



NATIONAL PARTY OF AUSTRALIA
HARASSMENT & BULLYING POLICY

28 JUNE 2024

PURPOSE

1. This policy recognises that people within the Party may sometimes behave in a manner inconsistent with the expectations and values of the Party. Accordingly, this policy establishes how complaints of harassment are managed and investigated according to applicable legislation.
2. The Party recognises that every person has the right to engage in political activities and to actively contribute to the Party, freely. Party members engage in robust debate and discussion during political discourse. A civil exchange of opposing views does not, of itself, constitute harassment. However, everyone is entitled to participate in the Party's activities without harassment. The Party expects its members to treat each other with respect, courtesy, and dignity.
3. As a political party, the Party is rightly held to a high standard by the community. It is important that the Party demonstrates lawful, ethical, and responsible behaviour.
4. The Party recognises that comments and behaviour that do not offend one person may offend others. Also, if no one objects to an action or behaviour at the time, this does not mean that they are consenting to the behaviour.

SCOPE

5. This policy only applies to:
 - members of an Affiliated and Associated Party whilst engaging in work, or under contract to, or volunteering for, or attending functions of the Federal Secretariat;
 - persons participating in functions and events that have been organised by the Party Federal Secretariat; and
 - the Federal Party's office bearers, employees, contractors, and volunteers.
6. This policy does not apply to Members of Parliament or their staff in so far as there are workplace procedures in place such as the Code of Conduct for Ministers, the Parliamentary Service Code of Conduct, or the APS Code of Conduct. Persons making disclosures or complaints pertaining to Members or Senators and staff in the Federal Parliament will likely be referred to the Parliamentary Workplace Support Service.

PARLIAMENTARY WORKPLACE SUPPORT SERVICE (PWSS)

7. The Parliamentary Workplace Support Service (PWSS) is available to provide independent and confidential support, including early intervention and local resolution, to all Commonwealth Parliamentary workplace participants who have been impacted by serious incidents or misconduct, and workplace conflict that amounts to a work health and safety risk.

8. The PWSS provides a workplace review mechanism, where appropriate, for current or former employees and parliamentarians under the *Members of Parliament (Staff) Act 1984* (Cth).
9. Members and Ministerial employees who have a complaint relating to their employment should refer the matter to their employer, being the relevant Parliament or government department.
10. The PWSS may be contacted confidentially on 1800 747 977.

WHAT IS HARASSMENT AND SEXUAL HARRASSMENT?

11. The Australian Human Rights Commission, as independent statutory authority established by the Australian Parliament, provides the following definition of harassment and sexual harassment:

“Harassment can be against the law when a person is treated less favourably on the basis of certain personal characteristics, such as race, sex, pregnancy, marital status, breastfeeding, age, disability, sexual orientation, gender identity or intersex status. Some limited exemptions and exceptions apply.

Harassment can include behaviour such as:

- telling insulting jokes about particular racial groups;
- sending explicit or sexually suggestive emails or text messages;
- displaying racially offensive or pornographic posters or screen savers;
- making derogatory comments or taunts about someone’s race; or
- asking intrusive questions about someone’s personal life, including his or her sex life.

The law also has specific provisions relating to certain types of harassment.

- Sexual harassment is any unwanted or unwelcome sexual behaviour where a reasonable person would have anticipated the possibility that the person harassed would feel offended, humiliated or intimidated. It has nothing to do with mutual attraction or consensual behaviour.
- Harassment linked to the disability of a person, or their associate, is against the law.
- Offensive behaviour based on racial hatred is against the law. Racial hatred is defined as something done in public that offends, insults, humiliates or intimidates a person or group of people because of their race, colour or national or ethnic origin.

A one-off incident can constitute harassment.

WHAT IS HARRASSMENT ON THE BASIS OF SEX?

12. Harassment based on sex occurs when someone is treated less favourably, or not given the same opportunities as a person of a different sex, because of their sex. For example:

- assigning work tasks based upon a person's sex.
- not hiring a person based on assumptions that they will not fit into a workplace;
- not paying the same salary for the same work; or
- not providing the same opportunities to employees for training, mentoring or promotion.

WHAT IS WORKPLACE BULLYING?

13. Workplace bullying is repeated, unreasonable behaviour, whether intentional or unintentional, directed towards a worker or a group of workers that creates a risk to health and safety. Examples of such behaviour include:

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

WHAT IS CYBER ABUSE?

14. Harassment and bullying can occur online. Examples of such behaviour include:

- Sending abusive texts or emails or making abusive online posts, including hate speech.
- Spreading rumours and telling lies online.
- Making online threats or comments designed to menace or intimidate.
- Using another person's account to send fake posts.
- Sending photos or videos of a person to others to embarrass or humiliate.

15. Cyber abuse may be a criminal offence, with a term of imprisonment if convicted.

16. The eSafety Commissioner can investigate complaints and reports of cyber abuse where there is intent to cause serious harm and there are menacing, harassing or offensive circumstances: see <https://forms.esafety.gov.au>

COMPLAINTS

17. Individuals are encouraged to come forward with a complaint so that it may be addressed, confidentially within the parameters of this policy, without undue delay and with fairness. Complaints will also be handled according to applicable legislation.

18. The Party recognises that the complaints process may need flexibility to suit the individual, the circumstances, and with fairness.

COMPLAINTS PROCESSES - INFORMAL

19. An informal complaint includes but is not limited to where a person (the person):

- a. Asks a question about, raises a suspicion, makes an allegation, or makes a disclosure of inappropriate behaviour, and seeks guidance on possible actions that can be taken.
- b. Makes a disclosure or complaint but wishes to pursue an informal resolution and advises that no further action is required of the Party.
- c. Decides to deal with the situation themselves, although seeks guidance or general advice on possible strategies from the Party and, once such guidance or general advice is given, no further action may be required of the Party.
- d. Makes a disclosure or complaint, the alleged harasser admits the behaviour, the person does not wish the matter to be investigated further and the person considers the complaint is resolved, for example through conciliation, education, or counselling of the alleged harasser, at which point no action may be required of the Party.

20. The process to resolve an informal complaint includes:

- a. All disclosures or complaints are to be directed to the Federal Director.
- b. If the Federal Director is subject of the complaint, then the complaint is to be directed to the Federal President.
- c. Should the Federal Director, Federal President, or the Honorary Legal advisor (if consulted about the disclosure or complaint) have a conflict, then appropriate alternative arrangements including engaging external legal advisers will be made.
- d. The Federal Director must clearly ascertain from the person alleging harassment if the disclosure or complaint is informal or formal.
- e. The Federal Director must advise the person they will be consulting with the Federal President, Honorary Legal Advisor or appropriate third party on a confidential basis about the disclosure or complaint. This is to ensure it is managed appropriately, proper support for the person is given, and the disclosure or complaint is given a reasonable end date for resolution.
- f. The Federal Director will discuss with the person options to resolve the disclosure or complaint including referring the matter to an appropriate external organisation.
- g. The Federal Director will report to the Federal Management Committee as may be appropriate.
- h. The Federal Director will make a confidential record of the disclosure or complaint and the action taken. The record will be stored securely at the Party Secretariat.
- i. If, at any stage, the Federal Director considers that a disclosure or complaint or part of the disclosure or complaint has been resolved or settled by agreement between the parties, then the Federal Director may terminate the disclosure or complaint or part of the disclosure or complaint.
- j. The person has the right to formalise their disclosure or complaint or approach an

- external agency at any stage.
- k. The person may, at any time, withdraw the disclosure or complaint in writing to the Federal Director, at which point no further action will be required of the Party.
 - l. If the person fails to respond to a request for information or documents, then the Federal Director may serve a notice stating that, if a response is not received within 28 days, the disclosure or complaint will be considered abandoned.

COMPLAINTS PROCESSES – FORMAL

21. A formal complaint is when a person (the person) wishes to make a formal complaint.

22. The process to manage the formal complaint includes but is not limited to:

- a. All complaints are to be directed to the Federal Director.
- b. If the Federal Director is subject of the complaint, then the complaint is to be directed to the Federal President.
- c. Should the Federal Director, Federal President, or the Honorary Legal advisor (if consulted about the complaint) have a conflict, then alternative arrangements such as engaging other Executive members or external legal advisers will be undertaken.
- d. The Federal Director must advise the person they will be consulting with the Federal President, Honorary Legal Advisor, or relevant third party on a confidential basis about the disclosure or complaint. This is to ensure it is managed appropriately, proper support for the person is provided, and the disclosure or complaint is given an appropriate end date for resolution.
- e. Principles of procedural fairness will apply to the investigation.
- f. Where the complaint is determined by the Federal Director to be most appropriately dealt with by the complaints processes of a relevant Associated or Affiliated Party, then the Federal Director will promptly notify the Director/Chair of the Associated or Affiliated Party or appropriate person if the Director/Chair is subject of the complaint.
- g. Where the complaint is determined by the Federal Director to be most appropriately dealt with by the Parliamentary Workplace Support Service (PWSS) or its equivalent, or other external agency, then the Federal Director will promptly notify the PWSS or other agency.
- h. Where the circumstances indicate the possibility of a criminal offence, the Federal Director will discuss with the person any need to contact the appropriate legal authorities or seek permission from the person to contact the appropriate legal authorities.
- i. Where the Party investigates the complaint itself, the Federal Director will report to the Federal Management Committee of the actions taken as may be appropriate.
- j. The person has the right to approach an external agency at any stage.
- k. The Federal Director will make a confidential record of the complaint, any evidence submitted, and the action taken. The record will be stored securely at the Party Secretariat.
- l. The parties to the complaint will be entitled to one (1) support person each.

- m. Outcomes of a formal complaint may include education, counselling, disciplinary action, official warnings, formal apologies, conciliation, or mediation.

RELATED LEGISLATION

23. Relevant human rights and workplace Commonwealth legislation apply to this Policy, as published and amended from time to time including but not limited to:

- Fair Work Act 2009.
- Age Discrimination Act 2004.
- Disability Discrimination Act 1992.
- Australian Human Rights Commission Act 1986.
- Sex Discrimination Act 1984.
- Racial Discrimination Act 1984.
- Criminal Code Act 1995 (Cth).

REVIEW

24. It is intended that this policy will be reviewed each Parliamentary term by Federal Management Committee, or as required such as if there are changes to legislation.