



# Volunteer Induction Advisory

Prepared by: National Executive  
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## **Introduction:**

The Australian Democrats is a values based political party. initially operates as a volunteer organisation while the Party is established. However, it is essential that volunteers understand and maintain highest levels of discretion and professionalism in their activities for and on behalf of the Party. Being a volunteer does not absolve people of their responsibility to the members of the Party and those it seeks to serve.

This document explains the current structure of The Australian Democrats and clarify roles and responsibilities of key personnel. This is document and the systems and culture it is seeking to establish are new concepts and we encourage feedback based on experience of those who use them in our commitment to constant improvement.

## **Principles:**

The Australian Democrats is bound to honour and promulgate a defined set of principles and objectives that are enshrined in the [Constitution](#) of the Party. It is expected that anyone working in or representing the Party should strive always to comply with these principles.

The objectives and principles of the Party are:

- To act honestly and ethically, being genuinely accountable and acting in the best interests of the public;
- To determine positions and act according to evidence, merit and best practice, not partisan ideology nor vested interest;
- To uphold principles of freedom, self-determination, personal responsibility, democracy, fairness and human rights;
- To uphold principles of equal opportunity, equal access to work, education, health, housing and other services;
- To foster a culture of stewardship, acting proactively for future generations, and leaving our country better than we found it;
- To accept the scientific method as the best tool to understand the world around us, particularly in the preservation of our climate and environment;
- To preserve Australia's natural resources and agricultural landscapes;
- To recognise and support the contribution that rural and regional communities make to the social, economic and environmental wellbeing of the nation;
- To recognise the Aboriginal and Torres Strait Islander peoples and cultures and support their spiritual and physical connection to country;
- To be inclusive and respect diversity of opinion, religion, culture, ethnicity, race, ability, age, sexuality and gender without discrimination or prejudice;
- To expect and pursue excellence and efficiency in the delivery of government services at all levels;
- To foster a sustainable economy, and to be open to the need for Government intervention where markets fail;
- To observe the separation of powers, the independence of the parliament, the executive of government and the judiciary and to maintain clear separation of church and state;

- To value the insights and experience of members, and engage with them democratically in Party decision-making; and
- To adhere to honest, just, respectful and collaborative behaviour both within, and when representing, the Party.

## Party structure

The Australian Democrats is a deliberately flat structure with a simple and universal membership. The Party's structure is deliberately not a federation model. This structurally reinforces our obligation and commitment to serve all Australians.

The National Executive is directly accountable to members. Branches will be accountable locally to members. State Committees will be accountable to Branches and the National Executive that empowers them.

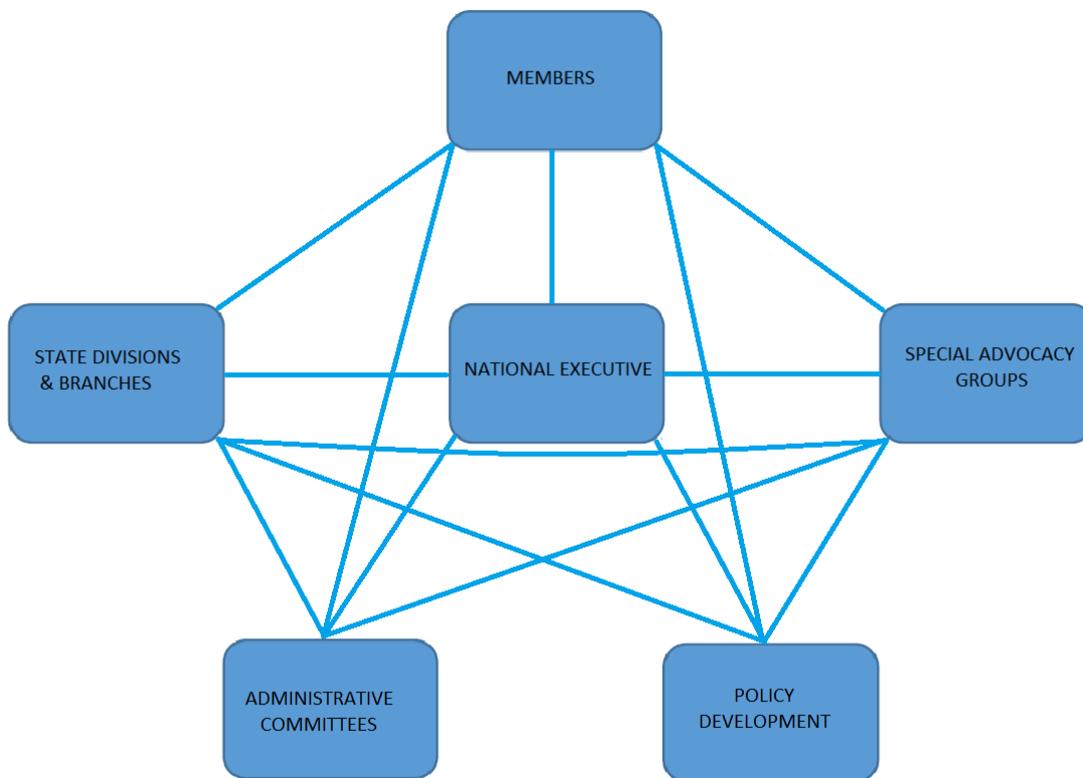


Diagram 1: Proposed Australian Democrats structural linkages.

The diagram explains how the proposed and existing structures within the party will interact. Each connecting line in the diagram infers two-way communication and influence.

## Lines of Business:

There are four key lines of business for the Party.

1. **Administration** of the Party including membership, finance, governance and communications
2. **Policy development**, including prioritisation, research and management

3. **Campaigning**, participating in elections and advocacy platforms to promulgate the policies of the party.
4. **Influencing**, including engaging in the political discourse and processes of our parliaments and in the public domain to influence opinions and actions from platforms in and out of office

These lines of business are heavily interconnected and cannot be dealt with in isolation and stakeholder engagement will vary depending on which aspect of the business is being addressed.

The National Executive is the ultimate governing body within the Party. There a range of subordinate structure including State Divisions, Specialist Advocacy Groups and a range of Committees. As the membership base grows, the strategy is to facilitate the establishment of local Branches who will also be supported by relevant States.

The entire effort of the Party is currently deployed on a voluntary basis. There is considerable work to do and scope for a broad range of skillsets to be well utilised.

There are no employees per se at this time. For the foreseeable future the Party will rely heavily on volunteers for key roles.

While the National Executive is ultimately responsible for the administration and compliance of the Party, it is essential now that the National Executive engages a broader support base as the administrative workload increases with a more engaged and expectant membership.

The following description of functions within each line of business and team is not exhaustive but provides some insight into the kind of roles that can and need to be undertaken. In order to provide confidence and consistency in service delivery, these roles need to be better defined and volunteers need to be inducted with a clear commitment to confidentiality and the Party Principles.

It is expected teams and roles will evolve over time according to the needs of our Party.

## **Administration**

Administration of the Party involves building and communicating with the membership and stakeholders, financial management, day to day functions, internal governance and external compliance.

The business of Administration is managed by various teams.

### **National Executive:**

The main responsibility of the National Executive is to manage the Party from an administrative perspective and in compliance with its Constitution and the various regulatory jurisdictions it is subject to.

While the Party is still building its membership and branches and is generally under-resourced to undertake regular and comprehensive consultation, the National Executive acts in consideration with the Principles of the Party as defined in the Constitution. These Principles provide the necessary context for the Party and its actions.

The National Executive is elected by members at AGMs.

### **State Divisions and Branches:**

A more detailed “Division / Branch Guide” is provided elsewhere, but the key purpose that the States and its branches undertake are centred on:

- Building the membership;
- Providing support to the local community;
- Providing local perspectives and feedback to the National Executive and Party policy;
- Generating donations and support for both the broader Party and the local campaign;
- Building a network of volunteers for campaign activities;
- Creating ongoing interest in the activities of the branch and Party; and
- Supporting your local candidate.

State leadership teams are elected by members from that State.

### **Working Teams - Administration**

Volunteers in the Working Teams are appointed by the National Executive.

The work of the **Membership Team** is to manage the membership list, including processing of joining and renewing membership. They also respond to member enquiries and connect members with relevant office-holders or State/branch leadership.

The work of the **Communications Team** is to communicate with members through Party newsletters/journals, as well as manage online communications tools used by our office-holders. These tools may include official email accounts, online file storage, and team management apps. IT is a part of the Communications Team.

The work of the **Media team** is to manage the ‘look and feel’ of the Australian Democrats. This includes marketing, branding, social media, and media releases. This work continues whether or not it is a season of elections, but during election time will work very closely with the Elections team.

The work of the **Finances team** is to manage our Party bank accounts, receive membership fees and donations, and provide relevant reports, both internal and external. They also manage fundraising activities and may work closely with the Communications team to advertise these.

The work of the **Governance team** is to oversee our internal processes and documents including Constitution, by-laws, and regulations. This team ensures processes are consistent, in keeping with our Principles and relevant Acts / requirements, accessible to the members and our office-holders, and are being complied with. They also facilitate reviews of our internal processes to ensure they are up-to-date, meet member needs, and enable the Party to function at its best.

While we are continuing to build and grow our Party, the work of the **Consolidations team** is to look for and respond to requests to work together with like-minded groups and individuals. The Australian Democrats today is the result of a successful merger between the Australian Democrats and CountryMinded parties. Not all ‘working together’ results in mergers, but our approach is that it is better for like-minded groups to support one another rather than work in competition.

### **Policy Development:**

The objective for The Australian Democrats policy development is to identify and promote good policy that is informed by evidence, looks for outcomes and solutions to problems, and genuinely meets stakeholder needs, rather than to seek notoriety through political expedience.

Therefore, policy development is a critical component of the Party's platforms and it is essential that there is a robust methodology deployed. Policy development is an ongoing process. The diagram below outlines the kind of policy development framework that the Party will strive for.



Diagram 2. Policy development procedure.

In effect, the framework is concerned with providing the best model of accessing diverse stakeholder views when developing a response to a community issues. Once the policy has been developed, the Party will use the policy in its political and advocacy work.

In order to develop well targeted policy we need to define the issue we are trying to address. It is essential to understand who is affected by the issue and the scope for addressing it. It is useful to consider a broad range of options, including what existing policy exists with other groups.

It is important that The Australian Democrats prioritise policy development by addressing problems people have, rather than taking a purely populist approach and just asking them what they want.

The Australian Democrats is committed to rural and regional issues and we need to focus on that segment of the electorate to whom we are already appealing, but it is important that we do not alienate the secondary market that has not yet bought into our political brand. Therefore we need to remain committed to serving a broad group of stakeholders and not just members in our policy development.

The Australian Democrats is also committed to participatory democracy, in which we value the experiences and insights of members, and actively invite them to be involved in policy development. Members may propose a policy; members may provide feedback on a draft of a policy; and members may make the case to amend an existing policy. Member involvement is guided by the dual principles of always providing evidence, and prioritising the voices of those who are personally connected to and affected by an issue.

The work of our **Policy team** is to actively engage with research, with members, and with stakeholders to gather views and feedback, and refine these into drafts and final versions of policies, which are ultimately ratified by members via a vote.

## Campaigning

The Australian Democrats is fully committed to honouring the social contract between candidates and their electorates and in so doing will only support genuine and worthy candidates. To this end the Party may not run a candidate in every electorate or contest.

Initially, in the absence of mature branch structures, the National Executive will be responsible for most of the preselection and campaign processes at least until there are established Branches that can participate ably in the process. However, The Australian Democrats is committed to ensuring local satisfaction with both the preselection process and the preselection outcome.

The Australian Democrats' sole purpose is to deliver better political advocacy. This purpose must guide all decisions in preselection and campaign management. It is essential that the Party does not act in a manner inconsistent with its Principles.

Initially, the National Executive will implement a commercial Human Resource and Recruiting strategy around preselection to provide an objective merit-based process that will stand independent scrutiny and avoid the kind of "jobs for the boys" culture that prevails elsewhere. The National Executive will appoint a Preselection Committee to manage the process for the next election and report on its recommendations.

As the Party develops and the proposed Branch and State structures are established they will naturally become more engaged in the preselection processes.

The work of our **Campaign team** is to manage the materials, events, media, and volunteers in the lead up to, during, and immediately after elections. They will support our ongoing Media and Communications teams with election-relevant materials. They will liaise with the Finance team in identifying costs and fundraising opportunities. They will be guided by our policies and Principles, but will design relevant and targeted materials relevant to elections and electorates. They will also investigate appropriate preference deals and ensure compliance with AEC (or other Electoral Commission) guidelines.

It is imperative our Campaign team understand and abide by Australian Democrats' values of being balanced, evidence-based, committed to strengthening community, and respectful in our campaigning, regardless of the political tactics other Parties or individuals may use.

## Influencing

The Australian Democrats brand has a proud history of being the people's watchdog in the Parliament and we're ready to take on that job again. We vigorously seek accountability and stand against corruption and any behaviour that undermines the success of our democracy. We stand for inclusivity, transparency, evidence-based policy, and respectful politics; and we are committed to creating a policy environment that supports stake-holders and policy-makers to collaborate, cooperate, and find sensible solutions together.

Initially we must contest elections and reaffirm our legitimacy with the electorate and reclaim our relevance as a credible political alternative with a perspective that can't be ignored.

Success will be measured by achieving better political advocacy for our electorate. We hope this will be achieved by winning seats, but our participation simply adds pressure to force the hand of our political opponents to step up and truly represent their electorate's needs.

Our end game is not achieving power per se but achieving positive change in legislation, the policies of other parties and in community understanding of the issues before them.

## **Expectations**

### **Party:**

The Party is obliged to provide a safe and rewarding environment for people to participate in the Party business. In this context the Party has several codes of conduct and a grievance resolution framework in place which are provided.

The Party strives to provide structure and processes that support the effort of individuals and simultaneously protects the integrity of organisation for all its members.

The Party is committed to constant evolution of these processes and will be receptive to feedback from all stakeholders to improve.

### **Volunteers:**

For our Party to be successful, especially with our limited resources, we have high expectations for ourselves as a leadership team and for all volunteers within the Party. We recognise the complexities of trying to balance competing demands for time in work, family and community life. We strive to mitigate this with a culture of teamwork, support and active communication.

The culture we are trying to create and foster inside the Australian Democrats and hope to instil in our volunteers and committees is best reflected in “Do what we say we will do”.

In this context we ask that people who volunteer understand that while unpaid, the work we undertake is important and we need volunteers to be conscientious and follow through on the commitment. Volunteers are expected to comply with the Party Codes of Conduct.

We understand that people’s circumstances change over time and if you feel at a later date that your capacity to contribute has changed please let us know as quickly as possible so we can plan our contingencies.

### **Team Facilitator:**

Teams will appoint a Team Facilitator who will be responsible for managing the team and for keeping the National Executive apprised of progress and /or support needed to maintain progress.

The Team facilitator may be invited to attend monthly National Executive meetings.

### **Confidentiality:**

In various ways, volunteers may be working with sensitive information about the Party or its members.

It is vital that all volunteers understand the need to handle this information with care.

As such we are asking each volunteer to undertake a short induction and to sign a confidentiality agreement as a matter of governance and accountability.

# Volunteers Confidentiality Agreement

**CONFIDENTIALITY AGREEMENT** made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**PARTIES:**

The Australian Democrats  
(the Party)

**AND**

\_\_\_\_\_  
(the Volunteer)

**INTRODUCTION**

The Australian Democrats is heavily reliant on volunteers, but it is essential to ensure that all volunteers understand the confidential nature of the information they may handle or have access to. This agreement is designed to inform and protect the Volunteer and exercise a duty of care by the Party to its members and other stakeholders.

The Volunteer is engaged by the Party for the purpose of assisting in the ongoing development of the Party and its business.

The Volunteer’s engagement with the Party is conditional on agreement to the undertakings and acknowledgments set out in this agreement.

The engagement does not create an employment relationship, but the Party and the Volunteer do have obligations to each other.

**IT IS AGREED**

**1. Confidentiality Undertakings**

- 1.1. The Volunteer will not, at any time during or after their engagement with the Party, without the prior written consent of the Party or unless authorised to do so in the course of their engagement, disclose, directly or, indirectly, to any person or organisation any confidential information.
- 1.2. Except as required in the necessary performance of the Volunteer’s engagement, the Volunteer will not keep in their possession or control any confidential information obtained while engaged by Party whether produced by the Volunteer or by or on behalf of Party or any stakeholder, candidate or other person or entity.

- 1.3. The Volunteer will take all reasonable steps to protect the confidentiality of confidential information in their possession or control.
- 1.4. The Volunteer will not use or permit the use of confidential information for any purpose other than that for which it was created.
- 1.5. Whenever requested by the Party, the Volunteer will immediately return to all confidential information in their possession or control.
- 1.6. On cessation of the engagement, for whatever reason, the Volunteer will immediately return to Party all confidential information in their possession or control.

## **2. Misconduct**

Any breach of this agreement by the Volunteer will be considered serious misconduct justifying appropriate disciplinary action including, but not limited to, summary termination of the engagement.

## **3. Acknowledgement**

The Volunteer acknowledges that:

- 3.1. a breach of this agreement would be harmful to the Party's business;
- 3.2. monetary damages alone would not be a sufficient remedy for the breach; and
- 3.3. in addition to any other remedy which may be available in law or equity the Party is entitled to interim, interlocutory and permanent injunctions or any of them to prevent such a breach.

## **4. Interpretation**

In this agreement unless the context otherwise requires:

- 4.1. "confidential information" includes but is not limited to:
  - documents specifically expressed to be "confidential";
  - knowledge of the Party's business affairs including financial, business and organisational plans, budgets (including cost and price structures), organisational structure and contractual arrangements with stakeholders;
  - information relating to the Party's members, stakeholders, candidates, employees and other personnel;
  - information relating to services and products provided or licensed by the Party in the course of its business;
  - information disclosed to the Party by any existing or potential member, stakeholder, candidate or personnel;
- 4.2. "stakeholder" means:
  - any person or entity with an interest in the business of the Party, whether financial or otherwise, including but not limited to any member, candidate, adviser, agent, consultant, contractor, licensor, licensee or supplier to the Party;

- 4.3. "document" means an original or copy document as varied or replaced from time to time whether or not stored in electronic form.
- 4.4. This agreement supersedes and cancels all prior agreements, understanding and negotiations related to it.
- 4.5. This agreement may only be varied in writing and signed by or on behalf of the parties.
- 4.6. The plural includes the singular and the singular the plural.
- 4.7. Person includes a body corporate.
- 4.8. A party include the party's executors, administrators, successors and permitted assigns.

SIGNED by the parties on the date first mentioned.

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On behalf of The Australian Democrats

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Signature of Volunteer

.....

Volunteer



## ETHICAL CODE OF CONDUCT

### Policy Objective

This Code of Conduct is used to reduce the possibility of misunderstandings that may interfere with the smooth running of the Party. Any breaches of the Code of Conduct should be reported to the President. The Code of Conduct should be reviewed from time to time and updated as appropriate. Party Representatives must actively promote compliance with both the Code of Conduct and with applicable laws and regulations.

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### Representatives of the Party

Representatives of the Party include all people involved in promoting the Party, its policies or its candidates. These may include staff, volunteers, candidates, committee members and/or elected office bearers.

Representatives commenting on Party policy, must advocate, explain and defend the Party's policies, refraining from statements within and outside the Party that damage the reputation and interests of the Party or create confusion or uncertainty about its policies or intentions

They must ensure that any statements they make outside the Party accord with Party policy.

### Committee Members

Members of Committees must have a clear understanding of their role and responsibilities to reduce misunderstanding about respective responsibilities between Committee Members, staff and Management. This should be discussed at the first meeting of the Committee annually.

Committee members should attend meetings, contribute to the work of the Committee, and assist the Chairman and staff at the request of the Chairman. They may not task staff, unless specifically approved by the Chairman.

### Chairpersons of Committees

Chairpersons of Committees direct and manage their Committee's work in regard to its objectives, including convening meetings, setting agendas, keeping members informed, assisting staff as required and operating within budget.

They are to maintain their Committee as a cohesive, informed and motivated body of advice, reporting to their relevant convening authority. Subject to the President's authority, Chairperson are the spokesperson outside the Party on matters relevant to the Committee's objectives.

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### Ethical Behaviour

Representatives must ensure that their behaviour is always of the highest ethical standards. They must act fairly and with honesty and integrity in all their dealings as a Party Representative.

Representatives must not, by act, or omission, do anything that might bring the Party, members, candidates or employees of the Party into disrepute.

Unethical conduct includes:

- deliberate dishonesty;
- illegal acts or behaviors that could bring the Party or a colleague or member into disrepute;
- giving false or misleading information;
- misappropriation of money or property;
- passing on sensitive or confidential Party information to third parties, for example - media, competing bodies or candidates around election time;
- starting rumours or personal attacks on colleagues, candidates or staff;
- misuse or abuse of authority;
- acting in any other way that breaches the Party's Ethical Code of Conduct; or
- acting in a way that breaches the Party's Code of Conduct relating to Discrimination, Bullying and Harassment

Representatives must report suspected misconduct, serious mismanagement or substantial waste of Party's resources to the President.

Fabricating reports of misconduct for personal gain or other reasons is a serious breach of this Code.

### **Conflicts of Interest**

Representatives who have an actual or potential conflict of interest, including pecuniary interests, with the Party must declare that interest to the President as soon as practicable after becoming aware of it.

Potential or actual conflicts may include, amongst other things, pecuniary interests, personal relationships with staff, membership of another political party, commercial dealings with sponsors, dealings with Party financial managers, or any relationship with an outside agency affected by the Party decision or policy. In assessing whether a conflict exists, the Representative should consider the perception that others may have of the relationship.

### **Offensive language**

The use of obscenities or other offensive or discriminatory language is always unacceptable.

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## **Communications**

### **Public comment**

Representatives must restrict their public comments (including at meetings to which the public is invited) about matters relating to the Party to those matters for which they have delegated authority and on which they have knowledge. If they have any doubt on either they should check with

the Media Unit, the President or the Chief Executive of the Party.

It is essential to always promote and defend the Party's Principles. In the event a Representative cannot do this, they should not speak publicly on the subject. If they wish to make statements contrary to Party Principles, they should resign from office.

The device of taking "the Party hat off" should be used with discretion to ensure that there is no public confusion with Party Principles or policy.

Representatives who have personal grievances about anything to do with the Party should raise these through the Party's Framework for Resolving Grievances, and not in a public forum.

### **Email**

Elected Representatives must ensure proper use of email for communication within the Party.

All email discussions should be conducted with courtesy, respecting the rights of parties to hold differing views, taking care to protect the professional reputation of the Association and its members and not conveying content that could be grounds for legal action or be interpreted as offensive, harassment, bullying or intimidation.

The email system should not be used to spread gossip, complain, or spread rumours about other members of the Party.

All messages distributed to or via the Party's email system, even personal emails, are the Party's property, and the Party can access those emails at any time.

Misuse of the Party's email system may result in email access being withdrawn by the Party.

### **Meetings with significant people outside the Party**

Party Representatives are often involved in meetings with politicians, bureaucrats, business leaders and other people of significance in pursuit of Party policy positions.

Where the person to be met can affect important Party interests, Representatives are required to inform the relevant staff and Office Bearers in advance.

To achieve maximum benefit from these meetings, the Representative must be well briefed and prepared for the meeting. A record of the meeting is to be prepared as soon as possible after the meeting.

### **Media**

All Representatives should ensure they are familiar with the policy and note that requirements above for "Public Comment" are applicable in dealings with the media.

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## **Interaction with Staff and Volunteers**

Staff and Representatives must respect established chains of responsibility in any dealings with staff or volunteers to provide consistency and certainty in any and all operations matters.

### **Grievances**

If a staff member or volunteer expresses concern about management issues including instances of unethical or improper behaviour, they must be encouraged to refer the matter formally.

Members who become aware of instances of unethical or improper behavior should also inform the

President or the next senior uninvolved person.

Non-executive members should not become further involved with the particular grievance.

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## **Compliance**

Representatives must understand that any breach of this Code is a serious failure in professional obligation.

Where the Code of Conduct conflicts with advice or instruction from a person in authority, the Representative must comply with the requirements of this Code and seek advice from the President.

**All Representatives of the Party have an obligation, at all times, to comply with the spirit, as well as the letter, of the laws applicable to them and with the principles of this Code.**



## **Code of Conduct: Discrimination, Bullying and Harassment**

The Australian Democrats (the Party) is committed to providing a diverse, fair and equitable environment for members, employees, contractors and visitors and will aim to take all reasonable steps to ensure unlawful discrimination, bullying and harassment do not occur.

This code of conduct relates to activities undertaken by any Member or representative acting in any capacity for or on behalf of The Australian Democrats.

The Australian Democrats expects all Members and representatives to behave in a professional manner and to treat others within and outside the Party with dignity and respect when they are acting in any capacity for or on behalf of the Party.

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### **Policy Objectives**

The Australian Democrats aims to promote an environment characterised by respect where Members, staff and volunteers can interact free from unlawful discrimination, harassment (sexual or otherwise) or bullying, in order to provide an organisation free of unlawful discrimination, bullying and harassment.

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### **Discrimination**

Unlawful direct discrimination occurs when a person is treated less favourably than another because of characteristics such as:

- Gender;
- Marital Status;
- Disability;
- Age;
- Ethnicity;
- Religion;
- Carer's responsibilities;
- Sexual identity or orientation;
- Political views.

Indirect discrimination can occur when a policy or requirement operates to the disadvantage of a particular group because of one of the characteristics of that group as set out above, such as gender, age or race.

To be unlawful, the discrimination must occur in one of a number of prescribed areas of activity, such as at work or in the provision of goods or services.

Office Holders must ensure they do not discriminate against other Office Holders and Members, employees or contractors.

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## Harassment

Unlawful harassment is a type of discrimination. Harassment involves unwelcome conduct which is based on one of the characteristics set out above such as gender, age or race and which:

- Creates an intimidating, hostile or offensive environment; or
- Unreasonably interferes with a member's ability to undertake their duties as an Office Holder.

Reasonable disciplinary action or performance management is not harassment.

**Sexual Harassment** is any unwelcome, unwanted or uninvited behaviour of a sexual nature which a reasonable person should have known would make a person feel offended, humiliated or intimidated. Sexual harassment can take many forms and may include physical contact, verbal comments, display(s) or suggestive of explicit material, or other behaviours which create a sexually hostile environment.

The following is a sample of behaviour that can constitute sexual harassment:

- uninvited touching of any kind;
- uninvited touching or fiddling with a person's clothing;
- sexually explicit conversations;
- jokes or comments of a sexual nature;
- displays of sexually graphic material;
- persistent invitations for social contact outside of work despite prior refusals;
- sexual gestures;
- sex based insults, taunts, teasing or name-calling;
- requests for sex; or
- phone calls or emails of a sexual nature.

Sexual harassment does not include behaviour which is based on mutual attraction, friendship and respect. If the interaction is welcome, invited, reciprocated or consensual, it is not sexual harassment.

Harassment can be unlawful even when it occurs outside the organisation's physical offices, and outside business hours, including at conferences, related functions, related social events, business or field trips.

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## Bullying

Bullying is behaviour that intimidates, offends, insults humiliates or undermines a person or a group. Bullying can be physical or psychological.

Bullying can occur at any time and can be carried out verbally, physically, by letter, email, text messages or other forms of written communication.

Examples of bullying might include:

- aggressive or frightening behaviour (eg shouting or threatening violence), or making rude or belittling comments;
- threats of assault against a work colleague or damage to their property or equipment;
- ignoring a person or excluding them from discussions or committee meetings; or
- standing in someone's way or deliberately blocking their path in an intimidating manner.

Feedback and performance management is not bullying.

For example, it is not bullying to:

- set reasonable goals and standards, including deadlines; or
  - implement a reasonable disciplinary process.
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## **Member's and Representative's duties**

Members and Representatives must:

- not unlawfully discriminate against, harass or bully others;
- not act in a manner which encourages an environment in which discrimination, harassment or bullying is likely to occur;
- not treat differently an individual who has made a complaint of discrimination harassment or bullying;
- not make false accusations of discrimination, harassment or bullying;
- co-operate in any investigation into alleged discrimination, harassment or bullying if requested to do so by the Party; and
- maintain complete confidentiality if another member provides information during the investigation of a complaint.

( Members who spread gossip or rumours either verbally or by email will be in breach of this policy and may also expose themselves to a defamation action.)

The Australian Democrats is conscious of the serious effect that bullying allegations can have on the person against whom the allegations are made. Any person who is found to have falsely made allegations of bullying against another person will be subject to disciplinary steps, which can include an apology, counselling, or removal from membership.

**Harassment, discrimination or bullying wherever it occurs, will not be tolerated.**

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## **Actions to Take**

If you believe that you are being unlawfully discriminated against, harassed or bullied, ask the person to stop. If the behaviour continues promptly report the incident in detail and in writing to the National Executive.

All complaints are taken seriously and will be considered in a prompt and confidential manner in accordance with The Australian Democrats' Framework for Resolving Grievances.

Any member or representative found to have engaged in harassment, discrimination or bullying will be subject to disciplinary steps and may be subject to removal from membership or office.

No person will be victimised nor suffer any employment detriment as a result of:

- Making a complaint;
- Opposing harassment or discrimination;
- Reporting or co-operating in an investigation of alleged harassment or discrimination; or
- Participating in an external legal proceeding or hearing.



## GRIEVANCE RESOLUTION FRAMEWORK

### PURPOSE

The Australian Democrats is committed to providing an environment in which its members and employees can work together to achieve the Party's aims. As an important part of this, the Australian Democrats aims to prevent discrimination, harassment and bullying within the Party, and to create an accessible and effective means of resolving grievances that do arise.

The Australian Democrats aims to treat all grievances seriously, and to deal with them quickly and as fairly and confidentially as is reasonably possible. This should help to create and maintain the culture that we want, and will also help the Party, its members and representatives to meet the legal obligations that they have under discrimination and work health and safety legislation.

This document provides a framework for the processes that are likely to be used by The Australian Democrats if someone raises a grievance:

- In relation to the Code of Conduct, on Discrimination, Bullying and Harassment; or
- about other issues or disputes at the Party.

The framework is intended to complement the schedule laid out in the Constitution. It describes some options and processes which may be used by the Party to resolve grievances. These processes may be applied flexibly to suit circumstances, and other processes may be used instead. The National Executive has an absolute discretion as to how the Party will deal with a grievance.

This document should be read in conjunction with the Code of Conduct and the Constitution.

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### **What should you do if you have a grievance?**

If you think you are being treated unfairly or inappropriately in any way – including if you think that you have been unlawfully discriminated against, harassed or bullied – you should ask the person responsible for the conduct to stop as soon as possible. If you do not feel that you can do this, or it doesn't work, or the person repeats the behaviour, you should report the grievance as set out below.

If you are concerned that someone else within the function of the Party is being treated unfairly or inappropriately, you should treat the issue the same way – if you can, raise the issue with the person responsible for the conduct, or otherwise report the grievance to the Party as set out below.

The Party aims to treat all grievances with appropriate confidentiality. Accordingly, in most circumstances the grievance resolution process will be managed by only two people within the Party. However, in more serious cases or other appropriate circumstances, other National Executive members may also be involved.

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## Reporting a grievance

Any grievance should initially be reported in detail in writing to the National Executive Committee. The National Executive will form a suitably qualified Grievance Committee made up of no more than three people, wholly or partially sourced from within the National Executive that will manage the grievance resolution process without bias.

If the grievance involves members of the National Executive, then the grievance should initially be reported to members of the National Executive not involved in the grievance.

If, given the nature of the grievance and the parties involved, a member of the proposed Grievance Committee is considered to have a conflict of interest another member will be appointed to the Grievance Committee.

As a first step, the Grievance Committee will generally consider whether the grievance is sufficiently serious that the Party should potentially take interim action against any Member. If the Grievance Committee considers that this is appropriate, the Grievance Committee will report the grievance to the National Executive to consider what actions it might take.

In all circumstances, the Grievance Committee should report any formal findings it (or an external party the Party engages for the purpose) makes to the National Executive. The National Executive will have the final say on the formal action/s, if any, that the Party will take as a result of the grievance.

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## Confidentiality

The Australian Democrats will make the utmost effort to keep any grievance which is reported to it as confidential as reasonably possible.

Members must be careful with whom they discuss a grievance. It is very easy for rumours to spread, and this can impact adversely on everyone involved.

Any person who has raised a grievance, is the subject of a grievance, is involved in an investigation as a witness to a grievance or otherwise knows of the grievance must at all times, unless required as part of an investigation, keep confidential all matters relating to the grievance including:

- the fact that a grievance has been raised;
- the name of the person raising the grievance (**Complainant**);
- the name of the person/s who is the subject of the grievance (**Respondent**);
- the name of any witness/es to the grievance;
- the nature of the grievance; and
- any findings or other decisions of the Grievance Committee.

Without limiting this confidentiality obligation, grievances must not be discussed without the prior approval of the Grievance Committee.

In addition, and for the avoidance of doubt, grievances including, without limitation, their outcomes or merits, must never be disclosed to or discussed with any media outlets or journalists either directly or indirectly.

For the avoidance of doubt, this confidentiality obligation does not preclude:

- a complainant initially discussing his or her grievance in confidence with another person within the Party or an external advisor, as part of deciding whether to raise the grievance with the Party;
- any matter relating to a grievance being disclosed to the National Executive;
- the National Executive discussing a grievance to determine any appropriate formal action to be taken;
- the Grievance Committee disclosing any grievance for the purpose of an investigation or to seek legal advice;
- the Grievance Committee disclosing any disciplinary sanction taken by the National Executive as a result of a grievance; and/or
- any person disclosing any matter relating to a grievance if required to do so by law or in the context of legal proceedings.

Notwithstanding anything set out above, the National Executive has the right to waive, in part or in whole, the above confidentiality obligations if it considers it is in the interests of the Party to do so.

Willful breach of the above confidentiality obligations with respect to a grievance will constitute a breach of the Code of Conduct and may give rise to disciplinary action.

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### **Procedure once the Grievance has been raised**

After a grievance is raised, one or both members of the Grievance Committee will initially speak to the Complainant with a view to establishing the basis and details of the grievance. Once this is done, the members of the Grievance Committee will consult with each other and with the Complainant before deciding how the grievance will be managed by the Party.

There are different options for resolving grievances. A party may wish, or the Grievance Committee may decide, for a grievance to be dealt with by the Grievance Committee either informally or formally.

The Grievance Committee has an absolute discretion as to whether the Party will:

- accept and/or engage in any grievance resolution process concerning a grievance;
- engage in a formal or informal process; and/or
- engage external specialist advisors to assist it to resolve a grievance within either the

formal or informal process. This might include, for example, engaging an advisor to investigate the grievance and make findings of fact and/or law, an advisor to conciliate or mediate between the parties or an advisor to provide legal advice.

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### **Informal resolution**

Informal resolution is what happens when the people involved resolve the issues between themselves. This may involve all or one of the following:

- discussions;
- an exchange of correspondence; and/or
- a mediated meeting between the parties involved to see if the issues can be resolved between them.

Informal resolution will NOT involve the Party conducting any investigation or making a formal decision about what has happened, or what the consequences of the grievance should be.

However, the Grievance Committee may help the parties with discussions or other communications or give guidance about appropriate next steps. It may also ask its lawyers to provide advice about the grievance or bring in an external mediator to assist the parties to resolve their issues.

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### **Formal resolution**

Formal resolution processes will generally be used if it is appropriate for the Party to:

- make a formal decision about what has happened; and/or
- decide about what the consequences (if any) of the grievance should be.

It involves a formal investigation and findings of fact on the balance of probabilities. It may also involve an opinion on the legal position based on findings of fact.

A formal resolution process may be suitable if the grievance is about a very serious issue; for example if it involves:

- a potential breach of discrimination, or work health and safety legislation;
- a serious breach of the Code of Conduct;
- several people; and/or
- very serious or complex issues.

In a formal resolution process:

- the Party will appoint an independent organisation outside of the Party to investigate the grievance. The Party will not investigate of the grievance itself;
- the Party or the investigator will ask the Complainant to provide a statement about the grievance, in detail, usually in writing. It is important for this statement to be specific, clear and comprehensive, so that all relevant issues can be considered;
- the Respondent will be given details of the allegation(s) against him/her and be given a reasonable opportunity to explain his/her side of the story;
- other people (witnesses) may be interviewed;
- notes will be taken of interviews and documents may be collected;
- after considering the evidence, the investigator will make a finding in writing about the grievance on the balance of probabilities; and
- if the grievance is substantiated, the investigator may make recommendations on what action that should be taken.

There may be circumstances in which some of the steps outlined above are not appropriate and the National Executive will determine, in its absolute discretion on a case by case basis, the most appropriate method of handling the complaint.

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### **Mediation**

At any point in the process of resolving a grievance, whether informally or formally, the National Executive or the Grievance Committee may require the parties to attend a mediation.

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### **Outcomes**

The outcome of both types of grievance process may be:

- a compromise between the parties involved about the issues raised;

- a solution in which both parties benefit to some extent;
- a decision that a grievance is substantiated (correct) or unsubstantiated (incorrect);
- a decision that one of the parties has breached the Code of Conduct or another of the Party's policies;
- a public statement by the Party; and/or
- no action being taken.

Whatever the process used, the Australian Democrats will keep a record of the grievance and the outcome.

If the investigator finds that a breach of the Code of Conduct or another of the Australian Democrats' policies has occurred, or if a person has otherwise acted inappropriately, the Grievance Committee may act against that person which may include asking him or her to do one or more of the following:

- apologise to the person who made the grievance; and/or
- if appropriate, apologise to others who may have been offended by the Member's actions that led to the grievance being made; and/or
- attend training on discrimination, harassment and/or bullying.

If the inappropriate behavior is particularly serious, or the person refuses to follow the Grievance Committee's recommendations, particularly if the complaint involves allegations of discrimination, harassment, vilification or bullying or other inappropriate behaviour, then the National Executive on behalf of the Party may take whatever action it considers appropriate, including:

- if the person is an employee, taking disciplinary action up to terminating the person's employment;
- if the person is a volunteer, terminating any ongoing direct or indirect relationship with the person;
- if the person is a member:
  - suspending the person from the Party for a period of time;
  - expelling the person from the Party; or
  - taking any other action permitted by the Constitution in the circumstances.

It is unlawful to victimise a person who has made a complaint of discrimination, harassment, vilification or unlawful bullying. However, if a person lies about a complaint or makes a complaint maliciously or otherwise in bad faith, the National Executive may take whatever further action it considers appropriate, which might involve disciplinary action (including expulsion or suspension of membership) or termination of employment (in the case of an employee).