

THE NATIONALS
for Regional Australia

**NATIONAL PARTY OF AUSTRALIA
HARASSMENT PROTOCOL**

2018

This protocol recognises that The National Party of Australia (the Party) has a role as both a voluntary and professional organisation.

We recognise that individuals may have interactions with the Party as employees, volunteers, supporters or participants by way of the processes of the Party or by way of the Party's broader community engagement.

We recognise the role the Party plays in the broader community, including in leadership of attitudes and behaviour. We acknowledge that we have a responsibility to play our part in providing leadership on ethical and responsible behaviour.

We recognise that every person has the right to engage in political activities and to actively contribute to the Party freely without having to deal with issues of harassment.

We recognise that members will be exposed to robust debate and discussion in the course of political discourse and that the exchange of opposing views does not constitute harassment.

SCOPE

This protocol applies to:

- members of an Affiliated and Associated Party
- persons participating in functions and events of the Party
- Party office bearers
- members of staff of the Party

This protocol does not apply to Member's of Parliament and/or their staff where there are workplace procedures in place to deal with instances of alleged harassment that fall under the scope of a relevant Parliamentary Department.

RELATED LEGISLATION

Relevant Commonwealth and State based legislation apply to this protocol. These are identified by the Australian Human Rights Commission In their document "[*A quick guide to Australian Discrimination Laws*](#)". Work Health and Safety Legislation is also applicable in regard to employers meeting their duty of care for their employees.

WHAT IS SEXUAL HARASSMENT?

Section 28A of the Sex Discrimination Act 1984 (Cwlth) defines sexual harassment as:

An unwelcome sexual advance or request for sexual favours, or other unwelcome conduct of a sexual nature in circumstances in which a reasonable person would anticipate the possibility that the target of the conduct would be offended, humiliated or intimidated.

Depending on the circumstances, examples of behaviour that may be considered as sexual harassment include, but is not limited to:

- Staring or leering in a sexual manner;
- Unwelcome wolf whistling;
- Comments about a person's sexual characteristics;
- Sexual or physical contact, e.g. slapping, kissing, touching, hugging or massaging;
- Displaying or circulating sexual material, e.g. on a noticeboard or by electronic communication;
- Repeated sexual invitations when the person has refused similar invitations before;
- Intrusive questions about sexual activity.

This does not apply to circumstances where an individual has provided consent.

WHAT IS WORKPLACE BULLYING?

Workplace bullying is defined as repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety. Examples of behaviour, whether intentional or unintentional, that may be considered to be workplace bullying if they are repeated, unreasonable and create a risk to health and safety include but are not limited to:

- Aggressive or intimidating conduct
- Belittling or humiliating comments
- Spreading malicious rumours
- Initiation ceremonies
- Displaying offensive material

COMPLAINTS PROTOCOL

PURPOSE

The protocol recognises that people within the Party may sometimes behave in a manner inconsistent with the expectations and values of our party.

This document establishes the means of managing complaints and investigations related to incidents that involve harassment, sexual harassment and bullying for all individuals.

The protocol recognises that:

- Harassment may occur within any organisational unit of the party;
- Membership of The National Party of Australia is conferred by an Affiliated or Associated Party and in some instances, it will be the role of that organisation to investigate and determine process related to claims of harassment;
- Individuals may seek avenues for action on both low level and more serious incidents;
- At times, there may be a perceived or actual conflict of interest in dealing with accusations against individuals;
- Individuals accused of breaching the protocol shall be treated with procedural fairness;
- Any response to a complaint should be undertaken in a timely and fair manner. In addition, confidentiality will be maintained at all times in a manner that is deemed appropriate by the Federal Director in consultation with the Federal President and Honorary Legal Adviser.

PRINCIPLES & IMPLEMENTATION CONSIDERATIONS

The Party is committed to implementing a protocol that is underpinned by the following principles and implementation considerations:

- Clarity for all parties involved in the complaint management process with an appreciation for the importance of resolving complaints in a timely manner.
- Recognition that the Party cannot, in any context, present itself as a provider of support services.
- Maintaining confidentiality for all parties as deemed appropriate by the Federal Director in consultation with the Federal President and Honorary Legal Adviser.
- Conducting all activities relating to an allegation of harassment in a way that minimises media scrutiny.
- Any investigation or action under this protocol shall afford principles of natural justice to any person facing allegations of harassment.
- Investigations must comply with all legal requirements and must not interfere with, impede or in any way undermine criminal investigations.
- Training for staff and members in responding to disclosures and complaints.

PURPOSE

This protocol takes into account three potential areas of impact:

1. Staff issues: Issues of harassment which involve **National Party staff** in the course of their work,
2. Public issues: Issues of harassment which involve **National Party members** of any standing,
3. Recognition issues: A mechanism for the National Party to mitigate and educate issues of alleged or proven unacceptable conduct.

PROCESS

The process for the management of complaints is laid out below:

1. All complaints should be notified to the Federal Director of the Party.
2. Where the complaint relates to the Federal Director, the complaint should be made to the Federal President.
3. The Federal Director of the Party makes the decision as to the investigation process (triage) in consultation with the Federal President and the Honorary Legal Advisor. Subject to the determination of the Federal Director, the relevant responsible organisation should be notified of the complaint;
 - a. Where the allegation of harassment is determined to be most appropriately dealt with by the complaints processes of a relevant Associated or Affiliated Party the Federal Director or the Federal President, as the case may be, should notify the Associated or Affiliated Party as is deemed appropriate.
 - b. Where the circumstances indicate the possibility of a criminal offence, the Federal Director or the Federal President, as the case may be, should consider advising the complainant to refer his or her complaint to the appropriate police service.
 - c. Where the Party investigates the complaint or aspects of it itself, the Federal Director or the Federal President, as the case may be, will report to the Federal Management Committee as he or she considers it appropriate to do.

