# Informally Reporting Inappropriate Personal Conduct September 2023

The Office of the NSW Legal Services Commissioner (OLSC) strongly believes that everyone involved in the provision or receipt of legal services is entitled to an environment free from sexual harassment, discrimination, workplace bullying or other inappropriate personal conduct. [Rule 42 of the Legal Profession Uniform Law Australian Solicitors’ Conduct Rules 2015](https://legislation.nsw.gov.au/view/html/inforce/current/sl-2015-0244#sec.42) and [Rule 123 of the Legal Profession Uniform Conduct (Barristers) Rules 2015](https://legislation.nsw.gov.au/view/whole/html/inforce/current/sl-2015-0243#sec.123) prohibit conduct that constitutes discrimination, sexual harassment or workplace bullying. We are committed to eliminating such conduct from the legal profession. Everyone has the right to feel safe at work and to complain about unsafe working environments.

We encourage anyone who has been subjected to, has witnessed or has knowledge of discrimination, sexual harassment or workplace bullying by someone in a law practice or barrister’s chambers to make an informal report to the OLSC so that we can take action if appropriate.

Anyone can notify the OLSC by making a formal complaint or by making an informal report. This document provides information about making an informal report to the OLSC. Information about making a formal complaint, can be found on the OLSC Information sheet titled ‘**Formal Complaints about Inappropriate Personal Conduct**’.

If you prefer to speak to a member of the Personal Conduct Team confidentially over the telephone, please call (02) 9377 1865 and leave a message.

### What is informal reporting?

The OLSC has the power to investigate formal complaints about inappropriate personal conduct under the Legal Profession Uniform Law (NSW) (Uniform Law). Formal complaints may result in disciplinary action being taken against the person who engaged in the inappropriate personal conduct. However, the Uniform Law does not allow formal complaints to be made anonymously.

We recognise that those who experience, witness or have knowledge of inappropriate personal conduct may not be in a position to disclose their identity or make a formal complaint at this time. Informal reporting allows anyone to disclose their experience or knowledge of inappropriate personal conduct to us confidentially and anonymously.

Making an informal report does not prevent a person from making a formal complaint at a later time. Please note that an informal report is not considered as a formal complaint.

### What are the possible outcomes of an informal report?

The information disclosed in informal reports helps alert the OLSC to inappropriate personal conduct occurring in law practices and barristers’ chambers. Beyond individual lawyers who engage in inappropriate personal conduct, it is the OLSC’s view that law practices and barristers who practise together from chambers have an obligation to prevent a culture of workplace harassment, bullying or other inappropriate personal conduct. This may include preventing inappropriate conduct by persons who are not lawyers.

If the OLSC considers there are reasonable grounds to believe that a law practice or barristers’ chambers is failing to address a culture of harassment, bullying or other inappropriate personal conduct, the following action may be taken:

* **Law practices:** The OLSC may conduct compliance audits of law practices and issue management system directions to ensure that proper policies and processes are in place to discourage harassing, bullying or other inappropriate personal conduct and to encourage early reporting.
* **Barristers’ chambers:** While the legislation does not provide for audits of barristers’ chambers, the OLSC aims to proactively work with clerks and Heads of Chambers to assist in developing and reviewing appropriate policies and procedures to address harassment, bullying and other inappropriate behaviour.

Making an informal report may have many other positive outcomes, including:

* empowering you to talk about your experience and how the conduct made you feel
* preventing similar conduct happening to you or someone else
* obtaining an outcome that may be personally significant, such as a change in the law practice’s or chambers’ policies and culture

### How can I make an informal report?

You can make an informal report by accessing our informal reporting platform on the [Law Society of NSW website](https://www.lawsociety.com.au/practising-law-nsw/sexual-harassment-law/reporting-harassment) or the [New South Wales Bar Association](https://nswbar.asn.au/bar-standards/sexual-harassment-at-the-bar). The informal reporting platform may be accessed at a time and place convenient to you.

You can also make an informal report over the telephone by contacting the Personal Conduct Team on (02) 9377 1865 between 9am and 5pm on weekdays.

## FAQs

### Who can make an informal report?

Anyone who has experienced, witnessed or has knowledge of inappropriate personal conduct can make an informal report to the OLSC.

### Is an informal report confidential?

Yes, informal reports are confidential. In some circumstances we may be required to provide information to other state and Commonwealth agencies, a Court or Tribunal or as otherwise required by legislation. For example, we have a duty to report serious criminal offences to Police or other authorities where there are reasonable grounds. There is a possibility this may result in the lawyer or another person becoming aware of your identity based on the information you have provided.

However, we are determined to do everything in our power to safeguard the confidentiality of any information you are willing to provide to us.

If you have further queries regarding the confidentiality of an informal report, please contact the Personal Conduct Team on (02) 9377 1865. All telephone enquiries are confidential.

### What if the person who engaged in inappropriate personal conduct was not a lawyer?

You can still make an informal report about that person’s inappropriate personal conduct. We are of the view that law practices and barristers’ chambers have an obligation to prevent a culture of inappropriate personal conduct. This may include preventing inappropriate conduct by persons who are not lawyers. Any information you are willing to provide will help us improve the culture in our profession.

### How much information do I have to provide?

You can provide us with as much or as little information about yourself as you are comfortable with when you make an informal report. All information provided to us is confidential, subject to our obligations outlined above.

### Can I also make a formal complaint at a later time?

Yes. A formal complaint can be made anytime within 3 years after the inappropriate personal conduct occurred.

### What if I signed a non-disclosure agreement?

It is the OLSC’s view that a non-disclosure agreement cannot displace an individual’s statutory right to make a formal complaint. **This may not apply to making an informal report**. If you have signed a non-disclosure agreement, you may wish to obtain your own legal advice before making an informal report.