



TOP END WOMEN'S LEGAL SERVICE INC.

FREE LEGAL ADVICE FOR WOMEN

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SUBMISSION OF THE TOP END WOMEN'S LEGAL SERVICE – LSNT MEMBERSHIP CONSULTATION – PROPOSED AMENDMENT TO CONTINUING PROFESSIONAL DEVELOPMENT SCHEME IN RESPONSE TO BULLYING, DISCRIMINATION AND SEXUAL HARASSMENT WITHIN THE LEGAL PROFESSION

15 March 2022

Introduction

The Top End Women's Legal Service (**TEWLS**) welcomes this opportunity to provide a submission to the LSNT's membership consultation in respect of proposed amendments to the continuing professional development (**CPD**) scheme regarding bullying, discrimination, and sexual harassment within the legal profession.

Our submission will be focused on our experience of and expertise in assisting women across the Top End of the NT, particularly noting that TEWLS' workforce make-up, including in-house and volunteer staff, is exclusively women and persons who identify as women.

In providing our submission, we note that we have had the opportunity to review the submission of the NT Women Lawyers Association (**NTWLA**). We endorse this submission in its entirety, and provide further comments as follows.

About TEWLS

TEWLS is a specialist women's legal service focused on the advancement of women's rights. We provide high quality, culturally safe, holistic, and trauma-informed services to vulnerable women in the Greater Darwin region of the NT, working within the Top End community to provide free legal assistance (advice, casework and representation, information, communication legal education, and advocacy) in areas of civil and family law.

TEWLS' service area and targeted outreach services include Darwin, Palmerston, all four women's shelters and six Indigenous communities in the Greater Darwin region, at Adult Migrant English Programs, and the Darwin Correctional Centre. We provide advice and representation services for civil and family law matters, with the most frequently requested areas of assistance being family law, domestic, family and sexual violence (DFSV), compensation for victims of crime, restraining orders (domestic violence orders [DVOs] and personal violence restraining orders), housing and tenancy, consumer law, credit and debt, fines, discrimination, employment law, and complaints.

With women continuing to experience hardships because of their gender and associated vulnerabilities, the need for specialist women's legal services remains as strongly as at the time of our creation, more than 25 years ago. In the Greater Darwin region, TEWLS stands as the sole service providing holistic legal services to women in the areas of civil and family law, where clients frequently attend upon our service to meet with a practitioner with a high-level understanding of DFSV, and the trauma often associated with same.

In late 2021, TEWLS was successful in an application for funding under a newly created National Legal Assistance Partnership stream, “front-line support to address workplace sexual harassment”. TEWLS anticipates the commencement of additional services under this stream in mid-2022.

Response to the proposed amendment

Noting the findings of the Respect@Work Report,¹ including that workplace sexual harassment remains a gendered issue, TEWLS congratulates the LSNT for initiating this membership consultation. The options put forward by the LSNT are in line with the Respect@Work Report’s focus upon primary prevention activities, acknowledging that as a recognised form of gendered violence, the divers of violence against women are the same as those that enable sexual harassment.²

Noting our endorsement of the NTWLA submission, TEWLS reiterates our support for the proposed Option 1 – introduction of an additional core competency for “bullying, discrimination and harassment” as part of the CPD scheme. Comparable to evolving skills and scenarios associated with practice management and/or ethics, TEWLS submits that learnings in respect of bullying, discrimination and harassment should be revisited on an annual basis as a means of building the capacity of the legal sector – not only towards each other, but in our dealings with clients and/or stakeholders – as a well as contributing to the societal push for such behaviours to be eradicated.

Further, we reiterate the submission of NTWLA for specific reference in the CPD requirement to “sexual harassment” as opposed to “harassment”; without specific reference, the proposed amendment will fall short of the recommendations within the Respect@Work Report, and importantly, fall short of achieving the desired change, being the elimination of bullying, discrimination and harassment (including sexual harassment).

Conclusion

We appreciate the opportunity to make this submission and would be pleased to provide any further information and/or expertise, should same be required.

Should you require further information, please contact TEWLS by phone on (08) 8982 3000 or email to the writer via admin@tewls.org.au.

Yours faithfully,

TOP END WOMEN’S LEGAL SERVICE INC.



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¹ Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces*, 2020.

² *Ibid*, 23.