



SUPREME COURT OF QUEENSLAND JUDGES' POLICY ON WORKPLACE CONDUCT

1. Purpose

- 1.1. The Chief Justice and Judges of the Supreme Court of Queensland are committed to ensuring that the Court is a safe and respectful workplace for all persons who are officers, employees, contractors and service providers of the Court, including but not limited to staff comprising associates, executive assistants, executive secretaries, research assistants and the Research Officer. To that end, the Judges individually and collectively are committed to adherence to this Policy.
- 1.2. The purpose of this Policy is:
 - (a) to define clear standards of appropriate conduct by the Chief Justice and Judges towards all persons who are officers, employees, contractors or service providers of the Court;
 - (b) to provide a safe and secure method by which any officer, employee, contractor or service provider can raise a concern or make a complaint about inappropriate conduct by a Justice; and
 - (c) to set out the broad framework within which such concerns or complaints will be addressed.
- 1.3. This Policy is supplementary to all applicable laws and other applicable policies. It is complementary to obligations under the *Work Health and Safety Act 2011* (Qld) to take reasonable steps to protect officers, employees, contractors and service providers against harm to their health, safety and welfare through the elimination or minimisation of risks arising from work.

2. Application

- 2.1. This Policy has application to all conduct by the Chief Justice and Judges in relation to all persons who are officers, employees, contractors and service providers of the Court in all work circumstances, including where the Chief

Justice and Judges, officers, employees, contractors or service providers are required to travel or work away from chambers, and in all social circumstances.

3. Conduct of Judges

3.1. No Judge will engage in inappropriate conduct, including conduct of any of the following types:

- (a) *Bullying*, in the form of belittling, insulting, victimising, aggressive or intimidating conduct. Bullying may include abusive or offensive language or comments, unjustified criticism or complaints, setting unreasonable or constantly changing timelines, or deliberate exclusion from work-related activities. Bullying does not include reasonable allocation of work, justified and reasonable discussion on work performance, differences of opinion and disagreement, and reasonable management action.
- (b) *Harassment*, including sexual harassment within the meaning of the *Anti-Discrimination Act 1991* (Qld). Harassment is any unwelcome conduct that could reasonably be expected to be offensive, humiliating or intimidating to the person to whom it is directed. Sexual harassment is any unwelcome conduct of a sexual nature that could reasonably be expected to be unwelcome, offensive, humiliating or intimidating to the person to whom it is directed. Under no circumstances is it appropriate for a Judge to engage in conduct of a sexual nature towards any officer, employee or contractor of the Court.
- (c) *Discrimination*, within the meaning of the *Anti-Discrimination Act 1991* (Qld).
- (d) *Retaliation*, in the form of subjecting a person to a detriment or treating that person unfairly or unequally on the ground that the person has or is suspected of having raised a concern or made a complaint about inappropriate conduct by a Judge.

4. Work related activities, travel on circuit and social events

4.1. The commitment to ensuring a safe and respectful workplace extends beyond the workplace, to work related activities, travel on circuit and social events.

4.2. Judges' staff, including associates, may be required to attend work related activities or be invited to social events. However, such persons are under no obligation to participate in any occasion that does not relate directly to the work of the Court or to go to any social or informal event or function. If attending events, there is no obligation to share private transport arrangements with the Judge.

5. Training

- 5.1. The Judges' annual professional development program will include an externally facilitated training session on appropriate workplace practices.

6. External Consultant

- 6.1. The Executive Director of the Supreme, District and Land Courts Service ('Executive Director'), at the direction of the Chief Justice, will engage an appropriately qualified person as an External Consultant.
- 6.2. Officers, employees, contractors and service providers of the Court will be informed of the identity of the External Consultant and provided with their contact details, in the associates' manual or upon request to the Executive Director.
- 6.3. The External Consultant is a person independent of the Court and the Judges with whom a concern or complaint may be raised. The role of the External Consultant is to advise the complainant as to the steps they can take in relation to their complaint, and as to the resources available to deal with any issues.
- 6.4. The External Consultant will maintain an informal, confidential, register of complaints and concerns raised with them.

7. Raising concerns and making complaints

- 7.1. Any person can raise a concern or make a complaint about any inappropriate conduct or any suspected inappropriate conduct by the Chief Justice or any Judge. That is so whether the inappropriate conduct is directed to that person or to any other person. It is not only desirable but important that any such inappropriate conduct be reported. No obligation of confidentiality binding on the person is to be understood as in any way inhibiting the raising of the concern or the making of the complaint.
- 7.2. A concern can be raised, or the complaint can be made, to:
 - (a) the Chief Justice, the President of the Court of Appeal, the Senior Judge Administrator or any Judge; or
 - (b) the Executive Director; or
 - (c) the External Consultant.
- 7.3. The concern can be raised, or the complaint can be made:
 - (a) formally or informally; and

(b) openly or confidentially.

7.4. A person who raises the concern or makes the complaint will always:

(a) be taken seriously and treated with respect and courtesy;

(b) be given an opportunity to participate in the process by which their concern or complaint is addressed;

(c) be informed and kept informed about the progress and outcome of the process by which their concern or complaint is addressed;

(d) be offered support, including external counselling;

7.5. A person who raises the concern or makes the complaint may be offered an opportunity to remove themselves from ongoing contact with the Judge about whose conduct the concern has been raised or complaint has been made, including where appropriate by movement to a position of equivalent status within the Court. For example, an associate raising a concern or making a complaint about inappropriate conduct by the Judge within whose chambers the associate works might in an appropriate case be offered an opportunity to complete the term of their contract of employment working in the chambers of the Chief Justice, the President of the Court of Appeal or the Senior Judge Administrator.

8. Addressing concerns and complaints

8.1. A concern raised or complaint made to a Judge, to the Executive Director or to the External Consultant about inappropriate conduct by a Judge will be referred to the Chief Justice if the person raising the concern or making the complaint wishes that to happen or if the Judge, the Executive Director or the External Consultant considers that it raises a serious issue which cannot be resolved without reference to the Chief Justice.

8.2. Similarly, a concern raised or complaint made to a Judge, to the Executive Director or to the External Consultant about inappropriate conduct by the Chief Justice will be referred to the President of the Court of Appeal if the person raising the concern or making the complaint wishes that to happen or if the Judge, the Executive Director or the External Consultant considers that it raises a serious issue which cannot be resolved without reference to the President of the Court of Appeal.

8.3. The procedure adopted by the Chief Justice or the President of the Court of Appeal to address a concern or complaint will depend upon the circumstances. Those circumstances will include: the nature of the concern or complaint; how the person raising the concern or complaint may wish for it to

be handled; and, if the concern or complaint relates to inappropriate conduct directed towards another person, the wishes of that other person.

- 8.4. An informal procedure focused on the resolution of the issue rather than substantiation of the underlying concern or complaint may be appropriate where the person raising a concern wishes to resolve the issue informally. Such a procedure may involve the Chief Justice or the President of the Court of Appeal speaking directly to the person raising the concern or complaint and then to the Judge about whose conduct the concern has been raised or complaint has been made.
- 8.5. A formal investigation focused on establishing whether a complaint is substantiated will be appropriate where the complaint involves a serious allegation of inappropriate workplace conduct which is denied and where the person making the complaint wishes to proceed with a formal investigation.
- 8.6. Any formal investigation will be conducted by an independent external adviser to be appointed by the Executive Director at the direction of the Chief Justice or the President of the Court of Appeal. In such circumstances, the Attorney-General will be notified of the appointment of the external adviser and of the outcome of the complaint process.
- 8.7. Concerns and complaints, and documentation generated in addressing concerns and complaints, will be kept confidential to the extent possible. The extent to which the identity and personal circumstances of the person raising the concern or making the complaint may be kept confidential (and, if the concern or complaint relates to inappropriate conduct directed to another person, the extent to which the identity and personal circumstances of that other person may be kept confidential) will depend upon:
 - (a) the need to investigate;
 - (b) the need to afford procedural fairness;
 - (c) the wishes of that person; and
 - (d) any statutory obligation to report particular conduct.

9. Publication of Policy

- 9.1. This Policy will be published on the Court website and will be drawn to the attention of all new employees of the Court at the time of induction.
- 9.2. The Chief Justice, the President of the Court of Appeal and the Senior Judge Administrator will participate in the induction of all new associates to ensure that they understand this Policy and the Judges' commitment to it.

10. Review of Policy

- 10.1. At least once each calendar year, a committee of Judges in consultation with the Executive Director will review this Policy with a view to ensuring that it reflects current best practice. The review will be informed by an annual anonymous survey of officers, employees, contractors and service providers of the Court concerning the operation of the policy to be designed and administered by the Executive Director with the benefit of external human resources advice.

11. Recombitment to Policy

- 11.1. At the first Judges' meeting after the appointment of each new Judge, and otherwise at a Judges' meeting at least once each calendar year, the Judges will be asked to confirm their recommitment to adherence to this Policy.

Dated: 12 May 2022