

brisbane times

NATIONAL COURTS

'We're ashamed': the Chief Justice and the High Court's #MeToo moment

By [Michaela Whitbourn](#)

June 26, 2020 – 12.00pm



f t s e | A A A

"The voices of women are often heard in public discourse today," High Court Chief Justice Susan Kiefel remarked in 2018. "It is easy to forget that this was not always so."

This week, the voices of long-silenced women in the legal profession became a roar – and were heard by the chief herself.



Chief Justice Susan Kiefel, pictured in November 2016. ROBERT SHAKESPEARE

Why is she in the news?

The High Court revealed on Monday an investigation had concluded [former justice Dyson Heydon sexually harassed six former judicial associates](#) who worked at the court as young women. He has emphatically denied the claims.

Chief Justice Kiefel was [unflinching in her language](#).

"We're ashamed that this could have happened at the High Court of Australia," she said.

Who is she?

The chief's approach was consistent with her character on and off the bench, those who know her say. The forthright Cairns-born judge is unfailingly calm in court but direct in her line of questioning.

She takes a dim view of impolite judges and has said a judge's "real temperament is exposed in court".

Behind the scenes, the country's top judge is warm and engaging – and known for her love of Rottweilers.

The 66-year-old spent many years in her early career as a rarity in a profession exhibiting no shortage of men.

When she was admitted as a barrister in 1975 there were just two other women at the Queensland bar. It was "the first time that there had been so many women", she later recalled.

In an oft-told anecdote, she disarmed a roomful of male clients as a young barrister by hand-rolling and smoking a cigarette, a common habit at the '70s-era bar that she has long since kicked.

In 1987 the then 33-year-old became the first female barrister in Queensland to be appointed Queen's Counsel, or silk. During a break in her career, she obtained a Masters in Law from the University of Cambridge, where she met her husband.

But it was not an express train to the top: the Sandgate District High School alumna left school before her fifteenth birthday and began her working life as a legal secretary, and later a legal clerk, while studying law part-time through the barristers' admission board.

She was appointed a judge of the High Court in September 2007, when Dyson Heydon had been on the bench for four-and-a-half years.

How does she run the court?

In November 2016 the Turnbull government [appointed her the country's first female High Court chief justice](#). She took the reins officially in January 2017.

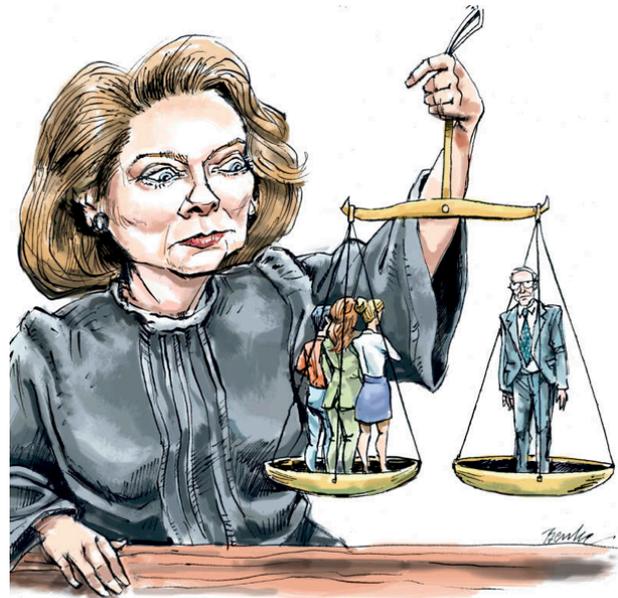
A former judge of the Federal Court and Queensland Supreme Court, Chief Justice Kiefel worked alongside Heydon for more than five years before he retired from the court in March 2013 at the mandatory retirement age of 70.

The ceremony to mark her swearing-in as chief justice of the court was attended by a bevy of her former High Court colleagues – William Gummow, Michael Kirby, Ken Hayne and Susan Crennan – but not by Heydon.

Her public comments suggest her judicial style differs markedly to Heydon's. He was known to be acerbic in his criticism of colleagues and often made a point of writing judgments alone rather than with colleagues.

"Some of my colleagues ... don't write grammatically," [he told the ABC in 2013](#).

In a speech in January 2013 the then Justice Kiefel remarked that "courts can no doubt function with some judges who are not collegiate" but "collegiality is as important in the workplace of judges as it is elsewhere".



Chief Justice Susan Kiefel. JOE BENKE

A #MeToo reckoning?

At the time of her appointment to the court in 2007 there was just one other woman on the seven-judge bench: Justice Susan Crennan, who has since retired. Women are still marginally outnumbered on the court but Chief Justice Kiefel is now joined by Justices Virginia Bell and Michelle Gordon.

Last year, the peak body for the legal profession, the International Bar Association, [released a report titled "Us Too?"](#) which exposed high rates of harassment in the Australian profession.

The worldwide #MeToo moment helped break down some of the reluctance among young lawyers to report their experiences, and in 2019 some of Heydon's alleged victims approached the court.

Barrister Larissa Andelman, president of the Women Lawyers' Association of NSW, applauded the "victim-centred approach" adopted by the Chief Justice in relation to Heydon.

The court has acted on the investigation into Heydon and made changes, including developing a new HR policy and ensuring associates are paired with a supervisor who is not a judge.

"If we are to change the status quo in the legal profession, men have to take some weight off women's shoulders and not just be bystanders," Ms Andelman said.

"Saying nothing undermines women's confidence and effectiveness at work and perpetuates the existing paradigm."



Michaela Whitbourn



Michaela Whitbourn is a legal affairs reporter at The Sydney Morning Herald.