



Australian
Bar Association

The ABA acknowledges the relationship between the land on which it and its members work and the First Nations' peoples of Australia

Proposed amendments to the *Legal Profession Uniform Conduct (Barristers) Rules 2015*

The Australian Bar Association invites comments and submissions on a proposal to amend Rules 123 and 125 of the Legal Profession Uniform Conduct (Barristers) Rules

Submissions can be sent to the Australian Bar Association on or before 2 August 2021 by email to: ceo@austbar.asn.au

The proposal to amend the Barristers Conduct Rules stems from, among other matters, the ABA's consideration of the Australian Human Rights Commission (AHRC) National Inquiry into Sexual Harassment in Australian Workplaces. The ABA considers the Rules should be amended to:

- expand the application of rule 123 beyond conduct in the 'course of practice' to include conduct 'in connection with' a barrister's 'profession';
- provide some inclusive examples of what that broader expression is intended to
- capture; and
- expand the application of rule 123 to prohibit bullying 'in connection with' a barrister's 'profession', rather than 'workplace bullying'.

The current rules

Rule 123 currently provides:

A barrister must not, in the course of practice, engage in conduct which constitutes:

- a) discrimination,
- b) sexual harassment, or
- c) workplace bullying.

Rule 125 relevantly provides:

workplace bullying

means unreasonable behaviour that could reasonably be expected to intimidate, degrade, humiliate, isolate, alienate, or cause serious offence to a person working in a workplace.

The proposed amendments

Rule 123

- (1) A barrister must not, in the course of practice or in connection with their profession, engage in conduct which constitutes:
- (a) discrimination,
 - (b) sexual harassment, or
 - (c) ~~workplace~~-bullying.
- (2) For the purposes of this rule, conduct in connection with a barrister's profession includes, but is not limited to:
- (a) conduct at social functions connected with the bar or the legal profession; and
 - (b) interactions with a person with whom the barrister has, or has had, a professional relationship.

Rule 125

~~**workplace bullying**~~ means unreasonable behaviour that could reasonably be expected to intimidate, degrade, humiliate, isolate, alienate, or cause serious offence to a ~~person working in a workplace.~~