

I have been a university academic for many years. Therefore I am constitutionally incapable of reading any piece of writing sent to me by collaborators, journals and students without making many revisions and suggestions. I had the opportunity to read a penultimate draft of this report to provide feedback. The document I emailed back to Kieran was highly unusual with few comments and fewer track changes by me. It earns an HD++++ - well- researched and remarkably well-written.

I imagine that many who see the Findings are shocked or appalled. However, I wasn't. Why? Sadly, there was little surprising in the Findings. Many of us have been writing about this topic and related ones such as gender inequality for years. A revelation about violence in the workplace or in the home hits the news. Seminars and public lectures like this one take place. Rosie Batty and domestic violence, #MeToo movement and sexual harassment, this report and workplace violence in legal professions- the media puts the spotlight on the issues, everyone is appropriately appalled with many believing that this is a first such spotlight moment. The government initiates taskforces and the like or law bodies follow up with policies and programs. Collectively, we heave a sigh of relief hoping that change appears to be afoot.

However, if you've been around awhile, you have seen it all before – over and over again. Take discrimination, harassment and bullying and legal practitioners and what some see as the new and shocking revelations in this report. Shocking? Yes. New? No. In the 1990s, work by Margaret Thornton, Rosemary Hunter and Helen McKelvie, Keys and Young, the Australian Law Reform Commission and a few Law Societies identified similar shocking frequencies with low reporting. Same in the 2000s – the Victorian Equal Opportunity and Human Rights Commission, the Law Council of Australia, Victorian Women Lawyers. Headlines, intense bursts of reportage, awakening of awareness – over and over again.

Recommendations are made. Some are implemented. Policies are made. Laws are enacted. All done, without doubt, with the best of intention.

However, and I suppose this is my first major point - **it is naïve to imagine that these hoped for changes are either inevitable or enduring** and so let the last quarter century act as a cautionary tale. We cannot afford to become complacent as, despite new statutes and programs, the fundamental fabric of the culture doesn't change – the power inequities that permeate our society and our workplaces continue and so too do domestic violence, rape, sexual harassment and bullying.

Us Too? Definitely us too! We have known for many years that in some workplaces people are more vulnerable to abuse and to discriminatory actions. These are more common in occupations, like the law, where women have entered what was the domain of men. And, since female solicitors and barristers are neither a recent phenomenon nor are they any longer tokens or even in some cases no longer even a numerical minority, the retention of these behaviours, as shown in this report, bodes ill.

The underlying and largely invisible ethos of the culture needs to change. Part of the fabric, resistant to true transformation, is the overrepresentation of mainstream men at senior levels. However, relatively few women and other minorities make it to the top. The high attrition rate for women in the legal professions is a contributing factor. Many who leave do so because of the toxicity of these workplaces and the biases against lawyers who are also parents who are trying to do their work in a way that is complementary with their family responsibilities. Yet, we need more diversity at the senior levels to effect cultural change so that the incidence of harassment and bullying drops as the culture changes and the invisible becomes visible.

And, even if we can bring more diversity into our upper echelons of the law will that be enough to change the culture of law firms and the Bar? Here's just 2 of the many reasons why I'm afraid that equal numbers is not the answer. As Keyes and Young wrote in 1995: 'Lawyers look to precedent, even in the way the profession is structured.' And, from my book *Less Than Equal*: 'In the military, among the police and in legal academia, private practice, the Bar and the judiciary, women may be treated paternalistically so that they never have the opportunity to fully act upon their personal potential or their capability as a group to interject differences.'

**This is a classic Catch 22 – actually a conundrum times 2 (if I haven't lost you). Leaving one to ponder at a philosophical level, if there is an answer to such a paradox?**

Likely not, so let's leave the theory and turn to your real lives and your workplaces.

There are ways ahead. We just have to accept that change is incremental, slow and non linear. I do thoroughly support all of the recommendations I would like to reflect upon the first one, expanding on it a bit: the need to create awareness.

Awareness is the first step but awareness of what exactly? **We need to break through the icebergs of gendered, racist, ageist, heterosexist, ethnocentric (and more) biases and assumptions that permeate our own sub consciences and our workplaces. We each must become aware first of how the bizarre becomes normalized both in violent homes and in toxic workplaces.** Let me say that again as it is the essence of my message and my work: **We need to break through the icebergs of biases and assumptions and become aware of how the bizarre becomes normalized both in violent homes and in toxic workplaces.** For example in the context of the latter, being ignored or 'talked over', being sexually teased, being ridiculed, receiving unwanted sexual comments, suggestions and contact become so normative that everyone (including the victims or targets) may trivialise or normalise these behaviours and underlying attitudes to the point of invisibility.

The first step then is **awareness** and the second is **action**. Hopefully, this report can serve as a catalyst for both. The ultimate objective of course is to make our law workplaces safer. Safer to make the invisible visible and to name the unacceptable. Safer to report. And perhaps SLOWLY we can emerge with work spaces that no longer permit toxicity and which allow for differences and deviation from precedent and from the traditional ways of practice.