

Media Release

Judicial conduct

5 MAY 2021

Statement by the Hon. Ann Vanstone QC Judicial Conduct Commissioner

I am troubled by recent reports of alleged inappropriate conduct by judicial officers. I make it clear that I am not addressing any particular allegation. Rather, I am responding to the thrust of the report recently released by the Acting Equal Opportunity Commissioner, Steph Halliday (*Review of Harassment in the South Australian Legal Profession*).

The type of conduct described in that report should not happen in any workplace. If it does happen it should be called out and the person responsible for the conduct should be held accountable.

However making complaints about the conduct of judicial officers and having them held accountable can be complicated, as shown by Ms Halliday's work.

The report points to serious cultural problems in the legal profession which give rise to poor behavior, in great part because of the hierarchical nature of the profession. Judicial officers sit at the top of this hierarchy.

If judicial officers regard such a culture as acceptable and bring it with them to the courts, they will face an uncertain future. The conduct of judicial officers — officers who sit in judgement on the conduct of others — should be beyond reproach. I have little doubt that this is the case for most of South Australia's judicial officers.

It is interesting to note how few complaints are made by legal practitioners to the Judicial Conduct Commissioner. Up until last Friday I had not received any complaints that would constitute sexual harassment as defined in the Halliday report.

I do not think the absence of those complaints is because there is an absence of conduct of that type or because legal practitioners are not aware of the mechanism for making complaints. I suspect it is because of the fear of speaking up. The Halliday report cites 'a fear of repercussions on career and work life' and an attitude that 'it is best not to rock the boat'.

I understand the fear but if it is not reported, it will not stop.

I call on any individuals who have experienced inappropriate conduct by a judicial officer to find the courage to make a report to me – because if not you, then who?

For media enquiries please contact 0428 389 493 or media@icac.sa.gov.au