



CITY OF MELBOURNE

4 March 2019

Ms Kate Jenkins
Sex Discrimination Commissioner
Australian Human Rights Commission
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Dear Kate

NATIONAL INQUIRY INTO SEXUAL HARASSMENT IN AUSTRALIAN WORKPLACES

As you are aware, the City of Melbourne has recent insights into the systems and processes surrounding the management and resolution of sexual harassment allegations.

In our view the system clearly isn't working. Not for the complainants. Not for the workplaces. Not for the accused. The process is broken.

We recently provided some insight to the Municipal Association of Victoria (MAV) for the completion of a sector wide submission. A copy of this is attached and forms part of this submission.

The comments below are additional comments made in light of recent events experienced by the City of Melbourne.

There has been significant media coverage about the frustration of a complainant who came forward, over twelve months ago, alleging inappropriate behaviour by the former Lord Mayor, Robert Doyle. The complainant is still waiting for a resolution.

Mr Doyle provided medical advice that he was not able to respond to claims made and the period of investigation was prolonged. Prior to the finalisation of the investigation, Mr Doyle also instigated Supreme Court action to prevent the finalisation of the investigation and publication of any findings, which further prolonged the time.

Had the Supreme Court action proceeded it is likely that the findings of the Court could have taken a further few months and if the City of Melbourne had been successful and the finding appealed by Mr Doyle, it is likely that there could have been a further delay of up to 12 months.

It is totally unacceptable for complainants to have to wait for such long periods of time to have their allegations investigated and concluded.

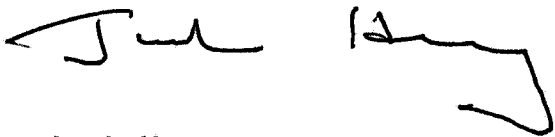
The key point in our submission is that sexual harassment needs to be expressly dealt with in either legislation or regulations and the current legislative framework in Victoria does not provide appropriate pathways for timely resolution of such allegations. This can only act as a disincentive for people experiencing sexual harassment to report the matter.

On a positive note, the City of Melbourne has taken steps at an organisational level to facilitate complainants being able to tell their stories, should they wish, in order to shine a stronger light on the prevalence of sexual harassment and facilitate a shift in community attitudes and behaviours.

As such, the City of Melbourne has recently adopted a policy position that, in any Deed of Release and/or Settlement or similar relating to sexual harassment in our workplace, the person we enter into agreement with will not be prevented from speaking to others about the allegations or the fact that settlement was reached with Council. This policy approach was applied to a Deed of Release late last year.

I am happy for this submission to be made public.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Justin Hanney', with a stylized flourish at the end.

Justin Hanney
Chief Executive Officer

Attachment: City of Melbourne submission to MAV

DM# 12293688