977 \(NSW\)](#); [Anti-Discrimination Act 1992 \(NT\)](#); [Anti-Discrimination Act 1991 \(Qld\)](#); [Anti-Discrimination Act 1998 \(Tas\)](#); [Equal Opportunity Act 1984 \(SA\)](#); [Equal Opportunity Act 2010 \(Vic\)](#); [Equal Opportunity Act 1984 \(WA\)](#); [Fair Work Act 2009 \(Cth\)](#); [Model Work Health and Safety Act 2011 \(Cth\)](#); [Work Health and Safety Regulations 2012 \(SA\)](#).

<sup>79</sup> Australian Human Rights Commission (AHRC) (2021) [Fact sheet: Respect@Work – changes to the Sex Discrimination Act 1984 and the Australian Human Rights Commission Act 1986](#), ‘Expanded coverage’.

<sup>80</sup> P Nandagopal (2023) [‘A new positive duty framework’](#), *Law Society Journal* (6 October 2023).

This change recognises the harm caused by discrimination and harassment and the evidence that only a fraction of workers who experience harassment report it.<sup>81</sup> It puts the onus on employers to satisfy the positive duty and protect workers from sex discrimination and harassment before they happen and before harm occurs.

It compels all employers to prioritise psychological safety and applies to all businesses and employers, including those in the legal profession.<sup>82</sup> This was recognised by the Law Council of Australia in its *Public Leadership Statement on Sexual Harassment and Discrimination* which states:

*'We support the positive duty under the Sex Discrimination Act 1984 (Cth) to take reasonable measures to eliminate sexual harassment as far as is possible, which introduces more focussed obligations for the legal profession to actively address sexual harassment. **This new approach requires proactive and meaningful action from law firms, legal practices, sole practitioners, barristers, chambers, and legal professional organisations to target the root causes.** It presents an opportunity for the profession to innovate and evolve to promote gender equality and mutual respect. We are deeply committed to advancing the purpose and practice of positive duties.'*<sup>83</sup>

## 2.2.2 Work health and safety regulations

The *Work Health and Safety Regulations 2012* (SA) (WHS Regulations) were amended in 2023 to expand existing obligations to prevent and minimise the risk of psychological injuries.<sup>84</sup> These regulations prescribe how employers must identify and manage hazards and risks to workers' psychological health and safety.

The amendments followed recommendations in the 2018 Boland Review which considered how the model work health and safety laws were operating in practice and recommended amendments to better 'deal with how to identify the psychological risks associated with psychological injury and the appropriate control measures to manage those risks'.<sup>85</sup> The 2020 *Respect@Work* report made the same recommendation.<sup>86</sup>

<sup>81</sup> Safe Work Australia (December 2023) [Code of practice: sexual and gender-based harassment](#) 18.

<sup>82</sup> The positive duty applies to employers and businesses in South Australia whether or not the *Equal Opportunity Act 1984* (SA) is amended to include a positive duty as recommended in the 2021 Review (see 1.2 Recommendation 3).

<sup>83</sup> Law Council of Australia (23 September 2024) ['Public leadership statement on sexual harassment and discrimination'](#).

<sup>84</sup> [Work Health and Safety Regulations 2012 \(SA\) S. 55A-55D](#). The *Work Health and Safety Act 2012* (SA) (WHS Act) includes significant penalties for businesses who fail to comply with these duties.

<sup>85</sup> M Boland (2018) [Review of the model work health and safety laws: final report](#). Safe Work Australia (2018) 12.

<sup>86</sup> Australian Human Rights Commission (AHRC) (2020) [Respect@Work: national inquiry into sexual harassment in Australian workplaces](#) Recommendation 35, 31.

The recommendations and subsequent changes reflect the evidence that psychosocial hazards (which include unlawful behaviours such as bullying and harassment, including sexual and gender-based harassment) can create stress, and that if workers are stressed often, and for significant periods of time, or if the level of stress is high, physical or psychological harm can result.<sup>87</sup>

They are designed to ensure that eliminating psychosocial hazards is a top priority for all employers. Practically, they require all employers, including those in the legal profession, to eliminate or minimise, so far as is reasonably practicable, the psychosocial risks that arise from psychosocial hazards by following the WHS Regulations' hierarchy of controls – a step-by-step approach that ranks controls from the highest to the lowest level of protection. In so doing, employers must consult with their workers and health and safety representatives.

To support employers, Safe Work Australia has published a model code of practice for managing the risks of psychosocial hazards in the workplace and another for managing the risks of sexual and gender-based harassment.<sup>88</sup>

### 2.2.3 Fair Work Act

In keeping with the *Respect@Work* recommendations, the *Fair Work Act 2009* (Cth) has been amended to increase the protections and remedies for employees (or prospective employees) against discrimination and sexual harassment.<sup>89</sup>

From November 2021, the Fair Work Commission (FWC) has had powers to make 'stop sexual harassment orders', similar to the existing 'stop bullying orders'. In exercising this power, the FWC need only find that a contravention of Section 527D of the *Fair Work Act 2009* has occurred, namely that a person sexually harassed a worker; a person seeking to become a worker; or a person conducting a business or undertaking.<sup>90</sup>

Since March 2023, sexual harassment in connection with work, including in the workplace, is expressly prohibited under the *Fair Work Act*. A person who is a worker, prospective worker, or an employer must not sexually harass another person in connection with their work.

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<sup>87</sup> Psychological harm includes conditions such as anxiety, depression, post-traumatic stress disorder and sleep disorders.

<sup>88</sup> Safe Work Australia (July 2022) [Model code of practice: managing psychosocial hazards at work](#) and Safe Work Australia (December 2023) [Code of practice: sexual and gender-based harassment](#).

<sup>89</sup> *Fair Work Act 2009* (Cth) S.351.

<sup>90</sup> *Fair Work Act 2009* (Cth) S. 527J; S.789FC; and S. 527D.

Employers are also vicariously liable for breaches by workers or agents, unless the employer proves that they took all reasonable steps to prevent the employee or agent from engaging in sexual harassment in connection with work.<sup>91</sup> This better aligns the Fair Work Act with the amended Sex Discrimination Act's positive duty.

The FWC's powers to deal with sexual harassment disputes have also been expanded. It may now deal with these matters by mediation, conciliation or arbitration, and by making recommendations or expressing opinions.<sup>92</sup>

### 2.2.4 Australian Human Rights Commission Act

Protections for victims have also been strengthened in the *Australian Human Rights Commission Act 1986* (Cth) after the *Respect@Work* report recommended the Act be amended to provide that:

- any conduct that is an offence under section 94 of the Sex Discrimination Act can form the basis of a civil action for unlawful discrimination
- that the President's discretion to terminate a complaint under the Sex Discrimination Act on the grounds of time does not arise until 24 months after the alleged discrimination
- that unions and other representative groups can bring representative claims to court as well as to the AHRC
- that victims are protected from adverse costs orders (except in very limited circumstances) consistent with section 570 of the Fair Work Act 2009 (Cth).

With the passing of the *Australian Human Rights Commission Amendment (Cost Protection) Bill 2023* in October 2024, these recommendations have now all been implemented.

## 2.3 NATIONAL MODELS FOR THE AUSTRALIAN LEGAL PROFESSION

In December 2020, the Law Council of Australia (the Council) released its *National Action Plan* which set out the actions the Council would take to encourage reporting and prevent sexual harassment in the legal profession and support the regulatory and cultural changes recommended by the *Respect@Work* report.<sup>93</sup>

<sup>91</sup> *Fair Work Act 2009* (Cth) Ss 527D(1), 527D(2), & 527E.

<sup>92</sup> *Fair Work Act 2009* (Cth) S.527R and *Fair Work Act 2009* (Cth) S.527S.

<sup>93</sup> Law Council of Australia (23 December 2020) [National action plan to reduce sexual harassment in the Australian legal profession](#).

In December 2021, the Law Council published the policy statement: *National Model Framework Addressing Sexual Harassment for the Australian Legal Profession*, following consultation with its constituent bodies (including the Law Society of South Australia and the South Australian Bar Association) and key stakeholders.<sup>94</sup>

The framework was developed to support the legal profession in its efforts to prevent and respond to sexual harassment and is supported by guidelines for organisations, prospective complainants, and people facing a complaint about them.<sup>95,96</sup>

The Council also updated its *National Model Gender Equitable Briefing Policy* in November 2022. The policy aims to drive cultural change, support the progression and retention of women barristers, and address the pay gap and underrepresentation of women in superior courts.

It asks all persons or entities who brief or select barristers in Australia to commit to making reasonable efforts to brief women barristers with relevant seniority, experience, expertise or interest in relevant practice areas with a view to ensuring at least 30% of briefs are allocated to women. It also asks those who adopt the policy to report annually on their success in meeting this target.

The policy seems to have prompted others: in 2023, the Office of the Director of Public Prosecutions (ODPP) issued a guideline providing that ODPP would endeavour to brief or select women barristers with relevant seniority and expertise for at least 30% of all briefs and at least 30% of the value of all brief fees.<sup>97</sup> In May 2024, the Legal Services Commission (LSC) formally adopted the *Equitable briefing policy*.<sup>98</sup>

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<sup>94</sup> Law Council of Australia (22 December 2021) '[Policy statement: national model framework addressing sexual harassment for the Australian legal profession](#)' 3.

<sup>95</sup> Law Council of Australia (22 December 2021) '[Policy statement: national model framework addressing sexual harassment for the Australian legal profession](#)' 3.

<sup>96</sup> Law Council of Australia (December 2021) '[Guidance note 1: information for organisations implementing the model framework](#)'.

Law Council of Australia (December 2021) '[Guidance note 2: information for persons wanting to make a complaint about sexual harassment](#)'.

Law Council of Australia (December 2021) '[Guidance note 3: information for persons facing a complaint about sexual harassment](#)'.

<sup>97</sup> Office of the Director of Public Prosecutions, *Submission to EO SA 2024 Review of harassment in the legal profession (SA)* (24 May 2024) 3. From July 2023 to March 2024, 44% of trials briefed to the independent bar by the ODPP were briefed to females.

<sup>98</sup> In the 2023-2024 financial year, the LSC briefed out 486 matters to the Independent Bar, 237 to women and 250 to men. These briefs equated to payment of \$332,844 to women and \$424,945 to men. Legal Services Commission, *Submission to EO SA 2024 Review of harassment in the legal profession (SA)* (12 June 2024) 1.

### 2.3.1 Public Leadership Statement

The Law Council of Australia (the Council) issued its *Public Leadership Statement on Sexual Harassment and Discrimination* in 2024 and which was formally endorsed by all state and territory law societies and bar associations in June 2024 on the recommendation of the Council's Equal Opportunity Committee.

The statement delivers on the Council's *Strategic Plan 2021–26* to advance the integrity and excellence of the Australian legal profession, and is an action recommended by the Australian Human Rights Commission (AHRC) for organisations in support of the positive duty (see 2.2.1).

The statement asserts that sexual harassment, in all its forms, offends the foundations of the legal profession and has no place in it. It acknowledges that more needs to be done and affirms its constituent bodies' commitment to:

- pursuing the elimination of sexual harassment and discrimination by facilitating positive cultural change across the Australian legal profession
- preventing sexually harassing or discriminatory behaviour and ensuring effective responses for those impacted by these behaviours
- supporting sexual harassment education and training across the profession
- developing elimination strategies that address the traditional and structural features of the Australian legal profession and promote innovative approaches to overcoming them
- fostering a high-achieving, equitable, inclusive, diverse and safe profession
- holding themselves and its organisations and members to a high standard as befits the status, responsibilities, and community expectations of the legal profession
- promoting respectful transparency (where possible and as appropriate) so as to learn and improve
- reviewing its strategies to implement the positive duty to measure progress, publicly share outcomes to promote transparency, and adopt best practice approaches.

It is a strong and unequivocal statement aimed at setting expectations, modelling best practice, and reflecting community values and expectations.

## 2.4 PUBLIC SECTOR GUIDELINES

In 2022, the Office of the Commissioner for Public Sector Employment (OCPSE) published two new Commissioner’s Guidelines: *Preventing and Addressing Bullying in the Workplace* and *Preventing and Addressing Harassment and Discrimination in the Workplace*.<sup>99</sup> These guidelines are intended to provide a best practice framework for addressing and responding to bullying, harassment, and discrimination in accordance with the *Public Sector Act 2009* (Cth) and the *Code of Ethics for the South Australian public sector*.<sup>100</sup>

While the *Code of Ethics* (the Code) is the document that binds all public sector employees, the Commissioner’s Guidelines provide assistance in its interpretation and use and specify that bullying, discrimination and harassment are “not acceptable” under the Code. The guidelines also aim to assist government agencies comply with the positive duty in the Sex Discrimination Act and to meet the proactive obligations under WHS regulations.

## 2.5 COMPLAINT SUPPORT AND ADVICE

The initiatives already discussed add to those in place before the 2021 Review such as the Supreme Court of South Australia’s *Appropriate workplace conduct policy* and the South Australian Bar Association’s (SABA) *Policy Against Discrimination, Bullying and Sexual Harassment* and *Procedure to Deal with Grievances Concerning Discrimination, Sexual Harassment and Workplace Bullying*.

Developed through the Supreme Court’s Workplace Conduct Committee (established in 2020), the workplace conduct policy aims to help judges and chambers staff understand their rights and responsibilities and how to make complaints.<sup>101</sup> In recognition of the inherent power imbalances between judges and associates, the Workplace Conduct Committee has also instituted intake, midway and exit interviews for associates. These interviews ensure associates have at least three opportunities to talk safely about their experiences in the workplace. They also enable the court to collect data to inform the development of support tools for associates.

<sup>99</sup> Office of the Commissioner for Public Sector Employment, *Submission to EO SA 2024 Review of harassment in the legal profession (SA)* (26 March 2024) 1.

<sup>100</sup> Office of the Commissioner for Public Sector Employment (OCPSE) (7 October 2021) [The Code of Ethics for the South Australian public sector](#).

<sup>101</sup> K Bochner, L Stein and C Bleby (2023) 'Understanding and navigating the power imbalance between associates and judges', *Journal of Judicial Administration* (JJA) 32 (2023) 47.

The SABA grievance procedure sets out the steps victims or bystanders can take to address bullying, harassment or discrimination by a barrister. It aims to provide a victim-centric approach to handling grievances and provides for ‘grievance stewards’ who can be contacted by members for peer support or intervention in relation to the conduct of another barrister.<sup>102</sup>

The procedure includes consulting with the complainant about when and how the complaint should progress. Where grievances are raised by a third party, it ensures that, through confidential enquiries, the affected person has the option to participate or not in the complaint or veto it altogether. The procedure also allows for ‘reports’ to be taken and recorded without investigation, enabling the collection of meaningful information for reporting, training, and awareness.

The Courts Administration Authority (CAA) released policies in respect of bullying, discrimination, harassment and victimisation, managing consensual personal relationships, and alcohol and drugs. It also implemented a resolution procedure addressing the processes and options available to raise concerns, internal and external supports, and confidentiality.<sup>103 104</sup>

As already noted, the Legal Practitioners Conduct Commissioner (LPCC) has developed the *Speak Safely* portal to provide for confidential and anonymous reporting of bullying, discrimination and harassment (see 1.2 Recommendation 8).

In addition, the Women Lawyers’ Association of South Australia (WLASA) has appointed a support person for members to contact for confidential and anonymous discussions about bullying, discrimination and harassment and the options available.<sup>105</sup>

While not a formal complaint mechanism, the Law Society of South Australia also plays an important role in triaging queries and reports of harassment by virtue of its role as a supervisory professional body. (The same is true of SABA). It operates support services for legal practitioners experiencing bullying, discrimination and harassment. These include the Professional Advice Service and Young Lawyers’ Support Group and the LawCare counselling service.

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<sup>102</sup> A list of grievance stewards and their contact details is on the [SABA website](#).

<sup>103</sup> Courts Administration Authority, *Submission to EO SA 2024 Review of harassment in the legal profession* (SA) (3 April 2024) 2.

<sup>104</sup> Judicial Officers are not bound by the CAA’s policies. However, the standards outlined in the CAA policies are mirrored in the Judicial Officer Appropriate Workplace Conduct Policy which Judicial Officers attest they will adhere to.

<sup>105</sup> Despite promoting this service, the WLASA advised the Review that this person had not received any contact since the program was introduced. Women Lawyers Association of South Australia, *Submission to EO SA 2024 Review of harassment in the legal profession* (SA) (28 March 2024) 2.



The support groups allow members to seek independent guidance from experienced colleagues. LawCare connects legal practitioners to a qualified general practitioner who is experienced in treating social and psychological problems and it covers the gap payments for four consultations per practitioner per year.<sup>106</sup>

The Law Society is also considering developing further supports including an assistance program that provides practitioners access to peer support with persons who have mental health first aid certification and an anonymous online tool for practitioners to seek assistance and ask questions in relation to any matter of ethics and practice.<sup>107</sup>

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<sup>106</sup> The Law Society of South Australia, *Submission to EO SA 2024 Review of harassment in the legal profession (SA)* (27 March 2024) 4-5.

<sup>107</sup> The Law Society of South Australia, *Submission to EO SA 2024 Review of harassment in the legal profession (SA)* (27 March 2024) 4-5.

# **PART 2: 2024**

# Part 2: 2024

**Chapter 3:** a discussion of the 2024 Review data with reference to the 2021 Review data where possible and to other relevant research findings.

**Chapter 4:** a discussion of key areas for action and recommendations to prevent harassment and accelerate change.

## 3. Harassment in the South Australian legal profession since 2021

The 2024 Review sought to assess progress made since the 2021 Review *and* determine the current state of sexual harassment, discrimination and bullying in South Australia’s legal profession and make new recommendations to accelerate change.<sup>108</sup>

As outlined below, bullying, discrimination and sexual harassment remain prevalent.

### 3.1 PREVALENCE AND NATURE

As shown in Table 5, around 50% of the 2024 survey respondents – one in every two – said they had witnessed someone experiencing sexual harassment, discrimination or bullying at work in the past three years. More than fifty per cent said they had experienced it.

Two in every five (39.2%) said they had experienced bullying in the three years since the 2021 Review. One in five (20.3%) said they had experienced discrimination. Three in 20 (16.3%) said they had experienced sexual harassment (Table 5).

For every type of harassment (bullying, discrimination and sexual harassment), the majority of victims were women (Table 6).

**Table 5: Experience of harassment since 2021**

*In the past three years, have you witnessed or experienced any of the following forms of harassment? (select all that apply)*

Options	Witnessed	Experienced
Did not witness or experience	44.8%	45.4%
Bullying	42.2%	39.2%
Discrimination	16.5%	20.3%
Sexual harassment	17.2%	16.3%
Prefer not to say	5.5%	2.3%
<b>TOTAL NUMBER OF RESPONDENTS</b>	547	566

Source: EO SA 2024 Review of harassment in the South Australian legal profession survey results Q14 and Q31.

<sup>108</sup> For more information about the methodology used, refer to the important notes about data in this report.

	Man or Male	Woman or Female	Non-binary	Prefer not to say	Total
<b>Sexual harassment</b>	4%	93%	0%	4%	100%
<b>Discrimination</b>	9%	83%	1%	7%	100%
<b>Bullying</b>	16%	78%	0%	7%	100%

Source: EO SA 2024 Review of harassment in the South Australian legal profession survey results Q14 and Q46.

While some comparisons between the survey data collected for each review are limited, (see Important notes: methodology and data) it is worth noting that in 2021, when survey respondents were asked if they had *ever* experienced harassment in the legal profession, two in every five said they had experienced sexual harassment (42%) and two in every five said they had experienced discrimination.<sup>109</sup> The 2024 figures, which take into account only the *three years* preceding the survey, suggest little improvement.

### 3.1.1 Bullying

While the 2021 survey did not include specific questions on bullying, free text responses led Acting Commissioner Halliday to observe that bullying was ‘just as prevalent in the legal profession as sexual and discriminatory harassment’.<sup>110</sup> In 2024, it is much more prevalent than discrimination or sexual harassment, with more people experiencing and witnessing bullying than either discrimination or sexual harassment.

**Bullying was the most reported form of harassment with two in every five survey respondents (39.2%) saying they had experienced it in the three years since the 2021 Review.**

The most common forms of bullying experienced were unjustified criticism or complaints; belittling and humiliating comments; and aggressive and intimidating conduct (Table 7).

<sup>109</sup> In 2021, when asked if they had *ever* experienced sexual harassment or discrimination, 42.1% of survey respondents said they had experienced sexual harassment. The figure was the same for discrimination. Equal Opportunity Commission (2021) [Review of harassment in the South Australian legal profession: report by the Equal Opportunity Commission to the Attorney-General](#) 56.

<sup>110</sup> Equal Opportunity Commission (2021) [Review of harassment in the South Australian legal profession: report by the Equal Opportunity Commission to the Attorney-General](#) 87.

<b>Table 7: Form of bullying experienced</b>	
<i>How would you describe the bullying you experienced (select all that apply)<sup>111</sup></i>	
<b>Options</b>	<b>2024</b>
Unjustified criticism or complaints	64.8%
Belittling or humiliating comments	63.4%
Aggressive and intimidating conduct	62.4%
Abusive, insulting or offensive language or comments	35.7%
Deliberately setting unreasonable timelines, constantly changing deadlines, too much or too little work	35.7%
Spreading misinformation or malicious rumours	31.9%
Withholding information that is vital for effective work performance	20.7%
Victimisation	20.2%
Deliberately excluding someone from work-related activities or events	18.8%
Denying access to information, supervision, consultation or resources	16.4%
Repeatedly setting tasks unreasonably below or beyond the worker's skill level	16.0%
Changing work arrangements to deliberately inconvenience	7.0%
Practical jokes or initiation 'ceremonies'	3.8%
<b>TOTAL NUMBER OF RESPONDENTS</b>	<b>213</b>
Source: EO SA 2024 Review of harassment in the South Australian legal profession survey results Q26.	

Some respondents described the personal toll of bullying, with several expressing regret at joining the profession:

*'I would not have been a lawyer if I knew how damaging the treatment of me would be. I have [multiple tertiary qualifications] – I live and breathe the law. But I am constantly yelled at, and told I am not good enough every day.'*  
– 2024 survey respondent

*'I did not sign the practitioner admission role and sign up to be abused, harassed, and bullied in an area which I am passionate about practising in.'* – 2024 survey respondent

<sup>111</sup> This table does not include data from the 2021 Review because, as already noted (in Methodology and data) the survey used in the 2021 Review did not include questions about bullying.

### 3.1.2 Discrimination

**One in five (20.3%) survey respondents said they had experienced discrimination since the 2021 Review.**

Of those who experienced discrimination, more than 45% experienced less favourable work or employment conditions, and more than 45% were subjected to comments or jokes. Around one in three said they were isolated or ostracised (34.3%) or experienced intrusive or inappropriate questions (31.5%). More than one in four said they were denied opportunities (28.7%) or refused a job or promotion (25.0%) (Table 8).

<b>Table 8: Form of discrimination experienced</b>	
<i>How would you describe the discrimination you experienced? (select all that apply)<sup>112</sup></i>	
<b>Options</b>	<b>2024</b>
Less favourable work or employment conditions	45.4%
Subjected to comments or jokes	45.4%
Isolated or ostracised	34.3%
Intrusive or inappropriate questions	31.5%
Denied opportunities	28.7%
Refused a job or promotion	25.0%
Unsafe working conditions	19.4%
Denied leave or pay	13.9%
Dismissed from my job	9.3%
Discriminatory content, images or gifts	1.9%
<b>TOTAL NUMBER OF RESPONDENTS</b>	<b>108</b>
Source: EO SA 2024 Review of harassment in the South Australian legal profession survey results Q20.	

As in 2021, the most common basis for the discrimination reported in the survey was sex, followed by age, caring and parental responsibilities, and race.<sup>113</sup>

<sup>112</sup> The 2021 survey asked different questions about discrimination so it is not possible to compare this data set with the 2021 data set.

<sup>113</sup> Equal Opportunity Commission (2021) [Review of harassment in the South Australian legal profession: report by the Equal Opportunity Commission to the Attorney-General](#) 66-70.

Respondents cited numerous examples of such discrimination including the following:

*[After maternity leave] 'I was told I could not return to my role unless I did so full time. I would have been demoted to a different role, but [a colleague] advocated for me. [They] also supported me receiving a pay rise when I was initially classed as not qualifying for this because I had spent [some] months of the year on maternity leave. If that ruling had stood, I would have missed out on incremental pay rises, and it would have left me financially far behind my male colleagues.'* – 2024 survey respondent

*'I am a person of colour and accent. From my experiences, I have been overlooked for promotion and job security whilst employed in an administrative role in the Legal Industry. I had been discriminated during interviews, interviewing lawyers asked where my accent came from, and I never got the jobs that I applied for.'* – 2024 survey respondent

Many respondents expressed frustration about the lack of diversity in the profession and held little hope of it changing. Their comments included:

*'So far away from gender equity, let alone dealing with issues of race and class which are even deeper in the profession.'* – 2024 survey respondent

*'My experiences tell me that we are generations away from the profession ever being culturally inclusive, particularly with Aboriginal people. There have been no more than 20 practising Aboriginal lawyers on the SA roll for years for very clear reasons. Structural bias infects every corner of the law and frankly it is exhausting and unsustainable.'* – 2024 survey respondent

*'A battle against a system of "justice" unfairly structured against your own race. Only people that carry the same cultural load will ever truly understand.'* – 2024 survey respondent

*'There is still a long way to go to achieve equality and assist women who are pregnant and in caring roles access support and part-time opportunities with development opportunities.'* – 2024 survey respondent

*'We need to remove the bias against women who step out of the law or reduce to part-time after the birth of children.'* – 2024 survey respondent

Some respondents posed solutions such as reviewing the terms of employment for lawyers who are working mothers; embracing flexibility and offering working from home arrangements to help alleviate feelings of discrimination for working parents or carers; and



instituting equitable briefing arrangements for solicitors similar to those for barristers (see 2.3).

### 3.1.3 Sexual harassment

**Three in 20 (16.3%) survey respondents said they had experienced sexual harassment since the 2021 Review.**

The most common form experienced by survey respondents in both 2021 and 2024 were incidents of suggestive or explicit jokes, comments and insults. Such incidents remain high in 2024 (63.7%), as do intrusive questions about a person's private life or appearance (48.4%).<sup>114</sup> However, in 2024, fewer respondents said they experienced staring, leering and inappropriate physical contact; giving sexually explicit gifts or images; or applying pressure for sex or other intimate acts (Table 9).

<b>Table 9: Form of sexual harassment experienced</b>		
<i>How would you describe the sexual harassment you experienced? (select all that apply)</i>		
<b>Options</b>	<b>2024</b>	<b>2021</b>
Suggestive or explicit comments jokes or insults	63.7%	67.4%
Intrusive questions about private life or appearance	48.4%	47.4%
Staring, leering or inappropriate physical proximity	31.9%	47.7%
Inappropriate physical contact	30.8%	43.9%
Repeated or inappropriate invitations to go on a date	18.7%	18.9%
Sexual gestures or indecent exposure	6.6%	10.5%
Pressure for sex or other intimate acts	6.6%	14.4%
Sexually explicit gifts or images	4.4%	12.6%
Sexual violence or assault	2.2%	2.5%
<b>TOTAL NUMBER OF RESPONDENTS</b>	<b>91</b>	<b>285</b>
<b>IN-SCOPE TIME PERIOD</b>	<b>Past 3 years</b>	<b>Ever</b>
Sources: EO SA 2024 Review of harassment in the South Australian legal profession survey results Q15 and Equal Opportunity Commission (2021) <a href="#">Review of harassment in the South Australian legal profession: report by the Equal Opportunity Commission to the Attorney-General</a> 57.		

<sup>114</sup> The *Fifth national survey* also found the most common types of workplace sexual harassment experienced included sexually suggestive comments or jokes (27%) and intrusive questions about a person's private life or physical appearance that made the person feel offended (23%). Australian Human Rights Commission (AHRC) (2022) [Time for respect: fifth national survey on sexual harassment in Australian workplaces](#) 12.

This variation may account for some of the divergence in respondent perceptions about progress in the profession, with some lamenting the lack of change and others recognising improvement, albeit from the low bar set in the 1980s and 90s:

*‘Nothing has improved. As I become more senior in the profession, the more I notice’. – 2024 survey respondent*

*‘Nothing has changed. Male senior solicitors in their 50s are the problem and yet they’re idolised.’ – 2024 survey respondent*

*‘Something needs to be done as it is too widespread and accepted as just part of the profession.’ – 2024 survey respondent*

*‘There has been improvement to behaviours in recent years when comparing to some of the low standards of the 1990’s.’ – 2024 survey respondent*

*‘I am a solicitor of over 40 years’ experience and the difference of between what is acceptable now as to what was common or acceptable when I was a junior lawyer is immeasurable. In conducting this review, it is important not to forget how far we have come as a profession.’ – 2024 survey respondent*

*‘I am heartened to see the younger generation making a stand [...] – my generation just put up with questionable conduct. It feels like we are moving in the right direction.’ – 2024 survey respondent*

## 3.2 AT-RISK LOCATIONS

The locations for harassment have not changed significantly since the 2021 Review. For every form of harassment, most respondents indicated that the harassment occurred in their office or workplace.<sup>115</sup> However, two out of every five respondents who had experienced sexual harassment said they had experienced it at work events, and one out of every four said they had experienced it at social events (Table 10).

<sup>115</sup> This finding also reflects *Fifth national survey* data which found almost 40% of experiences occurred at workstations or places where the person harassed did their work. Australian Human Rights Commission (AHRC) (2022) [Time for respect: fifth national survey on sexual harassment in Australian workplaces](#) 72.

The other most at-risk locations for bullying and discrimination were the offices of other legal professionals, on social media, and during legal proceedings.

<b>Table 10: At-risk locations</b>			
<i>Where did you experience the harassment? (select all that apply)</i>			
<b>B= Bullying; D = Discrimination; SH = Sexual harassment</b>	<b>B</b>	<b>D</b>	<b>SH</b>
In my office or workplace	81.2%	85.8%	59.3%
At a work event (eg– dinner or conference)	11.7%	9.4%	39.6%
At a social event	6.6%	6.6%	24.2%
Via electronic media (eg– Zoom, telephone, email, socials)	12.2%	6.6%	13.2%
In the office of another legal professional (eg– judge, barrister)	12.7%	14.2%	11.0%
During a legal proceeding	20.7%	11.3%	7.7%
In the office of another third party (eg– a witness of client)	1.9%	6.6%	5.5%
When travelling for work	0.9%	0.9%	2.2%
<b>TOTAL NUMBER OF RESPONDENTS</b>	<b>213</b>	<b>106</b>	<b>91</b>
Source: EO SA 2024 Review of harassment in the South Australian legal profession survey results Q27, Q22, Q16.			

Respondents were particularly concerned about the level of bullying during court proceedings. They cited numerous examples and blamed ill-informed and outdated views among the judiciary and others about the behaviours required in court:

*‘Judges have engaged in bullying. Asking the same answer again and again in an attempt to humiliate. Using inappropriate language. Raising voice. Rolling eyes.’ – 2024 survey respondent*

*‘Still cultural acceptance of inappropriate behaviours, in particular aggressive manner, shouting, yelling, bullying techniques in Court. I have witnessed this from counsel and Judiciary. There remains entrenched views that the court room is not subject to the usual expectations of behaviour in a workplace.’ – 2024 survey respondent*

*‘Judicial officers and barristers need to role model appropriate behaviour when it comes to bullying. Though most behave appropriately, there are still too many cases where they behave in a disrespectful manner to practitioners or witnesses.’ – 2024 survey respondent*

Respondents were also concerned about sexual harassment at work-related events and expressed strong views about the impacts of alcohol in the profession.

Comments included:

*‘Sexual harassment and sexual misconduct are usually linked to alcohol consumption. The use of alcohol in the legal profession remains a largely unaddressed issue. More work needs to be done in this area.’ – 2024 survey respondent*

*‘Nothing will happen as [many] legal members think they can get away with it and use alcohol to escape their own worlds.’ – 2024 survey respondent*

*‘The practice of the law, particularly in private practice involves high pressure situations and significant stress that can lead to poor behaviours by some people, as well as reliance on alcohol and other substances which can result in inhibited decision making.’ – 2024 survey respondent*

*‘Chief Justice Kourakis is correct in saying that bad behaviour is prevalent in the profession, blaming egocentric personalities and alcohol.’<sup>116</sup> – 2024 survey respondent*

### 3.3 AT-RISK RELATIONSHIPS

Survey respondents who had experienced harassment in the last three years were asked about the perpetrator. For most respondents, the perpetrator was someone more senior in their workplace, a line manager or supervisor, or a third party in the legal profession (such as a barrister or a lawyer from another firm). This was true for incidents of bullying, discrimination and sexual harassment (Table 11).

By contrast, the *Fifth National Survey* found perpetrators were evenly spread across levels: some harassers (36%) were more senior than the person harassed; some (32%) were at the same or lower levels to the person harassed; and some (30%) were a client, customer or other.<sup>117</sup>

Worryingly, more than 20% of respondents who said they had experienced bullying specified that the perpetrator was a judicial officer, as did 10% of those who had experienced discrimination and 9% of those who had experienced sexual harassment.

<sup>116</sup> This comment refers to public statements made about the use of alcohol in the profession by the Chief Justice reported in T Kelsall (15 March 2024) [‘Chief Justice says “vanity and alcohol” a legal profession problem’](#) InDaily.

<sup>117</sup> Australian Human Rights Commission (AHRC) (2022) [Time for respect: fifth national survey on sexual harassment in Australian workplaces](#) 64.

**Table 11: At-risk relationships***Who perpetrated the harassment? (select all that apply)*

<b>B= Bullying; D = Discrimination; SH = Sexual harassment</b>	<b>B</b>	<b>D</b>	<b>SH</b>
Someone more senior in my workplace	34.7%	44.3%	47.8%
A third party in the legal profession	23.0%	20.8%	30.0%
My line manager or supervisor	44.1%	48.1%	21.1%
A judicial officer	21.6%	10.4%	8.9%
Someone at my level in my workplace	16.0%	11.3%	17.8%
A client or witness	3.3%	8.5%	10.0%
Someone junior to me in my workplace	7.0%	9.4%	3.3%
<b>TOTAL NUMBER OF RESPONDENTS</b>	<b>213</b>	<b>106</b>	<b>90</b>

Source: EO SA 2024 Review of harassment in the South Australian legal profession survey results Q28, Q23, Q17.

That the reported incidents were mostly perpetrated by someone more senior than the victim shows that power and hierarchy continue to enable harassment in the profession. They also inhibit reporting which was recognised by survey respondents who said:

*‘Power imbalances and hierarchical issues within the profession prevent people from speaking up regarding harassment (whether as a victim or a witness).’ – 2024 survey respondent*

*‘There exists a hierarchy in the profession where members will tend to not speak up to senior staff due to fear of reputational damage.’ – 2024 survey respondent*

*‘The significant power imbalances between senior and junior lawyers, or between employers and employees, can enable harassers to exploit their positions of authority, making it difficult for victims to report incidents.’ – 2024 survey respondent*

*‘This power balance makes it hard for us to come forward in fear it will be career suicide. As such, this behaviour ends up being tolerated and accepted.’ – 2024 survey respondent*

*‘...but unfortunately when it is perpetrated by your boss, it’s very difficult to speak up especially when you rely on them as a referee. The abuse of power is a huge issue.’ – 2024 survey respondent*

That many incidents were perpetrated by judicial officers also shows that some who hold the highest offices in the profession continue to perpetuate some of the poorest behaviour. This incongruity was not lost on respondents who noted:

*‘A deeply ingrained old-school mentality still, unfortunately persists within the legal profession and in Chambers. A few senior practitioners in the legal profession including some senior barristers hold the misguided belief that they are entitled and can act with impunity when it comes to sexually harassing junior practitioners and staff.’ – 2024 survey respondent*

*‘Nothing is going to change because of aggressive and entitled barristers, solicitors and judicial members who have a right to feel entitled because they have been getting away with this behaviour for years. Not only do they get away with it, they are well known for it and promoted internally and externally anyway. These people are championed and protected.’ – 2024 survey respondent*

### 3.4 ACTIONS AND OUTCOMES

The survey asked respondents who said they had experienced harassment in the last three years to consider the one incident or pattern that most affected them and to indicate what action they took to address it (Table 12).

<b>Table 12: Respondent actions to address the harassment they experienced</b>			
<i>Think about the one incident or pattern of harassment in the last three years that affected you most. What action did you take? (select all that apply)</i>			
<b>B= Bullying; D = Discrimination; SH = Sexual harassment</b>	<b>B</b>	<b>D</b>	<b>SH</b>
I did not take an action	26.4%	37.5%	36.0%
I spoke informally with a colleague or workplace representative	26.9%	16.3%	25.8%
I spoke informally with a manager, supervisor or HR	36.8%	30.8%	24.7%
I dealt directly with the perpetrator	16.5%	16.3%	16.9%
I made an official report in my workplace	11.8%	8.7%	10.1%
I reported it to an external body (eg– EOSA, LPCC, JCC)	5.2%	6.7%	1.1%
Other	11.8%	12.5%	4.5%
Prefer not to say	1.9%	1.9%	4.5%
<b>TOTAL NUMBER OF RESPONDENTS</b>	<b>212</b>	<b>104</b>	<b>89</b>
Source: EO SA 2024 Review of harassment in the South Australian legal profession survey results Q29, Q24, Q18.			

While around one in three took no action on sexual harassment or discrimination, and one in four took no action on bullying, many others took at least one action.

For each form of harassment, the most common actions were speaking informally with either a colleague, workplace representative, manager, supervisor or human resources (HR).

The results were similar for those who had witnessed harassment: around three in four witnesses supported the victim; one in three spoke informally with a manager, supervisor or HR; and one in four spoke informally with a colleague or workplace rep (Table 13).

<b>Table 13: Respondent actions to address the harassment they <i>witnessed</i></b>	
<i>In relation to the harassment you witnessed, what actions did you take? (select all that apply)</i>	
<b>Options</b>	<b>2024</b>
Supported the victim	74.3%
Spoke informally with a manager, supervisor or HR	34.6%
Spoke informally with a colleague or workplace rep (eg– WHS or union rep)	26.8%
Dealt directly with the perpetrator	9.7%
Did not take any action	8.9%
Made an official report in my workplace	7.4%
Reported it to an external body (eg: EOSA, LPCC, JCC, Safe Work SA)	2.6%
<b>TOTAL NUMBER OF RESPONDENTS</b>	<b>269</b>
<b>IN-SCOPE TIME PERIOD</b>	<b>Past 3 years</b>
Source: EO SA 2024 Review of harassment in the South Australian legal profession survey results Q32.	

In contrast, formal reports were low, with only about 10% of respondents who had experienced harassment and just over 7.0% of respondents who had witnessed it making an official report in their workplace. (Tables 12 and 13).

That many respondents took some kind of action is heartening. What is less heartening, however, is the lack of positive outcomes as a result of their actions. For each form of harassment, only 6.0% of respondents reported a positive outcome such as the perpetrator being spoken to, moved or sanctioned or the behaviour ceasing.<sup>118</sup>

For many, there was no positive outcome for them and no negative outcome for the perpetrator (Table 14).

<sup>118</sup> More than half of these respondents (51.2%) used the free-text questions to describe the outcomes for them.

**Table 14: Outcome of respondent actions***What was the outcome of the action you took in Table 11? (select all that apply)*

<b>B= Bullying; D = Discrimination; SH = Sexual harassment</b>	<b>B</b>	<b>D</b>	<b>SH</b>
There was a negative outcome for me	31.1%	36.5%	19.0%
I resigned or left the profession	19.3%	20.2%	14.3%
There was a positive outcome for me	6.1%	7.7%	6.0%
I signed a non-disclosure agreement	1.9%	1.9%	NA
There was a negative outcome for the perpetrator	1.9%	2.9%	2.4%
The perpetrator resigned or left the profession	1.4%	NA	4.8%
The perpetrator was disciplined	0.5%	1.0%	2.4%
Other <sup>119</sup>	44.8%	38.5%	51.2%
Prefer not to say	8.5%	13.5%	19.0%
<b>TOTAL NUMBER OF RESPONDENTS</b>	<b>212</b>	<b>104</b>	<b>84</b>
Source: EO SA 2024 Review of harassment in the South Australian legal profession survey results Q30, Q25, Q19.			

The paucity of positive outcomes is problematic. It perpetuates the views, expressed by many respondents who chose not to take action, that taking action would not achieve anything, or that they would not be supported in doing so.

Many respondents also expressed concerns about being seen as ‘difficult’ or of facing repercussions. Comments included:

*‘Afraid to speak out due to the consequences of reporting abusive behaviour and the impact on myself as a practitioner in the legal profession.’ – 2024 survey respondent*

*‘The culture of sexual harassment is perpetrated by those in the most senior executive positions so there is a lack of reporting by victims because it would ruin our careers and they would protect each other.’ – 2024 survey respondent*

Others simply did not trust their organisation or its leadership, with some respondents blaming the ‘old boys club’ and a workplace culture that promoted incivility and excused harassment with comments such as, ‘He is sometimes like that’.

<sup>119</sup> Of the many respondents who selected ‘other’, most went on to specify a neutral or negative outcome such as that no action was taken; there was no outcome; or they had left their employment. In some cases, the complaint investigation or process was still underway.



This lack of trust is evident in the following comments:

*Management write the policies but do nothing to put together a practical implementation that is actually going to help. Management participate in bullying and harassment and manipulation of processes. Staff do not trust nor respect them so why would people who are victims put their faith in the process they create and promote. –2024 survey respondent*

*‘The ‘old boys club’ mentality. The fact that nothing ever happens, you never see a reprimand or change in behaviour, with no consequences to be seen, and victims tend to leave. Training can be conducted in the workplace regarding harassment and bullying, but when the behaviour occurs in a ‘top-down approach’ nothing ever changes. It is merely ‘lip service’ to ideals that are not upheld. Until there are serious consequences or monitoring, nothing will really change.’ – 2024 survey respondent*

*‘Management in our organisations are poor representation of respectful behaviours. mentality of do as I say not as I do. Poor leadership – i.e. shit floats to the top.’ –2024 survey respondent*

### 3.5 REPORTING TO COMPLAINT BODIES

Just over 5% of respondents said they made a complaint of bullying or discrimination to an external complaint body. This fell to 1% for sexual harassment.<sup>120</sup> The figures were even lower for witnesses (Tables 12 and 13).

This low level of external reporting is consistent with the International Bar Association report into regulatory responses to bullying and sexual harassment in the legal profession which found most respondent organisations had received fewer than 20 reports of sexual harassment (88%) and bullying (96%) within the 12 months preceding the survey.<sup>121</sup>

However, when the 2024 EO SA survey participants were asked what they would do if they witnessed or experienced harassment in the future, almost half (45.6%) said they would make an official report in their organisation, and nearly 30% said they would report it to an external body (Table 15).

<sup>120</sup> The 2021 survey asked different questions about reporting, so it is not possible to compare the data.

<sup>121</sup> K Pender (2022) [Beyond us too? Regulatory responses to bullying and sexual harassment in the legal profession](#), International Bar Association (2022) 37-38.

<b>Table 15: Future actions to address harassment</b>	
<i>In the future if you experience or witness harassment in the legal profession, what would you do? (select all that apply)</i>	
<b>Options</b>	<b>2024</b>
Support the victim (if a witness)	74.1%
Informally speak with a manager, supervisor or HR	54.0%
Make an official report in my workplace	45.6%
Informally speak with a colleague or workplace rep (eg– WHS or union rep)	40.0%
Deal directly with the perpetrator	31.8%
Report it to an external body (eg– EOSA, LPCC, JCC, Safe Work SA)	29.2%
Nothing	3.5%
Other	10.2%
<b>TOTAL NUMBER OF RESPONDENTS</b>	<b>537</b>
Sources: EO SA 2024 Review of harassment in the South Australian legal profession survey results Q34.	

This is a significant turnaround. That almost one in two respondents would *in future* make an official report in their workplace and almost one in three would make a report to an external body suggests awareness raising efforts may be bearing fruit.

Numerous respondent comments support this view, including the following:

*‘I observe that people are more willing to be pulled up on their behaviour since this discussion has become so public.’ – 2024 survey respondent*

*‘There is a greater awareness within the profession of harassment, and I think that there would be many people who would be prepared to take at least informal action now compared to 5 years ago.’ – 2024 survey respondent*

*‘Personally, I think law firms are taking this matter very seriously. I know my firm is taking (and has taken) many proactive steps to train everyone and reinforce that training by the standards of behaviour that are accepted in the workplace. I know of people who have been subject to disciplinary action for behaving outside of the firm's standards of conduct.’ – 2024 survey respondent*

*'I think there has been a monumental shift in thinking since I commenced practice 30 years ago. Further education and reinforcement of the issue will drive cultural change.'* – 2024 survey respondent

Other respondents, however, remained resolute about not taking any future action or making an internal or external report. Most were deterred by concern about repercussions for themselves and the belief that their action would not result in any other action being taken. Respondents were also discouraged because complaint processes did not allow them to be anonymous (Table 16).

<b>Table 16: Respondent reasons for future actions</b>			
<i>You have answered that you would not take an action / report internally / report externally. Why? (select all that apply)</i>			
<b>Options</b>	<b>No action</b>	<b>No internal report</b>	<b>No external report</b>
Concerned about repercussions for me	78.9%	44.9%	45.2%
Lack of trust in my organisation	73.7%	25.0%	19.0%
Do not think action will be taken	68.4%	23.4%	30.3%
Processes do not allow for anonymity	63.2%	29.3%	25.9%
Harassment is tolerated in my workplace	57.9%	13.3%	7.8%
Harassment is tolerated in the profession	47.4%	18.4%	17.9%
No one to talk to or trust	31.6%	12.1%	11.5%
Lack of trust in external bodies	31.6%	10.5%	22.2%
Do not think I will be believed	15.8%	9.8%	10.7%
Concern about media attention	15.8%	3.5%	8.9%
Unsure of reporting options	10.5%	12.1%	17.6%
Concern of repercussions for the harasser	10.5%	6.6%	6.1%
Other	5.2%	25.0%	30.8%
<b>TOTAL NUMBER OF RESPONDENTS</b>	19	256	347
Source: EO SA 2024 Review of harassment in the South Australian legal profession survey results Q35, Q37, Q36.			

Of the respondents who selected 'other', most went on to specify reasons very similar to the most selected options. Some considered their response would depend on the circumstances, including the nature of the issue, the support available in their workplace and the workplace's attempt to deal with it, and for witnesses, the victim's wishes.

In relation to external reporting, some respondents expressed the view that complaints should first be handled at workplace level and that the workplace could, or should, refer to an external body if needed. Comments included:

*'I would hope my employer would deal with it appropriately. If not, I could consider going to an external body.'* – 2024 survey respondent

*'I feel like [it] needs to be reported within the organisation and then the organisation follows up and then reports this onwards. Otherwise how can the organisation support the victim if the reporting bypasses them?'* – 2024 survey respondent

When respondents who said they would report to an external body were asked which body they would be willing to contact for help, almost 70% said the Legal Practitioners Conduct Commissioner (LPCC) (Table 17). This willingness to contact the LPCC is reflected in complaint data submitted to the Review which shows the LPCC received more than 50% of the 131 matters related to harassment raised with complaint bodies since the 2021 Review (Table 18).

**Table 17: Preferred external reporting body for future reports**

*You answered that you would be willing to report to an external body. Assuming the circumstances permitted, which would you be willing to contact for help? (select all that apply)*

Options	2024
LPCC	67.3%
EOSA	49.4%
JCC	39.7%
Law Society of SA	39.1%
SA Police	29.5%
Safe Work SA	28.8%
WLASA	22.4%
SABA	16.0%
OPI	16.0%
AHRC	15.4%
Ombudsman SA	13.5%
All of the above	15.4%
<b>TOTAL NUMBER OF RESPONDENTS</b>	156
Sources: EOSA 2024 Review of harassment in the South Australian legal profession survey results Q38.	

Table 18: Use of complaint bodies 2021-2023 <sup>122,123</sup>									
	Sexual harassment	Bullying	Discrimination	Sexual assault	Inappropriate behaviour	Psychological risk	Human rights breach	Unspecified	TOTAL
<b>ICAC</b>									
Complaints	2								2
<b>LPCC<sup>124</sup></b>									
Complaints	1	7 <sup>125</sup>	2		58 <sup>126</sup>				68
Reports	6	8	2	2					18
Investigations <sup>127</sup>	1								1
<b>OPI<sup>128</sup></b>									
Complaints								2	2
Reports		1							1
Enquiries	1								1
<b>Safe Work SA</b>									
Complaints	1				1	1			3
<b>AHRC</b>									
Complaints			3				1		4
<b>EOSA</b>									
Complaints	2	2	3						7
Enquiries		2	1						3
<b>JCC</b>									
Complaints	7 <sup>129</sup>	4	2						13
<b>Law Society</b>									
Reports <sup>130</sup>	3								3
Enquiries <sup>131</sup>	4	1							5

<sup>122</sup> The Review did not receive data from Ombudsman SA; the South Australian Bar Association; the Fair Work Commission; or the Women Lawyers' Association of South Australia.

<sup>123</sup> Data capture and reporting differ for each body.

<sup>124</sup> Reports to the LPCC can be about more than one issue.

<sup>125</sup> The LPCC also received another 17 bullying complaints from clients.

<sup>126</sup> Inappropriate behaviour was not defined in the LPCC's submission.

<sup>127</sup> These matters were opened on the Commissioner's initiative.

<sup>128</sup> In OPI, complaints are made by the public. Reports are made by public officers.

<sup>129</sup> Six matters were dealt with as a single complaint under section 13(4) of the *Judicial Conduct Commissioner Act 2015*.

<sup>130</sup> Reports include notifications to other bodies and disclosures to the Board of Examiners served on the Society.

<sup>131</sup> Enquiries include contacts about the process of making a formal complaint to the LPCC.

## 4. Action areas and recommendations

While the data reveals progress in some areas since the 2021 Review, (notably the reduction in some forms of sexual harassment and the willingness of survey respondents to report future incidents of harassment) the continued prevalence of all forms of harassment and the way power and hierarchy continue to enable harassment and inhibit reporting continue. Additionally, the heightened risk of sexual harassment at work and work-related events where alcohol is involved, the low levels of reporting, and the relatively high incidence of offending by judicial officers are concerning and must be addressed.

Cultural change across the profession and in individual workplaces; improved outcomes for victims; and accountability for perpetrators are achievable.

### 4.1 PREVENTING AND ELIMINATING HARASSMENT

Much has been written about the causes and drivers of harassment in the legal profession. The 2021 Review identified the following:

- a patriarchal and hierarchical culture characterised by intense competition
- a lack of cultural diversity
- deeply entrenched gender bias that underpins discriminatory behaviour
- a ‘culture of silence’ where instances of harassment are minimised, normalised and kept quiet.<sup>132</sup>

While focussing on sexual harassment, *Respect@Work* identified similar drivers: power and power imbalances; gender inequality; overlapping and interdependent systems of discrimination or disadvantage (e.g. gender, race, disability or sexuality); and other cultural and systemic factors such as a lack of understanding about what constitutes harassment; a sense of entitlement and lack of accountability by those in positions of power; general incivility; and the abuse of alcohol in a work context.<sup>133</sup>

<sup>132</sup>Equal Opportunity Commission (2021) [Review of harassment in the South Australian legal profession: report by the Equal Opportunity Commission to the Attorney-General 4-5.](#)

<sup>133</sup>The review of harassment in Victorian courts and VCAT identified gender inequality, abuse of power, permissive cultures, alcohol, and consensual workplace relationships.<sup>133</sup> H Szoke (2021) [Review of Sexual Harassment in Victorian Courts and VCAT: report and recommendations](#), Victorian Equal Opportunity and Human Rights Commission (2021) 31-34.

All are prevalent in the South Australian legal profession. As noted in the survey data, many respondents expressed concern about the profession's homogenous culture and the way the hierarchical structure and inherent power imbalances suppressed reporting and enabled harassment to persist. Comments included:

*'The legal profession in South Australia was founded upon, and progresses, an inherently toxic culture and inherently toxic working conditions. In this environment and within historically accepted standards, harassment is challenging to identify and report.'* – 2024 survey respondent

*'The profession, especially barristers, is populated by people from a particular culture, gender, class, and education pedigree that operate as gatekeepers to the profession.'* – 2024 survey respondent

*'The most senior of the profession are of a generation and socio-economic background which makes them less sympathetic to, and less aware of, harassment and its impacts.'* – 2024 survey respondent

*'There seems to still be a culture that minimises and/or accepts harassment and that the victim who comes out to report or speak out about it may suffer the repercussions rather than the perpetrator.'* – 2024 survey respondent

Many were particularly concerned about the way this prevailing culture self-perpetuated, with young practitioners influenced by poorly behaving seniors:

*'As a young female practitioner, I have watched male colleagues I studied at university with who actively condemned all forms of bullying and harassment (including sexual) slowly adopt cultures within their organisation which perpetuate harmful ideologies regarding these issues.'* – 2024 survey respondent

*'Unfortunately, some younger practitioners are sometimes influenced by the older practitioners and their behaviour is admired and modelled.'* – 2024 survey respondent

*'The responses varied from "that's just so and so" to "it's part of the work". New practitioners are still being educated to suck it up rather than report it out.'* – 2024 survey respondent

Respondents also noted a lack of awareness about what constitutes harassment and observed that both harassment and incivility had become business as usual:

*'I think a lot of low-level perpetrators would be 100% "sure" they have never harassed anyone, and have never witnessed harassment, when in fact they do and allow it regularly.'* – 2024 survey respondent

*'Simple things like not bothering to remember junior staff members' names or calling female staff members by the same name, and then shrugging it off as being bad at names.'* – 2024 survey respondent

*'Using humiliation as a tool of supervision.'* – 2024 survey respondent

*'When I was a junior lawyer, I experienced sexual harassment. It was part of the work culture and if you didn't laugh along with it and act as one of the boys then you would be ostracised and looked over for promotion.'* – 2024 survey respondent

They also noted the role alcohol played. One survey respondent reported they had 'not seen any evidence of harassment' in the three different legal environments they had worked in except for 'that of a judge's behaviour at a court social function' when alcohol was involved. Another detailed her personal experience at a work-related event when standing with a small group of colleagues:

*'A senior practitioner was inviting people to a professional event he was hosting and turned and said to me "and you can come...all over my face"'* – 2024 survey respondent

For the respondent, this was one of a number of incidents that made them "feel broken" and affected their relationships, their work and their health. It exemplifies the above issues and shows the drivers at work: power and power imbalance; gender inequality; overlapping discrimination; a lack of understanding by the senior practitioner about what harassment is; a sense of entitlement; a lack of accountability; general incivility; and the abuse of alcohol in a work context.

#### 4.1.1 Driving systemic change

These drivers are entrenched across the profession. While they persist and must be addressed in individual workplaces (see 4.1.2), this alone is not enough. Systemic change that generates deep and lasting transformation across the profession is required.



Driving systemic change is a complex endeavour: professions, like all systems, comprise many interdependent parts that play a wide range of different roles. Real change will be dependent on changing all those parts and the interactions between them. This will require collaborative and coordinated action that addresses the challenges to change and leverages opportunities across the profession to ultimately form a revitalised profession that behaves in a qualitatively different way.

This requires attention from the profession's leaders – those with a deep understanding of the need for change; the obstacles others are likely to put in the way of it; and where and how opportunities can be created or leveraged to generate and sustain it.

Fortunately, the genesis of such a group already exists. In 2020 the Chief Justice convened the Respectful Behaviours Working Group (RBWG) comprising senior representatives from across the legal profession including the courts, the Attorney-General's Department, the Law Society, the Bar Association, the Women Lawyers Association and educational institutions. The RBWG has been a mechanism for each body to report on the work it has undertaken in relation to improving behaviours in the profession – before and, for a period, after the 2021 Review.

The Chief Justice reconvened the RBWG in February 2024 to support this Review.

The RBWG has the potential to lead and champion a bold change agenda aimed at eliminating the drivers of harassment across the profession. Such an agenda cannot be imposed from the outside – the profession must take radical action to transform itself.

Unsurprisingly, the group will need to be adequately resourced to undertake the Herculean task of driving and delivering much-needed change. The CAA and the professional bodies represented on the RBWG do not have the resources required, nor is it the statutory function of the CAA to support reform of the profession. More than goodwill is needed in order to achieve what is required.

### **Recommendation 1**

That the Chief Justice reconvene the Respectful Behaviours Working Group (RBWG) to drive, develop, and champion cultural change across the profession aimed at preventing harassment by eliminating its drivers, and that it be adequately resourced to do so.

### 4.1.2 Driving workplace change

While systemic change is fundamental to transforming the profession, the drivers of harassment persist in individual workplaces. Submissions to the Review outlined a range of workplace initiatives aimed at addressing specific issues and increasing diversity, cross-cultural understanding, and promoting gender equality through improved recruitment, remuneration and work practices.

Given the prevalence of harassment in the profession, as evidenced in the survey results, these initiatives are still not enough to address the problem. While they are all constructive steps, the positive duty, introduced in *the Sex Discrimination Act 1984* (Cth) in 2022, demands more: a greater understanding of the duty and what is required to discharge it to reduce the prevalence of harassment.

As detailed (see 2.2.1), the positive duty compels businesses and employers to take reasonable and proportionate preventive measures to eliminate, as far as possible, discrimination on the grounds of sex; sexual harassment and sex-based harassment; conduct creating a workplace environment hostile on the grounds of sex; and related acts of victimisation. It applies to all business and employers in Australia, including sole traders and those who are self-employed, small, medium and large businesses, and government.<sup>134</sup> As also previously noted, other laws and regulations have also changed to ensure they better align with and support the positive duty (see 2.2).

To help business and employers comply with the positive duty, the AHRC has published guidance on the steps required to implement a whole-of-organisation approach.<sup>135</sup> This guidance focuses on seven standards: leadership; culture; knowledge; risk management; support; reporting and response; and monitoring, evaluation and transparency, and includes examples of actions that organisations and businesses should take in relation to each standard to meet their positive duty.

Although directed at eliminating discrimination on the grounds of sex, sexual harassment and sex-based harassment, the actions aim to drive cultural change and, when implemented, will support the elimination of other forms of harassment such as bullying and discrimination.

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<sup>134</sup> This means law firms, legal practices, sole practitioners, barristers, chambers, and legal professional organisations must comply.

<sup>135</sup> Australian Human Rights Commission (AHRC) (2023) [Guidelines for Complying with the Positive Duty under the Sex Discrimination Act 1984 \(Cth\)](#).

For example, the guidance recommends organisations and business create a ‘prevention and response plan’ (however titled) that documents the measures they will take to eliminate unlawful conduct, as far as possible.

This Review urges organisations and businesses to ensure their prevention and response plan includes measures to address discrimination and bullying, and that all measures are:

- appropriately tailored to the business/organisation’s circumstances
- informed by data about the nature and extent of unlawful conduct in their workplaces through consultation with workers and their representatives, HR and industry surveys
- communicated effectively within their workplaces.

Organisations and businesses should also:

- regularly check that the measures they institute are properly implemented
- review the relevant data and consult with workers and their representatives to understand whether the measures are effective and what changes may be useful
- make changes as needed to improve the effectiveness of the measures (for example education programs, reporting and response processes, policy statements, supports and specific control measures may need to be changed to improve effectiveness)
- set and adhere to timeframes for regularly reviewing the ‘prevention and response plan’ (e.g.– annually or following a significant incident).<sup>136</sup>

Following this guidance is key to ensuring the drivers of sexual harassment are eliminated in individual workplaces and crucial for compliance with the positive duty. It will also help businesses and organisations genuinely committed to eliminating and preventing bullying and discrimination.

Businesses and organisations should be aware that the AHRC now has the power to enforce compliance with the positive duty. While it is currently unclear how the AHRC intends to use this power, the Sex Discrimination Commissioner has made it clear that the legal sector will be subject to increased scrutiny and that all workplaces, including every workplace in

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<sup>136</sup> Australian Human Rights Commission (AHRC) (2023) [Guidelines for complying with the positive duty under the Sex Discrimination Act 1984 \(Cth\)](#).

the legal profession, must have a clear and comprehensive plan for addressing the positive duty.<sup>137,138</sup>

The Law Council of Australia, in its *Public leadership Statement on Sexual Harassment and Discrimination*, acknowledged the drivers of sexual harassment and expressed strong support for the positive duty:

*‘The profession needs to move away from gender imbalances in leadership, hierarchal workplace cultures and alcohol consumption in professional settings which contribute to a higher risk of sexual harassment.... We support the positive duty under the Sex Discrimination Act 1984 (Cth).... This new approach requires proactive and meaningful action from law firms, legal practices, sole practitioners, barristers, chambers, and legal professional organisations to target the root causes. It presents an opportunity for the profession to innovate and evolve to promote gender equality and mutual respect.’<sup>139</sup>*

Every state and territory law society contributed to this important statement. While the Law Society has already provided support and practical guidance to its members on the implementation of the positive duty, there is a willingness to do more, hence the following recommendations.

<sup>137</sup> H Wooton (18 September 2023) [‘News sex discrimination commissioner puts mining, legal, retail industries on notice’](#), Australian Financial Review (AFR). Dr Anna Cody is quoted as saying: ‘There are particular industries that we are keen to see lead in this area – retail, where there’s a higher incidence of sexual harassment and sex-based discrimination, the legal profession, and mining’, and that her ‘expectation of law firms would be higher given they “clearly have a very high level of knowledge” of discrimination and harassment law professionally’.

<sup>138</sup> The 2021 Review recommended that the Attorney-General consider amending the *Equal Opportunity Act 1984 (SA)* to impose a positive duty on employers to eliminate discrimination, sexual harassment and victimisation. This recommendation is still under consideration, but if implemented, may impose a positive duty on employers in relation to all attributes protected under the attributes under *Equal Opportunity Act* as is the case in most other states and territories. See 1.2 Recommendation 3.

<sup>139</sup> Law Council of Australia (23 September 2024) [‘Public leadership statement on sexual harassment and discrimination’](#)

## Recommendation 2

That the Law Society promote the AHRC guidance material on the positive duty to all members of the profession along with tailored training to support its full implementation in legal settings. The training should aim to:

- a) build organisational commitment and capacity to eliminate the drivers of sexual harassment by implementing whole of workplace prevention and response plans that are consistent with the AHRC's standards
- b) increase understanding of the AHRC's role in monitoring and enforcing compliance and the capacity of employees to initiate complaints to the AHRC when their employer breaches their positive duty.

To complement the work of the Law Society in assisting the profession address its unique risk factors for harassment, this Review recommends that the assistance of external subject matter experts be obtained.

Addressing inappropriate workplace behaviour in the legal profession requires a strong evidence base to guide effective strategies that can:

- address the systemic drivers of inappropriate behaviour
- identify the common factors that underpin workplaces which support a culture of respectful behaviour and effectively address issues as they arise
- support inclusion and reduce obstacles to participation from diverse cohorts
- identify the early signs of inappropriate behaviours to enable meaningful intervention
- build trust to overcome ongoing issues in relation to reporting concerns
- build management capability to respond promptly and effectively to complaints

## Recommendation 3

That the Law Society consider partnering with a research institute to develop an evidence-based training program that supports the profession in designing workplace systems that reduce the risks of all forms of harassment occurring.

### 4.1.3 Reducing alcohol-induced harassment

Alcohol is a risk factor for sexual harassment. The Law Council of Australia identified this in its Public Leadership Statement as did survey respondents (see 4.1).<sup>140</sup> It has also emerged as an issue in other reviews.<sup>141</sup>

Workplace change around alcohol is possible, and this Review encourages workplace leaders to assess the availability, purpose and use of alcohol at work and work-related functions. While there are a range of positions to take on alcohol use, all legal workplaces that do not yet have a policy on the safe use of alcohol at their business and work-related events should develop one that applies to work events where alcohol is available and include a clear statement that:

- the event will be held in compliance with relevant public health orders and directives in place at the time and within the *Responsible Service of Alcohol guidelines*
- the business is committed to preventing harassment and will not tolerate any form of harassment or other inappropriate conduct at its business or work-related events
- all participants have a responsibility to manage their personal conduct and keep the event harassment free.

A policy could additionally outline the standard of conduct required of all attendees (such as refraining from any conduct that could reasonably be perceived as harassing, intimidating, overbearing or physically or emotionally threatening), and the consequences for not meeting the standard (such as the right to remove a person from the venue).

#### Recommendation 4

That all legal workplaces:

- a) review the availability, purpose and use of alcohol at work and work-related functions
- b) develop a policy on the safe use of alcohol at work and work-related events that outlines the steps the workplace will take to ensure the safety of all participants; the standard of conduct required of all participants; and the consequences for not meeting the standard.

<sup>140</sup> Law Council of Australia (23 September 2024) '[Public leadership statement on sexual harassment and discrimination](#)'

<sup>141</sup> The following reviews identify alcohol as a driver of, or risk factor for, sexual harassment: the Australian Human Rights Commission (AHRC) (2021) [Set the standard: report on the Independent Review into Commonwealth Parliamentary Workplaces](#); Szoke H (2021) [Review of Sexual Harassment in Victorian Courts and VCAT: report and recommendations](#), and Australian Human Rights Commission (AHRC) (2020) [Respect@Work: national Inquiry into sexual harassment in Australian workplaces](#).

## 4.2 IMPROVING REPORTING AVENUES AND SUPPORT

Effective internal and external complaint mechanisms are essential for managing workplace conduct, upholding workers' rights and ensuring perpetrators are held to account for their actions and face proportionate consequences.

At their best, they provide timely, confidential and impartial resolution, allowing aggrieved parties to have their concerns and/or allegations heard and addressed. In so doing, they allow businesses and organisations to safeguard workplace harmony by fixing problems before they escalate and providing fair remedies for complainants. This increases staff satisfaction with, and trust in, the organisation.

Effective complaint systems can also provide useful data and insights to facilitate continuous improvement.

### 4.2.1 Reporting internally

As noted (in 3.5), many survey respondents expressed a lack confidence in their workplace complaint process saying they were wary about possible repercussions, uncertain of achieving a just or satisfying response, and discouraged by processes that did not allow for anonymity.

These comments suggest many legal workplaces may not have best practice complaint and reporting systems in place. This is concerning given extensive good practice guidance is readily available through the Commonwealth Ombudsman and the Australian Human Rights Commission (AHRC) and is central to meeting the positive duty in relation to sexual harassment.

The Commonwealth Ombudsman recognises that every organisation should choose a complaint handling model best suited to the work, structure and size of the organisation and the needs of its users. Further details can be found in its *Better Practice Handling Guide*.<sup>142</sup>

To uphold the positive duty, the AHRC requires all businesses and organisations to foster a culture that is safe, respectful and inclusive; values diversity and gender equality; empowers workers (including leaders and managers) to report unlawful conduct and holds people accountable for their actions.<sup>143</sup>

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<sup>142</sup> The Guide outlines a series of best practice principles for complaint handling.

<sup>143</sup> Australian Human Rights Commission (AHRC) (2023) [Guidelines for complying with the positive duty under the Sex Discrimination Act 1984 \(Cth\)](#) 21

It also recommends that reporting and complaint handling measures are underpinned by the following guiding principles:

1. Consultation – talking with workers about what they need
2. Gender equality – ensuring all actions to implement the positive duty contribute to achieving gender equality
3. Intersectionality – recognising that that unsafe and disrespectful workplace behaviour may have a heightened impact on different people
4. Person-centred and trauma-informed – ensuring that workplace systems, policies and practices:
  - affirm the safety and dignity of the people who encounter them
  - support healing by meeting the needs of individuals
  - build in an understanding of trauma and how it affects people to avoid causing further harm.<sup>144</sup>

Recommendation 2 in the 2021 Review recommended that legal workplaces “...*where necessary, update their policies, procedures, and processes...to ensure that they eliminate or ameliorate, as far as practicable, risks of harm arising from discriminatory harassment...*” in a number of ways.

As already noted, (1.2) input from private sector legal workplaces was limited in this Review and the Australian Services Union SA + NT Branch (ASU), expressed uncertainty about actions taken by workplaces to update policies, procedures and processes, which was also borne out in the survey results.<sup>145</sup>

It is not unreasonable to conclude that many legal workplaces have not reviewed or updated their policies (or perhaps even produced them). Further, while legal workplaces should already have in place reporting and complaint handling measures recommended by the AHRC in place as part of their positive duty compliance, this Review has insufficient information to assess the extent to which legal workplaces have done so, or have policies in place to protect those who work in them from sexual harassment, bullying, and discrimination.

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<sup>144</sup> The AHRC provides additional advice ensuring there is appropriate support for workers (including leaders and managers) who experience or witness unlawful conduct; having multiple pathways for resolving reports including early intervention; informal and formal pathways; external pathways and referrals and a reporting system that facilitates the collection of appropriate data and the routine and ready review of such data to drive continuous improvement.

<sup>145</sup> Australian Services Union, *Submission to EO SA 2024 Review of harassment in the legal profession (SA)* (28 March 2024) 1.



## 4.2.2 Reporting more senior perpetrators

As noted, unlike many other sectors, the perpetrators of harassment in the legal profession are often more senior than their victims.

This power imbalance makes reporting difficult and without reporting, formal or informal, perpetrators cannot be held accountable. It is therefore essential that all legal workplaces:

- establish clear behavioural expectations for staff at all levels including those with management and supervisory responsibilities and communicate these regularly to staff
- ensure their complaint regime includes a clear and effective process for making and handling reports about senior leaders that has been developed in consultation with workers.

The behavioural expectations should ensure that, as well as managing their own conduct, senior leaders are expected to:

- actively support a safe, respectful and inclusive workplace that values diversity and gender equality
- role model respectful behaviour and set clear expectations for others
- hold people to account for their conduct
- ensure people who engage in misconduct, including 'high value' clients, are not protected, rewarded or promoted
- encourage and support other workers to routinely call out disrespectful comments and behaviours.

The capacity to meet these requirements could be built into performance development discussions and criteria for promotion.

## Recommendation 5

That all legal workplaces review and update their reporting and complaint handling systems, policies and procedures to ensure they:

- a) establish clear behavioural expectations for staff at all levels
- b) protect and advance all workplace rights and responsibilities in relation to harassment (including sexual harassment, discrimination and bullying)
- c) include a clear process for making and handling reports about senior officers that has been developed in consultation with workers.

### 4.2.3 Reporting to the LPCC

The Legal Practitioners Conduct Commissioner (LPCC) is responsible for investigating complaints about the conduct of lawyers and has a range of powers to deal with misconduct. Complaints data submitted to the Review reveals that the LPCC is the most commonly used reporting avenue (Table 17). This is likely because of the user-friendly complaint process now in place through the *Speak Safely* portal (see 1.2 Recommendation 8 and 4.4.5). However, the LPCC does not have the ability to take interim steps to mitigate risks to practitioners or the public of further misconduct occurring while the process of complaint investigation and determination are underway.

In South Australia, the Supreme Court has the power to immediately suspend a certificate, either on application by the Attorney-General, the Law Society, or the Commissioner, or on its own initiative. Elsewhere in Australia, the designated local regulatory authority has the power to immediately suspend a practicing certificate.<sup>146</sup>

The grounds for suspension are consistent across all jurisdictions including situations where a practitioner is not a fit and proper person to hold a practicing certificate, where a "show cause event" has occurred (such as a conviction for a serious offence, bankruptcy), or any other ground that warrants immediate suspension in the public interest. It was exercised in South Australia where a practitioner had experienced bankruptcy.<sup>147</sup>

In NSW, the power to suspend a practicing certificate with immediate effect has been taken on 63 occasions for a range of reasons relating to conduct.<sup>148</sup> In one matter a practitioner

<sup>146</sup> *Legal Practitioners Act 1981 (SA) s.20AJ; Legal Profession Uniform Law s.77; Legal Profession Act 2006 (ACT) s.68; Legal Profession Act 2007 (Qld) s.63; Legal Profession Act 2007 (Tas) s.68; Legal Profession Act 2006 (NT) s.66*

<sup>147</sup> [The Legal Practitioners Act 1981 \(SA\) Re Duncan James Fowler, A Practitioner \[2019\] SASC 64 \(26 April 2019\)](#)

<sup>148</sup> [Office of the Legal Services Commissioner Register of Disciplinary Action/Decisions](#)

unsuccessfully appealed a decision to suspend her practicing certificate on an interim basis.<sup>149</sup>

In its judgment, the Court referred to the matter of *New South Wales Bar Association v Cummins*<sup>150</sup> in which Chief Justice Spigelman considered the public interests relevant to legal practitioners. His Honour said at [20]:

*‘There are four interrelated interests involved. Clients must feel secure in confiding their secrets and entrusting their most personal affairs to lawyers. Fellow practitioners must be able to depend implicitly on the word and the behaviour of their colleagues. The judiciary must have confidence in those who appear before the courts. The public must have confidence in the legal profession by reason of the central role the profession plays in the administration of justice. Many aspects of the administration of justice depend on the trust by the judiciary and/or the public in the performance of professional obligations by professional people’.*

In the context of the regulation of health practitioners under the *Health Practitioner Regulation National Law* as in force in each state and territory, health practitioners may be the subject of an immediate action. This measure can be taken by the regulator – the relevant health profession National Board - any time to restrict a health practitioner’s ability to practise if it believes this is necessary to protect the public.

Immediate action allows for the imposition of conditions on the health practitioner’s registration on the belief that, as a result of their health, conduct or performance, they pose a serious risk to others, and that ‘immediate action’ is necessary to protect public health and safety, or is otherwise in the public interest.<sup>151</sup>

Published regulatory guidelines provide that immediate action may include restricting or precluding the practitioner from practising while an investigation into the alleged conduct occurs.<sup>152</sup> Examples of restrictions that can be imposed on a practitioner include prohibition

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<sup>149</sup> *Michail v The Council of the Law Society of New South Wales*, a legal practitioner experiencing mental illness was suspended on an interim basis by the Council of the Law Society of New South Wales. The practitioner had engaged in the recording of court proceedings which she knew to be unlawful and made inappropriate communications about courts, judges, politicians, legal practitioners, and government agencies and refused to obey court orders. Medical evidence was provided by the practitioner to the Law Society about her fitness to practice, and whether she was able to fulfil the inherent requirements of a legal practitioner. The Law Society of New South Wales suspended her practicing certificate and appointed a manager to her practice, referring to concerns about her conduct, her failure to cooperate with the investigation, conflicting medical evidence, and impeding the appointed manager. [MN Legal and Management Consultants Pty Ltd v The Council of the Law Society of New South Wales; Michail v The Council of the Law Society of New South Wales \[2018\] NSWSC 1410.](#)

<sup>150</sup> [New South Wales Bar Association v Cummins \(2001\) 52 NSWLR 279; \[2001\] NSWCA 284](#)

<sup>151</sup> [Health Practitioner Regulation National Law \(South Australia\) Act 2010, s156.](#)

<sup>152</sup> Australian Health Practitioner Regulation Agency (Ahpra) and National Boards (July 2024), [Regulatory guide 16.](#)

on the sex and gender of the patients they can treat and the requirement to work under supervision.<sup>153,154</sup>

The need to take immediate action to protect the public and the administration of justice, is unlikely to regularly arise, however there should be the ability to do so if required.

In the context of bullying, discrimination and harassment by legal practitioners, the availability of appropriate powers, in line with those in other jurisdictions, would also serve to build confidence in reporting.

This Review did not receive a submission requesting this change, however, did hear from victims of harassment, sexual harassment in particular, who lamented the fact that existing processes for resolution of complaints were lengthy and enabled the harasser to continue to practice without restrictions of any kind.

### Recommendation 6

That the *Legal Practitioners Act 1981* (SA) be amended to provide the Legal Practitioners Conduct Commissioner (LPCC) with the powers to make interim orders that conditions be imposed on the practicing certificates of legal practitioners where the LPCC forms the view that the legal practitioner poses a serious risk to others, or is necessary to protect public health and safety or otherwise in the public interest.

#### 4.2.4 Reporting by professional bodies

Several interviewees reported that they, or someone they knew, had conveyed instances of alleged harassment to representatives of the South Australian Bar Association (SABA) but had not received confirmation from SABA that the matter had been referred to the Legal Practitioners Conduct Commissioner (LPCC).<sup>155</sup>

This raises two issues:

1. Section 14AB of the *Legal Practitioners Act 1981* requires the Law Society to report certain matters that come to its attention to the LPCC, including matters relating to ‘an act or omission that would constitute unsatisfactory professional conduct or

<sup>153</sup> Australian Health Practitioner Regulation Agency (Ahpra) (September 2024) ‘[Restriction: prohibition on patient group: sex and gender](#)’.

<sup>154</sup> Australian Health Practitioner Regulation Agency (Ahpra) (September 2024) ‘[Restriction: complete supervised practice for suitability and eligibility](#)’.

<sup>155</sup> It is unclear whether formal reports were made.

professional misconduct'. The Act imposes no such requirement on the SABA. The reporting obligations should be identical.

2. The *Legal Practitioners Act 1981* does not require the Law Society or the LPCC to inform the complainant of the action taken. Requiring them to do so is likely to build trust and confidence in reporting harassment.

## Recommendation 7

That *the Legal Practitioners Act 1981* (SA) be amended to provide that:

- a) the South Australian Bar Association (SABA) has the same reporting obligations as the Law Society under section 14AB, ensuring that suspected bullying, discrimination and sexual harassment by barristers brought to its attention is reported to the LPCC.
- b) where the Law Society or SABA refer a matter to the LPCC under section 14AB, they must advise the complainant of the referral and any other action taken pursuant to section 14AB unless the complainant expressly advises that they do not want further contact.

### 4.2.5 Reporting in the public sector

With the exception of the Courts Administration Authority (CAA), most public sector legal workplaces in South Australia administratively sit within the Attorney-General's Department (AGD), and include the Crown Solicitors Office (CSO), the Office of the Director of Public Prosecutions (DPP), Consumer and Business Services (CBS), the Independent Commissioner Against Corruption (ICAC), the Ombudsman, the Office of Public Integrity (OPI), the Legal Services Commission (LSC), the South Australian Employment Tribunal (SAET), and the South Australian Civil and Administrative Tribunal (SACAT).

More than 200 survey respondents identified as working in the public sector.<sup>156</sup> Of those, around 10% reported that they had experienced sexual harassment in the last three years. This increased to 20% for discrimination and 40% reported for bullying. The rates of harassment were comparable to those working in the private sector, although sexual harassment was slightly higher for those in the private sector.

<sup>156</sup> On the basis of identifying as working in a government office, agency or department; the CAA or in a tribunal. Additional respondents identified working in both the public and private sectors in the past 3 years and are not included in these figures.

Respondents most commonly reported dealing with harassment by talking informally with a colleague or manager. Few made formal reports in their organisation.

When respondents who had experienced harassment in the past three years were asked why they chose not to make an official report in their organisation, more than one in three cited a lack of trust in their organisation (33.3%) or that the process did not allow for anonymity (35.6%). Almost half were concerned about potential repercussions for them (49.4%).

The requirement that all public sector employees report misconduct under the *Code of Ethics for the South Australian Public Sector* (the Code) emerged as an issue during interviews in the Review.

All public sector employees are bound by the Code. Under the Code, 'Reporting unethical behaviour' is a professional conduct standard, and employees are required to 'report to an appropriate authority behaviour a reasonable person would suspect violates any law, is a danger to public health or safety or to the environment or amounts to misconduct'.<sup>157</sup> The same reporting requirement extends to witnesses of such behaviour. In both cases, there is no discretion and no requirement to seek the views of the victim who may have legitimate concerns about the personal and professional consequences of a report being made.

This approach removes agency from the victim and is at odds with the AHRC *Guiding Principles* that require complaint and reporting processes to be person centred and trauma informed (see 4.2.1).

While it is appropriate to encourage the reporting of misconduct, the current requirement may have the unintended consequence of preventing victims from seeking informal advice and support knowing that the person to whom they want to disclose will have an obligation to report it.

It may also create an ethical and professional dilemma for confidants and witnesses who do not want to breach the Code nor put the wellbeing of a colleague at risk by making a report without considering the victim's wishes.

Equally, unless public servants report unethical behaviour, how else can departmental leaders, including Chief Executives, become aware of it?

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<sup>157</sup> Office of the Commissioner for Public Sector Employment (OCPSE) (7 October 2021) [The Code of Ethics for the South Australian Public Sector](#).

Ideally, before and after a report is made, the views of the victim about how they would prefer the process to be managed would be taken into account. This would be more consistent with the *AHRC Guiding Principles*.

No recommendation is made in relation to this issue, however the Review has written to the Public Sector Association and the Commissioner for Public Sector Employment inviting them to consider whether, and how, the relevant part of the Code could be revised to reflect the *AHRC Guiding Principles* outlined given the positive duty obligations in relation to sexual harassment. The Commissioner for Public Sector Employment has also been requested to review the need for further educating public servants on their duties to report in any event.

### 4.3 PREVENTING JUDICIAL MISCONDUCT

Judicial officers represent a small proportion of the legal profession in South Australia. It is therefore concerning that 22% of survey respondents who said they had been bullied, and who chose to specify the perpetrator, identified a judicial officer. The equivalent figure for discrimination was 14% and for sexual harassment it was 9% (Table 11).<sup>158 159</sup>

Respondents reported that judicial bullying usually occurred during court proceedings – often in front of other legal professionals and witnesses. Consequently, they felt unable to do anything about it and had little confidence action would be taken if a complaint were made. Comments included:

*‘Bullying is tolerated culturally as part of the rough and tumble of legal proceedings. There is no accountability nor consequences for bullying behaviour of judicial officers.’ – 2024 survey respondent*

*‘It is my view that there is a long-standing culture of members of the judiciary being of the view that it is acceptable to mock, belittle, castigate and demean practitioners. The manner in which many members of the judiciary speak to practitioners is unacceptable and would not be, and is not, accepted in other professions. Little if anything seems to be done about this by anyone. I have no confidence at all that any appropriate action will be taken by anyone with regard to judicial bullying in response to this survey. It is systemic and because it has been occurring for so long, I don’t think that judicial officers believe that their conduct is inappropriate. It is, in my opinion, one of the worst aspects of the profession.’ – 2024 survey respondent*

Some described judicial bullying as both active and passive, with active bullying perpetrated by the judicial officer and passive bullying perpetrated by someone else while the judicial officer looked on without intervening to stop it:

*‘Judicial involvement is more-so bystander behaviour, or passive approval.’ – 2024 survey respondent*

*‘Dealing with opposing counsel comments, and lack of intervention by judicial officers or management.’ – 2024 survey respondent*

<sup>158</sup> The relevant survey responses identified perpetrators by their position or relationship to the victim at the time the harassment occurred.

<sup>159</sup> All figures have been rounded up or down as appropriate.



Several respondents considered that bullying by judicial officers set the tone for the profession and voiced concerns about the appointment to judicial office of those known to exhibit poor behaviour:

*‘Judges bully the barristers and solicitors in Court, barristers bully one another and solicitors, more senior solicitors bully junior solicitors.’ – 2024 survey respondent*

*‘A lot of behaviour of more junior lawyers is due to being role-modelled behaviour by belligerent, rude and demeaning judges.’ – 2024 survey respondent*

*‘Keep appointing Magistrates and Judges who are [bullies] and they will keep bullying people! ... The toxicity comes from the top.’ – 2024 survey respondent*

*‘People are still being appointed to judicial positions despite their reputation of harassment.’ – 2024 survey respondent*

*‘I was repeatedly sexually harassed and threatened as a student by several senior male lawyers who are well known as repeat offenders.... Despite their bad reputations, these bad actors [including two male lawyers who are now respectively a District Court Judge and a Magistrate] are never disciplined and instead they are rewarded.’ – 2024 survey respondent*

Some were concerned that the profession could not change without greater accountability at the judicial officer level:

*‘How can it be that our profession can change when ‘some’ of those who sit as Judges display the very type of conduct that we are trying to address. Whatever frustration they feel, they should be held accountable for their words, their actions, and their tone towards the people that who appear in front of them.’ – 2024 survey respondent*

This view is consistent with the view expressed by the Chief Justice following the resignation of a District Court Judge after a complaint of misconduct relating to sexual harassment:

*‘...the community rightly expects that those persons to whom it entrusts the administration of justice observe the highest standards of respectful and decent conduct, according to all with whom they interact the dignity to which they are*

*entitled. Any person who cannot meet those standards should not seek judicial office or expect to remain in office.*<sup>160</sup>

Few in the profession (and wider community) would disagree, yet the conduct continues. Several respondents cited the ‘unique employment status’ of judicial officers as a barrier, contrasting it with other contemporary professional employment arrangements where misconduct routinely results in counselling, reprimand, performance management, or termination.

Others considered judicial independence an impediment, with one stating it was viewed by some judicial officers as a ‘protective shield’ that enabled them to act inappropriately towards their staff and those appearing before them. One respondent stated:

*‘Independence is prioritised by the law over accountability and consequences of inappropriate behaviour both in the workplace and in court.’ – 2024 survey respondent*

These issues demonstrate that more action is needed to safeguard the work health and safety of staff appointed to, and working in close association with, judicial officers. Further, the selection and appointment of judicial officers and the management of their conduct, including the capacity of the jurisdictional heads and the Judicial Conduct Commissioner (JCC) to set and enforce standards behaviour, needs to change.

### 4.3.1 Safeguarding the health and safety of judicial staff

A detailed examination of the health and safety risk to staff who work with judicial officers is beyond the scope of this Review. However, the Review is concerned that psychosocial hazards (including unlawful behaviours such as bullying, discrimination and sexual harassment) can create stress that result in physical or psychological harm.<sup>161</sup>

The positive duty compels employers and businesses to adopt a risk-based approach to preventing sexual harassment that involves regularly identifying and assessing risk and implementing, and regularly reviewing, effective control measures.

Similarly, South Australia’s *Work Health and Safety Regulations* require all employers, including those in the legal profession, to eliminate or minimise, so far as is reasonably practicable, the psychosocial risks that arise from psychosocial hazards by following the WHS Regulations’ hierarchy of controls – a step-by-step approach that ranks controls from

<sup>160</sup> Kourakis C (23 May 2023) ‘[Statements from the Honourable Chris Kourakis Chief Justice of South Australia, His Honour Chief Judge Michael Evans District Court of South Australia, and State Courts Administrator Ms Penny Croser](#)’, (Courts Administration Authority of South Australia).

<sup>161</sup> Safe Work Australia (undated) [Psychosocial hazards](#). Psychological harm includes conditions such as anxiety, depression, post-traumatic stress disorder and sleep disorders.

the highest to the lowest level of protection. In so doing, employers must consult with their workers and health and safety representatives. To help employers in this, Safe Work Australia has published codes of practice for managing the risks of workplace psychosocial hazards and sexual and gender-based harassment. It has also developed guidance on consulting with staff.<sup>162</sup>

There are differing views as to whether Judicial Officers are captured at all, and if so to what extent, under *the Work Health and Safety Act 2012 (SA)*. Judicial Officers have an immunity in respect of their judicial function, however, it is questionable whether it extends to their chambers and outside functions.

This issue should be resolved by clarification as to the rights and obligations of judicial officers under legislation directed to workplace safety for the protection of those who work with them.

### Recommendation 8

That the Attorney-General obtain advice from the Solicitor-General about the extent to which judicial officers and tribunal members are protected against harassment *and* are prohibited from harassing others under the *Work Health and Safety Act 2012 (SA)* (and/or the *Work Health and Safety Regulations 2012 (SA)*), and if not, whether amendments are required.

### Recommendation 9

That the State Courts Administration Council and the Presidents of the South Australian Civil and Administrative Tribunal (SACAT) and the South Australian Employment Tribunal (SAET) commission an independent risk assessment of the Courts Administration Authority (CAA), the SACAT and SAET to identify and assess all harassment work hazards, using a work health and safety risk framework and informed by consultations with staff as outlined in Safe Work Australia's *Model Code of Practice: work health and safety consultation, cooperation and coordination*.

<sup>162</sup> Safe Work Australia (2022) [Model code of practice: managing psychosocial hazards at work](#). Safe Work Australia (2023) [Model code of practice: work health and safety consultation, cooperation and coordination](#). Safe Work Australia (December 2023) [Code of practice: sexual and gender-based harassment](#).

### 4.3.2 Appointing judicial officers

There has long been interest in reviewing the process for appointing judicial officers to increase transparency and accountability and ensure greater diversity on the bench.<sup>163</sup> However, the need for change arising from this Review is the need to improve the appraisal of candidates to ensure they are of good character.

As the former Independent Commissioner Against Corruption (ICAC), and Judicial Conduct Commissioner, the Honourable Ann Vanstone KC, identified in her submission:

*'While it is not suggested that judicial appointments should not proceed in the face of rumours about the character of the legal practitioner concerned, nevertheless it is good practice to know as much as possible about persons being appointed to important public positions, particularly to positions in the judiciary where removal from office is an appropriately difficult process. **In view of the position of power and prestige that such persons occupy, it is prudent to undertake due diligence when it comes to assessing character and risk.**'*<sup>164</sup>

#### Selection criteria

Appointment approaches vary across jurisdictions, but on any measure, South Australia is one of the least transparent jurisdictions. The only public element of judicial appointments is the call for expressions of interest for positions at the Magistrates Court.

Most other states and territories have published a protocol, determination, or framework for the appointment of judicial officers as well as criteria for appointment.<sup>165</sup> Queensland, for example, assesses candidates against criteria published by the *Australasian Institute of Judicial Administration* (AIJA). These criteria recognise that interpersonal and leadership skills, including the ability to manage people and behave appropriately, are essential requirements for any candidate.

<sup>163</sup> See the following: Lavarch M (September 1993) *Discussion paper – Judicial appointments: procedure and criteria*, Attorney-General's Department, Canberra; Evans S and Williams J (2008) '[Appointing Australian judges: a new model](#)', *Sydney Law Review* 16 (2008) 30(2); Australian Law Reform Commission (ALRC) (2021) '[Without fear or favour: judicial impartiality and the law on bias](#)', *ALCR Report 138*, ALRC; Davis R and Williams G (2003) '[Reform of the judicial appointments process: gender and the bench of the High Court of Australia](#)', *Melbourne University Law Review* 27:910-963; and Appleby G and Le Mire S (2016) '[The Australian judiciary: resistant to reform?](#)', ELEC 1551, in Devlin R and Dodek A (eds) *Regulating Judges*, Edward Elgar Publishing (2016) 35.

<sup>164</sup> Independent Commission Against Corruption, *Submission to EO SA 2024 Review of harassment in the legal profession (SA)* (14 March 2024) p3.

<sup>165</sup> Judicial Conference of Australia (2015) [Judicial appointments: a comparative study](#) (First edition: April 2015, updated December 2015).

To meet the criteria, candidates must demonstrate their commitment to impartiality, integrity and inclusivity and their ability to:

- make decisions, apply legal expertise, manage proceedings and manage workload
- manage their demeanour, communicate effectively, manage emotion and interact appropriately
- provide effective leadership, as appropriate to the particular judicial office.

### Assessment panels and consultative processes

Upon being advised that the Attorney-General is considering recommending to Her Excellency, the Governor, an individual for appointment to the Supreme, District, and Magistrates Courts is required to submit to the Attorney-General a *statutory declaration* about their prior conduct in respect of a number of scenarios, including any complaints about inappropriate workplace conduct, formal complaints to the Law Society, EO SA or SABA, and sanctions by the Supreme Court, the LPCC, the Legal Practitioners Disciplinary Tribunal or other professional bodies or associations. It also requires the candidate to address other current or historic matters, whether personal or professional, that may bring the administration of justice into disrepute should they be appointed. The statutory declaration relies on the honesty and integrity of the individual.

Many jurisdictions have assessment or advisory panels that independently vet candidates before providing a list of suitable candidates to their Attorney-General who then consults widely. South Australia does not use such panels and there is no guidance on the level of consultation or appointment criteria other than the Law Council of Australia's policy for judicial appointments to the Federal Court.<sup>166</sup>

In other jurisdictions, assessment or advisory panels variously comprise former judges; representatives of professional legal bodies; the Chief Executive of the Attorney-General's Department (or equivalent); the head of jurisdiction; the Solicitor-General; or an Attorney-General's nominee. In Queensland, the panel may also comprise two community representatives with expertise in the justice system.

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<sup>166</sup> In its policy on judicial appointments, the Law Council of Australia recommends consulting with professional bodies; the leaders of peak representative bodies such as women lawyers, First Nations legal services, family violence prevention legal services, and community legal centres; as well as law deans and legal aid services for all Federal appointments. Law Council of Australia (26 June 2021) '[Policy on the process of judicial appointments: policy statement](#)' 7.

Queensland also undertakes interviews for Magistrate, District and Supreme Court appointments. Most other jurisdictions, including South Australia, only interview for appointments to the Magistrates Court.

In South Australia, consultation for judicial appointments is formally limited to the relevant head of jurisdiction, and for District and Supreme Court appointments, the presidents of the SABA and the Law Society.

In Tasmania, once a preferred candidate has been chosen, the Attorney-General consults with the Chair of the Legal Profession Board (the independent body equivalent to the LPCC) to seek comment on any reason, including impending disciplinary action, why the appointment should not proceed. Tasmania also specifically addresses the issue of candidates from other jurisdictions, providing that consultation should occur with the equivalent bodies interstate or in the relevant territory.

The review of sexual harassment in Victorian Courts and VCAT recommended that the Victorian Attorney-General consult widely with relevant regulatory and professional organisations to assess explicitly whether a potential candidate was of good character and had consistently demonstrated professional respect and courtesy for colleagues, clients and others.<sup>167</sup>

Due diligence is essential in assessing candidates for judicial appointment, as are the processes in place to foster it. The importance to do so was succinctly noted in the recently published report for the Australasian Judicial Officers Association:

*‘Appointment as a judge of any Australian court is permanent, barring what has been described as the ‘nuclear option’ of Parliamentary removal for misbehaviour or incapacity’.*<sup>168</sup>

### Education and training for judicial officers

The Hon Ann Vanstone KC highlighted in her submission the need for tailored education programs on workplace conduct for judicial officers, stating that:

*‘Such programs should make plain the different position occupied by holders of judicial office, likely over and above previous positions held by those persons, in terms of the power imbalance that exists between them and those with whom they interact in the workplace, in particular junior legal practitioners and support*

<sup>167</sup> H Szoke (2021) [Review of sexual harassment in Victorian Courts and VCAT: report and recommendations](#), Victorian Equal Opportunity and Human Rights Commission (2021).

<sup>168</sup> J Kerr (2024) [Judicial Independence in Australia: A Research Paper prepared for the Australian Judicial Officers Association](#). 5

*staff. Such programs should form part of, not only induction, but also continuing education for judicial officers.*<sup>169</sup>

The need for judicial education was also raised by survey respondents, with comments including:

*‘The most egregious omission is the failure to require compulsory Harassment, Bullying, Discrimination training for any level of the Judiciary in SA, notwithstanding the ongoing issues as made very clear by the recent Milazzo and Heffernan cases. Notwithstanding these very recent instances, there has still been ZERO compulsory awareness training at any time, for any level of the SA judiciary. This is a glaring failure of the CAA.’ – 2024 survey respondent*<sup>170</sup>

*‘Education for the older members of the profession including the judiciary. Because they may have experienced it as normal, does not mean they should perpetuate it.’ – 2024 survey respondent*

As noted (1.2 Recommendation 5), such training is available but it is not compulsory, making it unlikely that those who need it most are attending. While it is not possible to compel judicial officers to attend training *after* appointment, ensuring that someone who is eligible for appointment has, as a minimum, completed some form of harassment awareness training is possible *prior* to appointment.

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<sup>169</sup> Independent Commission Against Corruption, *Submission to EO SA 2024 Review of Harassment in the Legal Profession (SA)* (14 March 2024) 3.

<sup>170</sup> Former Magistrate Milazzo was removed from office in 2022 following findings of the Judicial Conduct Panel established to enquire into his conduct which included allegations of sexual harassment. The Panel found that he had engaged in inappropriate conduct with sexual connotations relating to the women over a number of years. Former District Court Judge Heffernan resigned from office in 2023 following allegations of sexual harassment and a referral to the Judicial Conduct Commissioner (JCC). He resigned prior to the JCC completing the investigation into the alleged conduct.

## Recommendation 10

That the Attorney-General, in consultation with the Chief Justice, develop and publish a protocol, determination, or framework with clear criteria for the appointment of all judicial officers and which includes:

- a. that an assessment or advisory panel is established to independently vet candidates against published criteria before providing a list of suitable candidates to the Attorney-General who will then consult widely (as per d)
- b. that the published criteria include the requirement that candidates must be of good character and have consistently demonstrated professional respect and courtesy to colleagues.
- c. that candidates must have completed a prescribed harassment awareness training course within the previous two years.
- d. that the Attorney-General consult widely with regulatory and professional bodies including the Legal Practitioners Conduct Commissioner to seek comment on any reason why an appointment should not proceed.

As noted (3.4), survey results revealed that perpetrators of bullying, discrimination and sexual harassment were most commonly someone more senior in the workplace; a third party in the legal profession; or a line manager or supervisor. It confirms that seniority and power imbalance are indicia of perpetrators of harassment.

Many who are appointed to judicial office are Senior Counsel, which invites consideration of the process of their appointment.

Currently the *Legal Practitioners Act 1981* enables the Chief Justice to appoint and revoke the appointment of a Senior Counsel in accordance with the Rules of the Court, the criteria for which is contained in the *Uniform Civil Rules 2020*.<sup>171 172</sup>

The Review considers that improvements to the process of appointment for Senior Counsel ought be made to ensure that there is a thorough assessment of a candidate's character and previous conduct. Over time, this is likely to improve the quality of candidates for future judicial appointment.

<sup>171</sup> *Legal Practitioners Act 1981*, ss 91 and 93.

<sup>172</sup> *Uniform Civil Rules 2020*, s 263.2 *Criteria for appointment*.



## Recommendation 11

That the Chief Justice amend the appointment criteria for Senior Counsel to provide that:

- a) Senior Counsel must be recognised as being of good character and to have consistently demonstrated professional respect and courtesy to colleagues and clients
- b) the Chief Justice consult with the Legal Profession Conduct Commissioner and other professional and regulatory bodies to seek comment on any reason, including impending disciplinary action, why an appointment should not proceed
- c) applicants must have completed a prescribed harassment awareness training course within the previous two years.

### 4.3.3 Managing judicial conduct

As Former High Court Chief Justice Murray Gleeson has stated, judicial independence has one clear purpose:

*‘Judicial independence means, amongst other things, that judges are independent of each other. Judges enjoy what is, by most workplace standards, extraordinary personal independence and freedom from interference by their leadership. This is in aid of one thing: reinforcing the public’s confidence that they will exercise their judicial power without fear or favour, and without the prospect of being subjected to pressure, direct or indirect, from any authority but the law itself.’<sup>173</sup>*

And, as observed in the review of sexual harassment in Victorian Courts and the VCAT:

*‘Judicial immunity operates to protect a judicial officer from being the subject of legal proceedings for the exercise of their judicial functions. To attract the immunity, the judicial officer must be acting in a judicial capacity or performing administrative duties associated with that capacity. Conduct of a private nature – including the commission of an offence or unlawful conduct such as sexual harassment – would ordinarily not attract judicial immunity. In general terms, judicial officers are subject to the operation of the criminal law and other Acts*

<sup>173</sup> Gleeson M (27 April 2002) [‘Public confidence in the judiciary’](#), Judicial Conference of Australia, Launceston, and in H Szoke (2021) [Review of sexual harassment in Victorian Courts and VCAT: report and recommendations](#), Victorian Equal Opportunity and Human Rights Commission (2021) 26.

*proscribing unlawful behaviour. Judicial immunity does not render lawful an unlawful act nor can it transform a private act into a judicial act.*<sup>174</sup>

Judicial independence should not, therefore, be a shield behind which some judicial officers hide in order to protect them from criticism or reprimand about unlawful or unacceptable conduct.

The heads of jurisdiction in Australia are ‘first among equals’ and ‘depend on support from their judicial colleagues’.<sup>175</sup>

*‘The key institutional leadership role’ of the heads of jurisdiction may extend to giving guidance on matters like extra-judicial speech, but it does not permit them to exert substantive influence or pressure on their colleagues...*<sup>176</sup>

In South Australia, under Section 27C(1) of the *Courts Administration Act 1993 (SA)*, the jurisdictional head of a court is responsible for ensuring the ‘effective, orderly and expeditious discharge of the business of that court’ and can deal with unlawful or inappropriate conduct by:

- counselling a judicial officer of the court in relation to any conduct that has the potential to undermine public confidence in the court (subsection 2(b)(vii))
- taking measures that are reasonably necessary, such as temporarily restricting a judicial officer to non-sitting duties (subsection 2(e))
- issue requirements to a judicial officer in response to a complaint referred under section 18 (subsection 2(d)).<sup>177</sup>

However, there are no enforceable guidelines for judicial conduct, prompting some interviewees to describe judicial counselling as ‘a fireside chat’. By contrast, the Victorian Judicial Commission (VJC) has the power to establish guidelines about a range of matters including the standards of ethical and professional conduct expected of both judicial and non-judicial members of the Victorian Civil and Administrative Tribunal (VACAT).

Accordingly, the VJC has adopted the Council of Chief Justices of Australia and New Zealand (CCJANZ)’s *Guide to judicial conduct*. It has also published its own guidelines on

<sup>174</sup> H Szoke (2021) [Review of sexual harassment in Victorian Courts and VCAT: report and recommendations](#), Victorian Equal Opportunity and Human Rights Commission (2021) 26.

<sup>175</sup> J Kerr (2024) [Judicial Independence in Australia: A Research Paper prepared for the Australian Judicial Officers Association](#). 7

<sup>176</sup> J Kerr (2024) [Judicial Independence in Australia: A Research Paper prepared for the Australian Judicial Officers Association](#). 8

<sup>177</sup> The *Courts Administration Act 1993 (SA)*, S27C(1).

bullying and sexual harassment.<sup>178,179</sup> Together, these guidelines ensure the judiciary, the profession and the public are aware of the standard of conduct expected of judicial officers and the potential outcomes for any breach.

## Recommendation 12

That the *Judicial Conduct Commissioner Act 2015 (SA)* (the JCC Act) be amended to require that the Judicial Conduct Commissioner establish guidelines in relation to judicial conduct to ensure that the profession and the public are aware of the standard of conduct expected of judicial officers and the consequences for any breach, and that the guidelines have regard to those published by the Council of Chief Justices of Australia and New Zealand.

### Ensuring full investigation and accountability

The Judicial Conduct Commissioner (JCC) is an independent statutory officer who handles complaints about the conduct of South Australian judicial officers, including judges, magistrates, and judicial registrars. Complaints to the JCC must relate to a judicial officer's conduct, and not to dissatisfaction with a decision.<sup>180</sup>

The *Judicial Conduct Commissioner Act 2015 (SA)* provides that a complaint must be mandatorily dismissed if the person who is the subject of the complaint ceases to be a judicial officer.<sup>181</sup>

While an early resignation may be a desired outcome for some victims because it removes the need for them to provide further evidence in an investigation or to a Judicial Conduct Panel, the incentive to resign spares the judicial officer from being subjected to inquiry and precludes a formal acknowledgment of wrongdoing.

This reduces judicial accountability and for some victims, represents an unfair and unjust outcome.

Full investigation is important where the alleged misconduct involves actions that may pose a risk to the public or others with whom they may work in future, particularly if the judicial officer seeks to return to legal practice. Should the Judicial Conduct

<sup>178</sup> Australasian Institute of Judicial Administration Incorporated (November 2017), [Guide to Judicial Conduct \(third edition\)](#).

<sup>179</sup> Judicial Commission of Victoria (24 May 2023) [Judicial Bullying Guideline](#) and Judicial Commission of Victoria (22 February 2022) [Sexual Harassment Guideline](#).

<sup>180</sup> *Judicial Conduct Commissioner Act 2015 (SA)* s.12(1).

<sup>181</sup> *Judicial Conduct Commissioner Act 2015 (SA)* s 17(1).

Commissioner elect not to investigate allegations of misconduct, all records pertaining to the matter should be provided to the Legal Practitioners Conduct Commissioner. This ensures that if the former judicial officer seeks to return to legal practice, the initial complaint can be investigated.

Apart from removal from office, there are no sanctions for judicial misconduct under the *Judicial Conduct Commissioner Act 2015*. Careful consideration is required when examining sanctions for findings of misconduct against judicial officers who resign and is beyond the scope of this Review. Nevertheless, financial or other penalties may serve as a deterrent. Enhancing the ability of the Commissioner or a Judicial Conduct Panel to make recommendations about sanctions or other measures could also be considered.

### Recommendation 13

That the *Judicial Conduct Commissioner Act 2015* (SA) be amended to provide that the Judicial Conduct Commissioner may investigate allegations of misconduct after a judicial officer has left their position, and that in the event the Commissioner elects not to investigate, or continue an investigation, he be required to provide to the Legal Practitioners Conduct Commissioner (LPCC) all records pertaining to the matter for consideration by the LPCC as to whether any further or other action is warranted.

### Facilitating reporting to the Judicial Conduct Commissioner

The *Judicial Conduct Commissioner Act* enables the JCC to treat as a complaint any matter concerning the conduct of a judicial officer on his own initiative which includes information reported anonymously. Despite this, few complaints are reported and the JCC has not instituted a system for receiving anonymous information.<sup>182</sup> The low level of reporting does not reflect the extent of harassment by judicial officers reported in survey.<sup>183</sup>

The 2021 Review considered similar issues in relation to the Legal Practitioner Conduct Commissioner (LPCC) and recommended the LPCC develop an online portal to receive anonymous complaints. This portal, known as *Speak Safely*, is now successfully operating. Anyone can use it to make a report, be they a victim, a third party or a witness. Users can:

<sup>182</sup> See 3.6 Table 18.

<sup>183</sup> See 3.4 Table 11.

- remain anonymous throughout the reporting process or identify themselves if they wish
- choose whether they want to be contacted or not, and if so, how
- skip any questions and submit their report at any point
- quickly exit the site if they are concerned someone can see what they are doing
- tell their story in their own words with as much or as little detail as they want to provide
- upload supporting documents and evidence directly into the system
- maintain control over how the matter progresses.

As previously noted (1.2 Recommendation 8b), the LPCC *Speak Safely* portal is successfully facilitating reporting to the LPCC, providing victims with safety in reporting and giving the Commissioner a more accurate understanding of the extent of sexual harassment, discrimination and bullying.

A similar online reporting tool may result in greater reporting to the JCC. Accordingly, the JCC should consider developing an online reporting portal modelled on the Legal Practitioners Conduct Commissioner (LPCC) *Speak Safely* portal and with the same features including the capacity to make an anonymous complaint.

### Future reform

The Review heard from several individuals about complaints made to the JCC. Permission must be sought from the JCC in order to publish information about their experiences.<sup>184</sup> The Review did not seek permission to do so in order to preserve the confidentiality of the parties, however will raise issues with the Attorney-General who may wish to consider opportunities for reform in future.

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<sup>184</sup> *Judicial Conduct Commissioner Act 2015 (SA)* s 33.

# CONCLUSION

# Conclusion

Having been recommended by Acting Commissioner Halliday in her excellent 2021 Review, much was expected of this Review. She made recommendations *“aimed at continuing to restore respectful behaviour across the board in order to prevent and reduce instances of harassment...”*<sup>185</sup>

This Review, like that in 2021, heard from a number of individuals, mostly women, (or their representatives) who had endured bullying, discrimination, or sexual harassment (or all three). Their accounts were distressing for them, deeply moving, and in some instances, chilling to hear. That they were forthcoming is a testament to the ongoing benefit of the previous Review and the need for this one.

Some issues of concern that arose during the course of this Review have now been publicly ventilated in a recent decision of the Court of Appeal which is why no recommendations are made in relation to them.<sup>186</sup>

This Review also considered many other issues which, while not specifically addressed, contributed to this report. Recommendations have, however, been made to address bullying, discrimination, and sexual harassment.

Many in the profession conveyed either in interviews or in survey responses during this Review that they had hoped significant gains would have been made in the last 3 years. Although there are limitations in directly comparing the survey data obtained in both Reviews, (mostly because this Review sought only to assess the extent of harassment *in the last 3 years*), the unlawful and unacceptable conduct persists.

This is remarkable given that the profession, at its heart, works to uphold and protect the rights of others. At the same time, the drivers of harassment, while not restricted to the legal profession, remain embedded in it.

Nevertheless, gains have been made in the last 3 years such as improved pathways for the making and handling of complaints and educational institutions expanding courses to provide a greater focus on harassment.

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<sup>185</sup> Equal Opportunity Commission (2021) [Review of harassment in the South Australian legal profession: report by the Equal Opportunity Commission to the Attorney-General](#) 181

<sup>186</sup> Supreme Court of South Australia (22 November 2024) Judgment of the Court of Appeal, [Legal Profession Conduct Commissioner v Belperio \(No 2\) \[2024\]](#); also see Supreme Court of South Australia (22 August 2024) Judgment of the Court of Appeal, [Legal Profession Conduct Commissioner v A Practitioner \[2024\]](#).

Some of the work undertaken since the 2021 Review, and, hopefully, in response to this one, may bear fruit by the time of the next review recommended to occur in 4 years from now.

The Recommendations in this Report build on those in the last Review and represent some new approaches to assist the profession eliminate, as far as practicable, harassment in all its forms.

The Australian Human Rights Commission guidance material on the positive duty is one of its many valuable resources. Partnering with a research institution to develop evidence-based training for the profession is worthy of further exploration. Use of a work health and safety risk framework to identify and assess all harassment work hazards as outlined by Safe Work Australia is encouraged. Sensible protocols for alcohol consumption at work and work-related events are common in other sectors. Broader and different processes and criteria for the appointment of judicial officers exist elsewhere.

Change must be embraced – more of the same will not achieve enough.

The hierarchical and highly competitive nature of the profession are its well known hallmarks; they are also some of the drivers of harassment. Hierarchy and competition can, however, co-exist with tolerance, civility, respect, diversity, and understanding.

Leadership is critical for the path ahead. Those who sit in positions at the apex of the profession carry much responsibility. Should the recommendations of this Review be accepted, they will have more.

### **Recommendation 14**

That the Attorney General commission a further review four years from this Review to investigate the prevalence, nature, and reporting of harassment in the South Australian legal profession; assess the profession's progress toward its reduction; and make further recommendations as required.



# REFERENCES

# References

- Attorney-General, *Submission to Equal Opportunity South Australia (EO SA) 2024 Review of harassment in the legal profession (SA)* (23 March 2024).
- Attorney-General's Department, Chief Executive, *Submission to Equal Opportunity South Australia (EO SA) 2024 Review of harassment in the legal profession (SA)* (3 April 2024).
- Australasian Institute of Judicial Administration Incorporated (November 2017), [Guide to judicial conduct \(third edition\)](#).
- Australian Health Practitioner Regulation Agency (Ahpra) and National Boards (July 2024), [Regulatory guide](#).
- Australian Health Practitioner Regulation Agency (Ahpra) (November 2023) '[Immediate action](#)'.
- Australian Health Practitioner Regulation Agency (Ahpra) (September 2024) '[Restriction: prohibition on patient group: sex and gender](#)'.
- Australian Health Practitioner Regulation Agency (Ahpra) (September 2024) '[Restriction: complete supervised practice for suitability and eligibility](#)'.
- Australian Law Reform Commission (ALRC) (2021) '[Without fear or favour: judicial impartiality and the law on bias](#)', *ALCR Report 138*.
- Australian Human Rights Commission (AHRC) (2018) [Everyone's business: fourth national survey on sexual harassment in Australian workplaces](#).
- Australian Human Rights Commission (AHRC) (2020) [Respect@Work: national Inquiry into sexual harassment in Australian workplaces](#).
- Australian Human Rights Commission (AHRC) (2021) [Set the standard: report on the Independent Review into Commonwealth parliamentary workplaces](#).
- Australian Human Rights Commission (AHRC) (2021) '[Fact sheet: Respect@Work – changes to the Sex Discrimination Act 1984 and the Australian Human Rights Commission Act 1986](#)'.
- Australian Human Rights Commission (AHRC) (2022) [Time for respect: fifth national survey on sexual harassment in Australian workplaces](#).
- Australian Human Rights Commission (AHRC) (2023) Factsheet series: Positive duty under the Sex Discrimination Act 1984 (Cth) – '[Causes and risk factors of sex discrimination, sexual harassment and other unlawful behaviours](#)'.
- Australian Human Rights Commission (AHRC) (2023) [Guidelines for complying with the positive duty under the Sex Discrimination Act 1984 \(Cth\)](#).
- Australian Services Union, *Submission to Equal Opportunity South Australia (EO SA) 2024 Review of harassment in the legal Profession (SA)* (28 March 2024).
- Appleby G and Le Mire S (2016) '[The Australian judiciary: resistant to reform?](#)', ELECD 1551, in Devlin R and Dodek A (eds) *Regulating Judges*, Edward Elgar Publishing (2016) 35.

- Bochner K, Stein L and Bleby C (2023) 'Understanding and navigating the power imbalance between associates and judges' *Journal of Judicial Administration* (JJA) 32 (2023).
- Boland M (2018) [Review of the model work health and safety laws: final report](#), Safe Work Australia (2018).
- College of Law South Australia, *Submission to Equal Opportunity South Australia (EO SA) 2024 Review of harassment in the legal profession (SA)* (2 April 2024).
- Commonwealth Ombudsman (2023) [Better practice complaint handling guide](#).
- Courts Administration Authority, *Submission to Equal Opportunity South Australia (EO SA) 2024 Review of harassment in the legal profession (SA)* (3 April 2024).
- Davis R and Williams G (2003) '[Reform of the judicial appointments process: gender and the bench of the High Court of Australia](#)', *Melbourne University Law Review* 27:910-963.
- Doyle R (2021), Power & Consent, Monash University Publishing (2021).
- Edmund Barton Chambers, *Submission to Equal Opportunity South Australia (EO SA) 2024 Review of harassment in the legal profession (SA)* (29 March 2024).
- Equal Opportunity Commission (2021) [Review of harassment in the South Australian parliament workplace: report by the Equal Opportunity Commission to the houses of the South Australian Parliament](#)
- Equal Opportunity Commission (2021) [Review of harassment in the South Australian legal profession: report by the Equal Opportunity Commission to the Attorney-General](#).
- Equal Opportunity South Australia (undated) [WE'RE EQUAL](#).
- Evans S and Williams J (2008) '[Appointing Australian judges: a new model](#)', *Sydney Law Review* 16 (2008) 30(2).
- Flinders University, *Submission to Equal Opportunity South Australia (EO SA) 2024 Review of harassment in the legal profession (SA)* (14 March 2024).
- Gleeson M (27 April 2002) '[Public confidence in the judiciary](#)', Judicial Conference of Australia, Launceston.
- Independent Commission Against Corruption, *Submission to Equal Opportunity South Australia 2024 Review of harassment in the legal profession (SA)* (14 March 2024).
- Judicial Commission of Victoria (24 May 2023) [Judicial bullying guideline](#).
- Judicial Commission of Victoria (22 February 2022) [Sexual harassment guideline](#).
- Judicial Conference of Australia (2015) [Judicial appointments: a comparative study](#) (first edition: April 2015, updated December 2015).
- Kerr J (2024) [Judicial Independence in Australia: A Research Paper prepared for the Australian Judicial Officers Association](#).
- Kourakis C (23 May 2023) '[Statements from the Honourable Chris Kourakis Chief Justice of South Australia, His Honour Chief Judge Michael Evans District Court of South Australia, and State Courts Administrator Ms Penny Croser](#)', Courts Administration Authority of South Australia.

- Lavarch M (September 1993) *Discussion paper – Judicial appointments: procedure and criteria*, Attorney-General's Department, Canberra.
- Law Council of Australia (23 December 2020) [National action plan to reduce sexual harassment in the Australian legal profession](#).
- Law Council of Australia (26 June 2021) '[Policy on the process of judicial appointments: policy statement](#)'.
- Law Council of Australia (22 December 2021) '[Policy statement: national model framework addressing sexual harassment for the Australian legal profession](#)'.
- Law Council of Australia (December 2021) [Guidance note 1: information for organisations implementing the model framework](#).
- Law Council of Australia (December 2021) [Guidance note 2: information for persons wanting to make a complaint about sexual harassment](#).
- Law Council of Australia (December 2021) [Guidance note 3: information for persons facing a complaint about sexual harassment](#).
- Law Council of Australia (23 September 2024) '[Public leadership statement on sexual harassment and discrimination](#)'.
- Law Society of South Australia (1 January 2022), [South Australian legal practitioners' conduct rules](#).
- Law Society of South Australia, *Submission to Equal Opportunity South Australia (EO SA) 2024 Review of harassment in the South Australian legal profession (SA)* (29 March 2024).
- Legal Practitioners Disciplinary Tribunal (2023) [Annual report for the year ending 30 June 2023](#), as tabled in the House of Assembly in 29 November 2023.
- Legal Profession Conduct Commissioner, *Submission to Equal Opportunity South Australia (EO SA) 2024 Review of harassment in the legal profession (SA)* (8 March 2024).
- Legal Services Commission, *Submission to Equal Opportunity South Australia (EO SA) 2024 Review of harassment in the legal profession (SA)* (18 March 2024).
- Legal Services Commission, *Submission to Equal Opportunity South Australia (EO SA) 2024 Review of harassment in the legal profession (SA)* (12 June 2024).
- Nandagopal P (2023) '[A new positive duty framework](#)', *Law Society Journal* (6 October 2023).
- Office of the Commissioner for Public Sector Employment (OCPSE) (7 October 2021) [The code of ethics for the South Australian public sector](#).
- Office of the Commissioner for Public Sector Employment (OCPSE) (December 2023) [Guideline: preventing and addressing harassment and discrimination in the workplace](#).
- Office of the Commissioner for Public Sector Employment (OCPSE), *Submission to Equal Opportunity South Australia (EO SA) 2024 Review of harassment in the legal profession (SA)* (26 March 2024).
- Office of the Director of Public Prosecutions, *Submission to Equal Opportunity South Australia (EO SA) 2024 Review of harassment in the legal profession (SA)* (24 May 2024).
- Our Watch (2022) [Workplace equality and respect standards](#).

- Pender K (2022) [Beyond us too? Regulatory responses to bullying and sexual harassment in the legal profession](#), International Bar Association (2022).
- Respect at Work Council (19 December 2022) [Guidelines on the use of confidentiality clauses in the resolution of workplace sexual harassment complaints.](#)
- Safe Work Australia (July 2022) [Model code of practice: managing psychosocial hazards at work.](#)
- Safe Work Australia (2023) [Model code of practice: work health and safety consultation, cooperation and coordination.](#)
- Safe Work Australia (December 2023) [Code of practice: sexual and gender-based harassment.](#)
- Safe Work, *Submission to Equal Opportunity South Australia (EO SA) 2024 Review of harassment in the legal profession (SA)* (18 March 2024).
- Supreme Court of South Australia (22 August 2024) Judgment of the Court of Appeal, [Legal Profession Conduct Commissioner v A Practitioner \[2024\]](#).
- Supreme Court of South Australia (22 November 2024) Judgment of the Court of Appeal, [Legal Profession Conduct Commissioner v Belperio \(No 2\) \[2024\]](#).
- South Australian Civil and Administrative Tribunal, *Submission to Equal Opportunity South Australia (EO SA) 2024 Review of harassment in the legal profession (SA)* (28 March 2024).
- Szoke H (2021) [Review of sexual harassment in Victorian Courts and VCAT: report and recommendations](#), Victorian Equal Opportunity and Human Rights Commission (2021).
- University of Adelaide, *Submission to Equal Opportunity South Australia (EO SA) 2024 Review of harassment in the legal profession (SA)* (23 February 2024).
- University of South Australia, *Submission to Equal Opportunity South Australia (EO SA) 2024 Review of harassment in the legal profession (SA)* (4 March 2024).
- Urbis (2023) [2022 National profile of solicitors prepared for the Law Society of NSW.](#)
- White Ribbon Australia (undated) [White Ribbon workplace accreditation program.](#)
- Women Lawyers Association of South Australia (WLASA) (August 2019) [Charter for the advancement of women.](#)
- Women Lawyers Association of South Australia (WLASA), *Submission to Equal Opportunity South Australia (EO SA) 2024 Review of harassment in the legal profession (SA)* (28 March 2024).
- Wooton H (18 September 2023) '[News sex discrimination commissioner puts mining, legal, retail industries on notice](#)' Australian Financial Review (AFR).



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