

# 'At-fault' ANZ bank apologises for questioning in sexual harassment case



[theguardian.com/australia-news/2018/jul/21/at-fault-anz-bank-apologises-for-questioning-in-sexual-harassment-case](https://theguardian.com/australia-news/2018/jul/21/at-fault-anz-bank-apologises-for-questioning-in-sexual-harassment-case)

Helen Davidson

July 21, 2018

The chief executive of ANZ will apologise to a former employee who is suing the company after its New York legal team questioned her about her rape as a teenager during a deposition hearing in a sexual harassment claim.

Shayne Elliott said "a serious line was crossed" and he would instruct the bank's lawyers not to use the information – gained through a deposition – in the trial, after he was alerted to a story in Fairfax newspapers on Saturday.

The report contained details of a deposition transcript from the multimillion-dollar lawsuit. The former senior trader at ANZ's New York office is suing the bank and its head of corporate sales for America, Ravi Nursey, over alleged sexual harassment in the workplace.

Lawyers representing ANZ reportedly questioned the woman about the time she was sexually assaulted as a freshman at a US university, as well as details of her sexual history, whether she had ever had a sexually transmitted disease, and if she had sought psychiatric assistance.

In defence of an objection, the lawyer reportedly suggested the woman might have overreacted to incidents at work.

Alerted to the report on Saturday morning, which included a comment from an ANZ spokesman, Elliott said in a tweet that he did not know about the apparent legal strategy.

"I apologise. This is wrong and not acceptable. We were not aware of our external NY lawyers strategy and should have been. We have instructed them that this is not to be used during trial and I will apologise to the complainant personally."

In subsequent tweets, he said "a serious line was crossed" and that ANZ should have known about the strategy and was "at fault" because it did not.

"It was wrong. We were wrong. Our people and our lawyers were wrong."

The Fairfax report said the trader's lawyer had sought to have the testimony kept out of the trial because "it appears as if the defendants intend to use this material at trial to similarly embarrass and demean [her]".

"This disgraceful tactic constitutes a blatant continuation of the harassment and retaliation [the trader] suffered at ANZ."

The ANZ spokesman had also said the legal team would be instructed not to use the testimony.

"We are disappointed this line of questioning was put to [the trader] by our external lawyers handling the matter in New York," he said in a statement.

"We are aware that the law and practice in the United States is different to Australia, however the questioning was not consistent with our culture or values and we don't consider [the trader's] past sexual history or her being the victim of sexual abuse relevant to our defence."

Shayne Elliott (@ElliottShayne)

I apologise. This is wrong & not acceptable. We were not aware of our external NY lawyers strategy & should have been. We have instructed them that this is not to be used during trial & and I will apologise to the complainant personally.

July 21, 2018

Shayne Elliott (@ElliottShayne)

I agree. I am not defending that in the least. It was wrong. We were wrong. Our people and our lawyers were wrong. A serious line was crossed as you say.

July 21, 2018

Shayne Elliott (@ElliottShayne)

I am not blaming the lawyers. I clearly said we should have known their strategy and we did not. We did not manage this properly. We are at fault. No debate.

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