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Three women sexually harassed by High Court Justice Dyson Heydon secure secret payout

Three women who were sexually harassed by former High Court Justice Dyson Heydon have secured a secret six figure compensation payout.

Samantha Maiden, News.com, 14 February 14, 2022

Three women who were sexually harassed by former High Court Justice Dyson Heydon have secured a secret six figure compensation payout from the Morrison Government.

Workplace law firm Maurice Blackburn Lawyers announced today “an historic settlement” for three women - Rachael Patterson Collins, Chelsea Tabart and Alex Eggerking - whose claims of sexual harassment were upheld by an independent investigation.

But the financial compensation will remain a secret, as a result of a confidential settlement with the Commonwealth.

It’s believed it could be more than a million dollars.

Last year, Justice Heydon issued a statement through his lawyers denying “emphatically any allegation of sexual harassment or any offence”.

“In respect of the confidential inquiry and its subsequent confidential report, any allegation of predatory behaviour or breaches of the law is categorically denied by our client,” the statement said.

“Our client says that if any conduct of his has caused offence, that result was inadvertent and unintended, and he apologises for any offence caused.

“The inquiry was an internal administrative inquiry and was conducted by a public servant and not by a lawyer, judge or a tribunal member. It was conducted without having statutory powers of investigation and of administering affirmations or oaths.”.

The High Court inquiry was prompted by two of the judge’s former associates making a claim to Chief Justice Susan Kiefel in March 2019 that they had been sexually harassed by Justice Heydon.

Lawyers acting for the women have confirmed the settlement agreements with each woman include a Non-Disclosure Agreement preventing disclosure of the amounts of compensation involved.

“After their experience of working in the High Court, Rachael, Chelsea and Alex have been unable to pursue the legal careers that they aspired to. Indeed, they were so

severely impacted by what happened that it took them years to come forward to pursue this matter,” workplace lawyer Josh Bornstein said.

“Detailed actuarial and other evidence was prepared in aid of their claims. That actuarial material sought to effectively model the loss of a legal career for a typical High Court associate. Many former High Court associates pursue successful careers as barristers and some are then appointed as judges.”

One former legal assistant, Chelsea Tabart, previously told the Sydney Morning Herald that on her first day working for Justice Heydon nearly a decade ago, he suggested they stop for a drink after an office dinner.

He took her to a private room at a prestigious club, she said, and put his hand on her thigh. She was 22.

Another former associate, Rachael Patterson Collins said Justice Heydon made repeated advances toward her — on one occasion asking if he could kiss her.

When she asked him why she said he replied, “Because you’re beautiful”.

Two women have previously identified themselves as subject to Justice Heydon’s behaviour which he maintains was “inadvertent and unintended”.

Maurice Blackburn said the three women would not be making any personal statements at this time but welcomed the resolution of the matter.

“They have asked me to convey their strong conviction that women should not feel ashamed to pursue financial settlements in sexual harassment cases because sexual harassment will only start to recede when there is a clear recognition that it has a substantial cost to organisations and individuals who are implicated,” Mr Bornstein said.

“The settlement of these claims is of particular importance because it shows that women can succeed in the quest for truth and accountability in cases of sexual harassment, even involving some of the most powerful individuals and institutions in the land.

“It’s not always the case, but sometimes the legal process can overcome a severe power imbalance. Our legal team are very happy and feel privileged to have represented our three formidable clients.”

Mr Bornstein also paid tribute to the bravery of the women in deciding to come forward and pursue their claims.

“That bravery has had a profound effect on the legal profession already. A cultural revolution is underway in the courts, law societies, barristers’ associations and law firms. Other women alleging sexual harassment against judges have come forward and a number of investigations have either concluded or are underway.

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Last year, Prime Minister Scott Morrison was accused of “prolonging the trauma” of three women who were sexually harassed by former High Court Justice Dyson Heydon by delaying a multi-million dollar compensation bid.

An independent investigation commissioned by the High Court has previously found six former court staff members were harassed by Justice Heydon, claims which have been categorically denied by the former justice.

The High Court Chief Justice Susan Kiefel has also formally apologised to the women telling the women that their accounts of the events “were believed”.

Justice Heydon’s former associate Alex Eggerking told news.com.au about her experiences in an attempt to urge the Prime Minister to end the delays to a legal settlement.

“Since the High Court’s own investigation found that Dyson Heydon sexually harassed me and other women while we were his associates, I have gone above and beyond to provide the Commonwealth with evidence of the harm I’ve suffered because of the harassment,” she said.

“Every week this matter continues is an extra week I have to manage life with debilitating anxiety caused by post-traumatic stress disorder, where every step, every communication in this compensation process triggers my illness.

“Every week is an extra week (that) I have no income as the precariousness of my mental health makes it too difficult for me to work.

“Every week is a week I am not able to direct my energies towards improving my mental health and moving beyond this chapter of my life.

“And what message does the Commonwealth’s delay send to the community? To women? To victims of workplace sexual harassment?”

“Is this what accountability looks like for wrongdoing by one of the country’s most powerful men — wrongdoing that was found to have occurred by the High Court’s own investigation, wrongdoing that the Commonwealth is not disputing?”

At the time, Maurice Blackburn Lawyers said the Morrison Government had repeatedly delayed settlement talks since March, “citing a range of different reasons”.

A review by Vivienne Thom found the women were harassed. In a statement, Chief Justice Kiefel said “their accounts of their experiences at the time have been believed”.

“We are ashamed that this could have happened at the High Court of Australia,” said Chief Justice Kiefel in a statement at the time.

“The findings are of extreme concern to me, my fellow justices, our chief executive and the staff of the court.”.

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Mr Morrison described the allegations against Mr Heydon at the time as “incredibly serious”.

“Allegations of this sort are obviously very disturbing and very concerning,” he said.

The Prime Minister said the question of stripping the former judge of his AC would be considered at a later juncture.

“People’s awards and honours, if those processes end in a place where people have, where those allegations have been upheld, then there’s a normal process for honours to be dealt with at that time,” he said.

“There should be a proper process to deal with this. There will be.”