



CITY OF HOBART

AGENDA

OPEN PORTION OF THE SPECIAL COUNCIL MEETING
WEDNESDAY, 3 JULY 2024
AT 6:30PM



THE MISSION

Working together to make Hobart a better place for the community.

OUR VALUES

THE COUNCIL IS:

PEOPLE

We care about people – our community, customers and colleagues

TEAMWORK

We collaborate both within the organisation and with external stakeholders drawing on skills and expertise for the benefit of our community.

FOCUS AND DIRECTION

We have clear goals and plans to achieve sustainable social, environmental and economic outcomes for the Hobart community.

CREATIVITY AND INNOVATION

We embrace new approaches and continuously improve to achieve better outcomes for our community.

ACCOUNTABILITY

We work to high ethical and professional standards and are accountable for delivering outcomes for our community.

VISION

OUR VISION, MISSION AND VALUES HOBART: A COMMUNITY VISION FOR OUR ISLAND CAPITAL

Hobart breathes.

Connections between nature, history, culture, businesses and each other are the heart of our city

We are brave and caring.

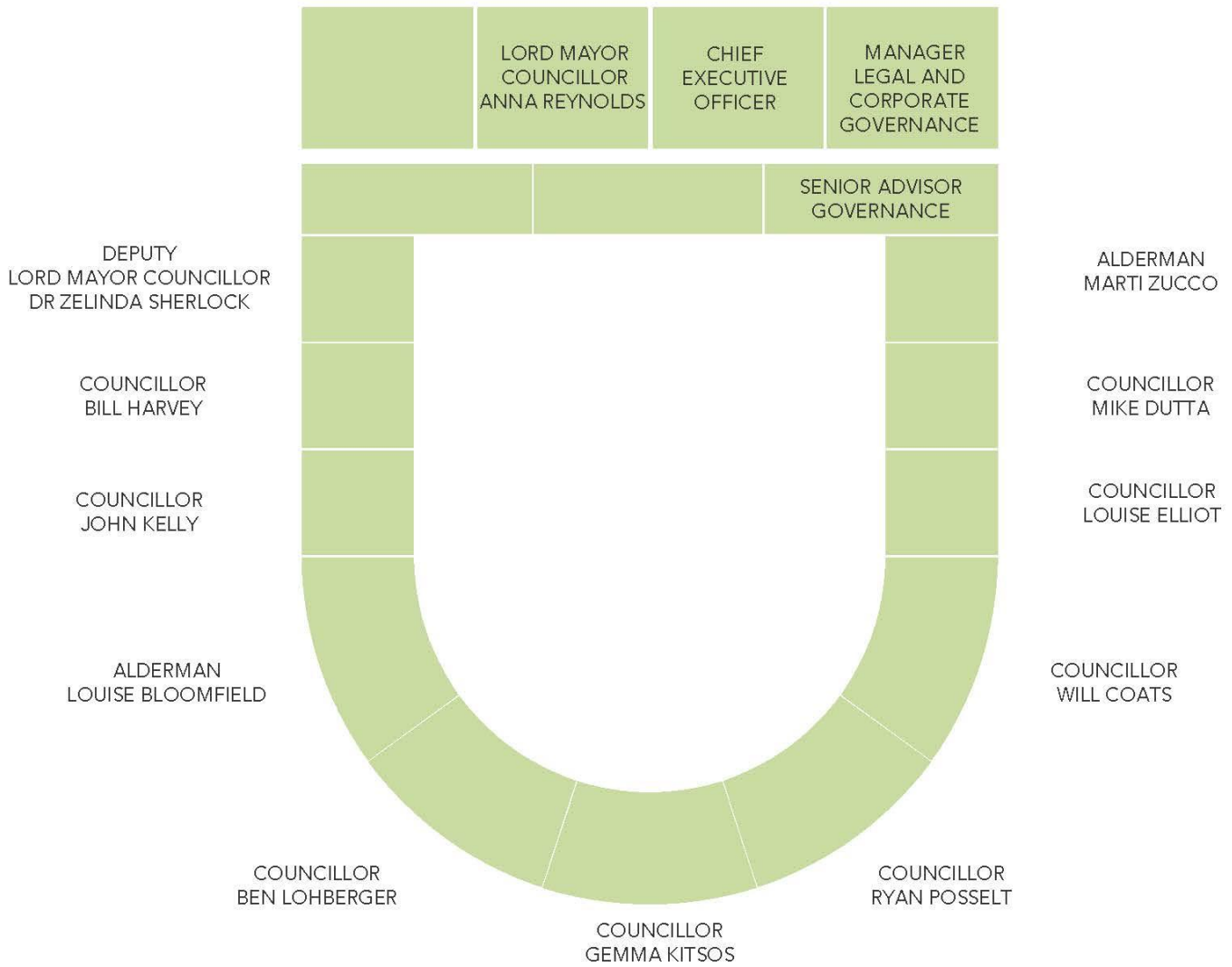
We resist mediocrity and sameness.

As we grow, we remember what makes this place special.

We walk in the fresh air between all the best things in life.



City of **HOBART**



ORDER OF BUSINESS

APOLOGIES AND LEAVE OF ABSENCE

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A MEETING OF THE OPEN PORTION OF THE COUNCIL WILL BE HELD IN THE COUNCIL CHAMBER, TOWN HALL ON WEDNESDAY, 3 JULY 2024 AT 6:30PM.

**Michael Stretton
Chief Executive Officer**

The title Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant s.61 of the *Local Government Act 1993* (Tas).

ELECTED MEMBERS:

Lord Mayor A M Reynolds
Deputy Lord Mayor Z E Sherlock
Alderman M Zucco
Councillor W F Harvey
Councillor M S C Dutta
Councillor J L Kelly
Councillor L M Elliot
Alderman L A Bloomfield
Councillor R J Posselt
Councillor B Lohberger
Councillor W N S Coats
Councillor G H Kitsos

APOLOGIES:

LEAVE OF ABSENCE: Nil.

1. ACKNOWLEDGEMENT OF COUNTRY

2. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

Ref: Part 2, Regulation 8(7) of the *Local Government (Meeting Procedures) Regulations 2015*.

Members of the Committee are requested to indicate where they may have any pecuniary or conflict of interest in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the Committee has resolved to deal with.

REPORT OF THE CHIEF EXECUTIVE OFFICER

**3. Equal Opportunity Tasmania Conciliation Agreement - Blocking of Town
Hall Ballroom Booking
File Ref: F24/60655**

Report of the Chief Executive Officer of 28 June 2024.

Delegation: Council

**REPORT TITLE: EQUAL OPPORTUNITY TASMANIA CONCILIATION
AGREEMENT - BLOCKING OF TOWN HALL
BALLROOM BOOKING**

REPORT PROVIDED BY: Chief Executive Officer

1. Report Summary

1.1. This report relates to the outcomes of a conciliation agreement between the City of Hobart and Louise Elliot following a complaint made to Equal Opportunity Tasmania (EOT).

2. Recommendation

That Elected Members note the report relating to the Equal Opportunity Tasmania Conciliation Agreement with Louise Elliot in response to the blocking of her application to book the Town Hall Ballroom for an event.

3. Background

- 3.1. As with any new Chief Executive Officer (CEO) that enters an organisation, one of the most important early tasks is to develop an understanding of the organisation's strengths, weaknesses, opportunities and threats. Equally, it's important to understand the culture of the organisation and identify areas for focus and attention in the short, medium and long term.
- 3.2. It is through this lens that I entered and viewed the organisation. It was very quickly made apparent to me that the organisation had been through a difficult period in recent times with a great deal of change in leadership as well as some relationship issues that existed within the Council that had resulted in the development of a culture that was not as constructive and/or positive as one would like.
- 3.3. Experience tells us that by working in a culture of negativity, it will inevitably have flow on effects including on the performance of the organisation and also leading to people making errors in judgement and actions.
- 3.4. Regrettably, Louise Elliot was on the receiving end of our organisation making several errors of judgement and actions in connection to her request to book the Town Hall Ballroom in September 2023 and as a result of these errors she was directly discriminated against by the organisation, and in breach of the *Anti-Discrimination Act 1998*.
- 3.5. As part of a complaint that was made to EOT in respect to the matter, a comprehensive independent investigation was carried out which provided a thorough understanding of what occurred within the organisation, including what went wrong and, more importantly, what can be done to avoid the situation from happening again and moving forward.
- 3.6. The purpose of this report is for the organisation to put its hand up and own these errors, to sincerely apologise to Louise Elliot for the impacts caused by the organisation's conduct and actions and to provide a commitment and direction which will ensure that incidents such as these do not occur in the future.

4. Discussion

- 4.1. There are two (2) specific matters that must be dealt with in respect to this report:
 - The manner in which the organisation handled Louise Elliot's request to book the Town Hall Ballroom in September 2023; and
 - The manner in which the organisation handled a Right to Information (RTI) request from Louise Elliot in respect to the first matter.

- 4.2. As appropriate, both of these matters have been thoroughly investigated and actioned by the leadership of the organisation, and, the CEO has participated in a conciliation process through EOT with Louise Elliot, which satisfactorily resolved the matter subject to a number of undertakings by the organisation which will be addressed later in this report.
- 4.3. In discussing these matters it is not proposed to provide any specific details of the staff involved due to workplace confidentiality requirements, while also noting the EOT conciliation agreement is also bound by a confidentiality requirement.
- 4.4. It should also be noted that no Elected Member from the City of Hobart had any involvement and/or knowledge of the blocking of the booking for the Town Hall Ballroom and/or the resultant RTI process.
- 4.5. There are complaints of Council staff releasing information about Louise Elliot's booking application to the Lord Mayor, which was subsequently passed on to an individual outside of the organisation. However, these events occurred after the blocking of the Town Hall Ballroom booking and therefore, are not a relevant consideration for this report.

Request to book the Town Hall Ballroom in September 2023

- 4.6. In September 2023, Louise Elliot made an application to book the Town Hall Ballroom to hold an invite only "community forum on women's rights and free speech". The application was made as an individual, not in her role as Councillor, and she used her private email address.
- 4.7. While the booking application process was initially followed by Council staff, there was a departure from usual practice when staff acted to block the booking of the Ballroom due to assumptions being made that political views about transgender people and their participation in sport and access to facilities would be discussed at the event and that Ms Keen-Minshull [aka Posie Parker] would be speaking at the event.
 - 4.7.1. Ms Keen-Minshull has been described as an anti-transgender rights activist and leader of the British political party, Party of Women.
- 4.8. A view was formed by staff that the event would pose an unreasonable risk to the organisation due to security and workplace health and safety considerations.
- 4.9. However, a proper work health and safety risk assessment was not completed for the event as is required as part of the Council's room booking assessment process.
- 4.10. Information about the event was neither requested or obtained from Louise Elliot to inform a work health and safety risk assessment and only a precursory work health and safety risk assessment was

undertaken and relied upon and it did not involve a proper assessment of all relevant matters.

- 4.11. Had the risk assessment process been instituted it is likely that this issue would have been addressed and resolved appropriately. If there are safety concerns with regard to an event the Council has processes in place to conduct work health and safety risk assessments which include both physical and psychosocial risk (which would include breaches of anti-discrimination legislation).
- 4.12. As a result, Louise Elliot's application to book the Town Hall Ballroom was deliberately blocked without proper and due process.
- 4.13. Unfortunately, this led to Louise Elliot being lied to when she was told that that the Town Hall Ballroom was not available on the dates she requested for her event.
- 4.14. She was also denied an opportunity to provide more information about the nature of her event so that an appropriate risk assessment could be undertaken.
- 4.15. Rather, staff endeavoured to influence Louise Elliot to book an alternative venue including Mawson's Waterside Pavilion or City Hall.
- 4.16. However, upon consideration it was clear that Mawson's Waterside Pavilion was a lot smaller and more visible to the community, while City Hall does not have the status or facilities of the Town Hall Ballroom.
- 4.17. If there were genuine concerns regarding the nature of the event and security at the Town Hall Ballroom Louise Elliot should have been afforded a procedurally fair opportunity to understand and respond to those concerns.

Right to Information (RTI) request

- 4.18. Subsequent to the blocking of Louise Elliot's booking of the Town Hall Ballroom an RTI request was made to the Council in respect to the booking process.
- 4.19. The Council's RTI Officer took honest and reasonable steps on 20 October 2023 when the initial RTI request was made to decline Louise's request by making diligent enquiries of staff involved in the room booking process and relying on the inaccurate assessment that no decision had been taken to block Louise Elliot's booking which had already occurred sometime between 11 and 18 September 2023.
- 4.20. The RTI Officer made further diligent enquiries of the same staff on 23 October 2023 when a second RTI request was made and adopted the same reasonable reliance upon them. The RTI Officer made further diligent enquiries of the same people subsequently and after pressing them for more information on 21 November 2023, provided further feedback to the Ombudsman's office.

- 4.21. However, in late November it became apparent that the staff involved in the room bookings process had intentionally failed to comply with the request by not providing all information that ought to have been provided and by avoiding documenting discussions relating to the blocking of the booking.
- 4.22. The Council's RTI Officer made immediate and appropriate remedial disclosures to Louise Elliot on 30 November 2023 upon becoming aware of the staff failure to provide all relevant information.
- 4.23. It is clear therefore that Louise Elliot's RTI process was stifled on the basis that her request for a booking had not been blocked when in fact it had.

Conclusion

- 4.24. The question that needs to be answered is: Has Louise Elliot been denied procedural fairness or otherwise been unfairly treated?
- 4.25. The answer to that question is yes.
- 4.26. It has been found that:
 - Louise Elliot's request to book the Town Hall Ballroom was deliberately blocked without due process;
 - Louise Elliot was lied to when she was told that that the Town Hall Ballroom was not available on the dates she requested for her event;
 - Louise Elliot's RTI process was stifled on the basis that her request for a booking had not been rejected when in fact it had; and
 - Louise Elliot was denied an opportunity to provide more information about the nature of her event so that an appropriate risk assessment could be undertaken.
- 4.27. For discrimination to have occurred it must be established:
 - That the true or genuine reason why Louise Elliot's request for a booking was blocked was because she had a prescribed attribute (eg. political activity, political belief or affiliation or association with a person who has or is believed to have, any of these attributes);
 - That Louise Elliot had been treated differently when compared to the treatment of a comparator. That is, a notional person similarly placed to Louise Elliot and in like circumstances but without the prescribed attribute;

- Louise Elliot has suffered a detriment that is, a disadvantage that is real, a matter of substance and not trivial; and
 - The discrimination occurred in connection with an area of activity protected by the *Anti-Discrimination Act 1998*, in this case, provision of services.
- 4.28. It has been established that the reason for blocking the booking was because of assumptions made that:
- Louise Elliot's own political views about transgender people and their participation in sport and access to facilities would be discussed at the event; and
 - Ms Keen-Minshull (also known as Posie Parker) would be speaking at the event.
- 4.29. In terms of detriment by blocking the booking for the Town Hall Ballroom Louise Elliot was not able to have the forum where she wanted to and suffered a detriment.
- 4.30. It was not reasonable for Louise Elliot to accept the alternative booking at Mawson's Waterside Pavilion or City Hall. Mawson's Waterside Pavilion is smaller and the City Hall does not have the status or facilities of the Town Hall Ballroom.
- 4.31. It is clear that Louise Elliot was directly discriminated against by the organisation and consistent with the agreement reached through the EOT conciliation process, is owed an apology.

Apology

- 4.32. On behalf of the Council, I would like to formally acknowledge that, in blocking Louise Elliot's request to book the Town Hall Ballroom on the basis of political belief or affiliation, political activity, and association with a person who has, or is believed to have, any of these attributes in connection with the provision of facilities, goods and services, the organisation engaged in direct discrimination of Louise Elliot in breach of the *Anti-Discrimination Act 1998*.
- 4.33. Council staff made an incorrect assumption about the nature of the event to be hosted by Louise Elliot and failed to seek further information that would have corrected that assumption.
- 4.34. Louise Elliot was lied to about the availability of the Town Hall Ballroom.
- 4.35. Council staff had led Louise Elliot to believe, falsely, that no improper conduct had occurred in relation to her attempts to book the Town Hall Ballroom.
- 4.36. Right to information processes were not complied with.

- 4.37. Louise Elliot's personal information was shared with others in breach of the *Personal Information Protection Act*.
- 4.38. Subject to satisfying the usual terms and conditions of hiring the Town Hall Ballroom, Louise Elliot ought to have been able to host her event in the Town Hall Ballroom.
- 4.39. On behalf of the Council, I apologise for any stress, anxiety, frustration, embarrassment, and inconvenience caused by the conduct that has been outlined in this report.
- 4.40. In making this apology, I would like to reiterate that the Council supports diversity and commits to upholding the principles of the *Anti-Discrimination Act 1998* including the prohibition of discrimination on the grounds of political belief or affiliation and political activity.
- 4.41. The Council recognises the fundamental right of every individual to participate socially, culturally, economically, physically, spiritually and politically in society.
- 4.42. The CEO will provide a formal written apology to Louise Elliot once this report has been noted by the Council.

The Future

- 4.43. The events that have been documented in this report are not acceptable and will not be acceptable within our organisation moving forward.
- 4.44. Since the time of these events, a new permanent CEO has commenced at the organisation, with a strong focus on the Council's governance, performance and culture, and a commitment to building strong working relationships with all Elected Members.
- 4.45. For instance, the organisation has been focused on the development of a constructive culture through the implementation of the One Hobart Cultural Development program.
- 4.46. This program has recently involved a leadership development process which has sought to better equip leaders across the organisation and increase collaboration and cooperation. This program will seek to further empower our people across the organisation and improve our processes and resources to progressively improve the culture over time.
- 4.47. The organisation is committed to the ongoing training and development of our people and is currently rolling out Equal Opportunity Tasmania training to the leadership team and staff and will be made available to Elected Members. Additionally, the Council will provide RTI training to staff and with the Council's Legal & Governance Team with a particular focus on conflicts of interest.

- 4.48. As I write this report, I feel confident in saying that these events are a legacy issue, which will not be repeated by this organisation.
- 4.49. I have observed the culture of the organisation already starting to shift and I believe that with the quality of people that exist across the organisation at all levels I can only see this continuing to improve into a constructive culture in which people are proud to work for and be represented by the City of Hobart.
- 4.50. The community can be assured that this matter has been treated seriously and thoroughly investigated through the mechanisms available.

5. Financial Viability

- 5.1. Funding Source and Impact on Current Year Operating Result
 - 5.1.1. The events that have been described in this report resulted in a claim being made under the Council's insurance policy in respect to professional indemnity.
 - 5.1.2. Accordingly, the costs associated with the EOT matter has been covered through insurance and there has been no direct cost to Hobart ratepayers.
- 5.2. Impact on Future Years' Financial Result
 - 5.2.1. Not applicable
- 5.3. Asset Related Implications
 - 5.3.1. Not applicable

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



Michael Stretton
CHIEF EXECUTIVE OFFICER

Date: 28 June 2024
File Reference: F24/60655