

## **Submission 223**

To whom it may concern,

We thank the National Inquiry into Sexual Harassment in Australian Workplaces the opportunity to make a submission. This submission addresses the current legal framework with respect to Sexual Harassment for Elected Members.

The City of Mitcham, at its full council meeting of the 12 February 2019, resolved that Council;

1. Requests the National Inquiry into Sexual Harassment in Australian Workplaces to investigate how Commonwealth and State legislation could change to include the definition of a workplace and employee to include elected members as council employees, and that any council premises be recognised as a workplace for elected members.

2. The outcome of this investigation be communicated to Local Governments.

The challenge of developing legal framework is crucial for the clarity and consistency of managing sexual harassment in the 'workplace' for Elected Members nationally.

Attached to this electronic submission is a zipped file with copies of the motion as supplied to the Elected Body in the Agenda, an extract and the full minutes of the City of Mitcham's Full Council Meeting on the 12 February 2019 providing further explanation.



**10.6 TRAFFIC ISSUES UPDATE REPORT - FEBRUARY 2019**

*Report Author/Manager: Richard Tang / Chris Haskas*

*General Manager: Daniel Baker*

*(Meeting Date: 12 February 2019)*

*(Location: Council Wide)*

*(Consultant Used: \$0)*

**10.7 EASTERN WASTE MANAGEMENT AUTHORITY INC. BOARD MINUTES**

*Report Author/Manager: Matthew Spinelli / Deb Horton*

*General Manager: Kate O'Neill*

*(Meeting Date: 12 February 2019)*

*(Location: )*

*(Consultant Used: \$Nil)*

**ITEM OF BUSINESS BE BROUGHT FORWARD**

MOVED Cr Todd

That item 14.6 be dealt with now.

SECONDED Cr McCarthy

CARRIED

**14.6 CR YVONNE TODD - NATIONAL INQUIRY INTO SEXUAL HARASSMENT IN AUSTRALIAN WORKPLACES**

MOVED Cr Todd

That Council;

1. Requests the National Inquiry into Sexual Harassment in Australian Workplaces to investigate how Commonwealth and State legislation could change to include the definition of a workplace and employee to include elected members as council employees, and that any council premises be recognised as a workplace for elected members.
2. The outcome of this investigation be communicated to Local Governments.

SECONDED Cr Munro

CARRIED UNANIMOUSLY



**14.6 CR YVONNE TODD - NATIONAL INQUIRY INTO SEXUAL  
HARRASSMENT IN AUSTRALIAN WORKPLACES**

*I hereby give notice that I intend to move:*

That Council;

1. Requests the National Inquiry into Sexual Harassment in Australian Workplaces to investigate how Commonwealth and State legislation could change to include the definition of a workplace and employee to include elected members as council employees, and that any council premises be recognised as a workplace for elected members.
2. The outcome of this investigation be communicated to Local Governments.

**REASON:**

The Local Government Association (LGA) wrote to all Councils on 7 January 2019 via circular 2.1 regarding the National Inquiry into Sexual Harassment in Australian Workplaces and requested submissions on the particular workplace experience of elected councillors and local government staff. Submissions are due to the National Inquiry by 28 February 2019.

The current legal framework does not recognise elected members as being part of a “workforce” or the “chamber” as being a workplace for Ems, and so EMs are unable to officially complain to the CEO about inappropriate behaviour, sexual discrimination, sexual harassment or bullying that occurs in the Chamber.