

## Fairfax backs down from claims firm mishandled rape allegation

31 March 2016 - Felicity Nelson

**A Fairfax story claiming law firm Arnold Bloch Leibler failed to comply with reporting requirements after an allegation of rape against an employee has been removed from its website.**

The *Sydney Morning Herald* reported yesterday that Arnold Bloch Leibler did not notify police after becoming aware of an alleged sexual assault by a former Melbourne office manager in 2001.

According to *SMH*, the firm allegedly reported the allegation to its insurance company but failed to take the complaint further.

The story was subsequently removed from the *SMH's* digital edition.

Mark Leibler, senior partner at Arnold Bloch Leibler, told *Lawyers Weekly* that the *SMH* report was “inaccurate and misleading”.

“As a senior partner at Arnold Bloch Leibler, I am fully aware of the facts relating to this case and I am satisfied that we complied at all times with the applicable reporting obligations,” he said.

Mr Leibler said he was unable to comment specifically on whether the firm notified the police of the alleged rape after 2001 because the matter is currently before the courts.

“However, any suggestion that this firm did not behave appropriately is totally without foundation and wrong,” he said.

In the article, *SMH* suggested that law firms are obliged to report allegations of rape to police. This was based on remarks from Michael McGarvie, the Victorian Legal Services Board CEO and Commissioner.

However, Mr McGarvie claims he was “hopelessly misquoted” and yesterday sent an email to Mr Leibler personally apologising for the “upset” caused by the error.

*Lawyers Weekly* has received a copy of that email, in which Mr McGarvie says the comments attributed to him were “inaccurate and therefore misleading”.

In clarifying his position, Mr McGarvie said all employers have an obligation under occupational health and safety laws to respond to dangers if actual harm or the threat of harm was brought to their attention or anticipated.

However, employers are not obliged to report workplace safety issues to the police, he said.

Mr McGarvie said a law firm “would presumably” have enough information to make a report to “others” if they were motivated to report the incident to an insurance company.

“And in some situations that may include the police,” he added.

UPDATE: 31 March - The *Sydney Morning Herald* issued a formal apology to Arnold Bloch Leibler for its reporting on the story. - <http://www.lawyersweekly.com.au/news/18259-fairfax-backs-down-from-claims-firm-mishandled-rape-allegation>