

# **ACT Labor Complaints Handling Policy**



## 1. APPLICATION

- 1.1. This *Complaints Handling Policy* applies to complaints arising under the following policies:
- (a) the *Code of Conduct*;
  - (b) the *Policy for Sexual Harassment Prevention and Response*; and
  - (c) the *Policy for Bullying and Harassment Prevention and Response*
- (together, the ***Code of Conduct and Associated Policies***).

## 2. COMPLAINT RESPONSE JURSDICTION

- 2.1. The ALP has harmonised its complaints handling policy across its structure and all Branches. This means that the process and procedure for responding to complaints are consistent across the Party including ACT Labor.
- 2.2. Complaints should be actioned by the Branch to which they relate.
- 2.3. ACT Labor cannot action complaints relating to the National Office, or in connection with a National ALP gathering or event. Complaints relating to the National Office or in connection with a National ALP gathering or event will be actioned by the National Secretariat's Office.
- 2.4. ACT Labor reserves the right to develop complaints handling policies for individual workplaces where appropriate, which are consistent with the law and the principles outlined in the *Code of Conduct and Associated Policies*.
- 2.5. An overview of the complaints handling process is set out at Attachment A.
- 2.6. The following table sets out the relevant pathways for complaints to be actioned. However, ACT Labor recognises that many members are involved in the Party in a variety of ways and encourages anyone who may wish to make a complaint to speak to a Respect Contact Officer listed at section 4 for further guidance.

## Pathways

Coverage	Relevant jurisdiction	Relevant Policies
ALP members, Parliamentarians, officials (paid and unpaid), staff, contractors, volunteers and any person who attends a National ALP gathering or event	National Secretariat	<i>National Code of Conduct</i>  <i>ALP National Policy for Sexual Harassment Prevention and Response</i>  <i>ALP National Policy on Bullying and Harassment Prevention and Response</i>  <i>ALP National Complaints Handling Policy</i>
Parliamentary Staff & Volunteers of Parliamentarians & Parliamentarians in relation to workplace matters	Commonwealth, State and Territory Parliaments, Department of Finance  Relevant State/Territory department/ agency as applicable	Members of Parliament (Staff) Act 1994, or Work Health & Safety Act 2011, or Fair Work Act 2009 or relevant State/Territory legislation as applicable
Federal Members of Parliament in relation to conduct at jurisdictional gatherings and events outside of the jurisdiction of their Membership	National Secretariat	<i>National Code of Conduct</i>  <i>ALP National Policy for Sexual Harassment Prevention and Response</i>  <i>ALP National Policy on Bullying and Harassment Prevention and Response</i>  <i>ALP National Complaints Handling Policy</i>
Federal Members of Parliament in relation to conduct at jurisdictional gatherings and events in the jurisdiction in which they are a Member	Relevant State or Territory Branch	The relevant state and territory branch rules, procedures and processes which incorporate:  (a) Branch Rules  (b) <i>Code of Conduct</i> ;  (c) <i>Policy for Sexual Harassment Prevention and Response</i> ;  (d) <i>Policy on Bullying and Harassment Prevention and Response</i> ; and  (e) <i>this Complaints Handling Policy</i> .

Coverage	Relevant jurisdiction	Relevant Policies
ALP members, Parliamentarians, officials (paid and unpaid), staff, contractors, volunteers and any person who attends a jurisdictional gatherings and events	Relevant State or Territory Branch	The relevant state and territory branch rules, procedures and processes which incorporate: <ul style="list-style-type: none"> <li>(a) Branch Rules</li> <li>(b) <i>Code of Conduct</i>;</li> <li>(c) <i>Policy for Sexual Harassment Prevention and Response</i>;</li> <li>(d) <i>Policy on Bullying and Harassment Prevention and Response</i>; and</li> <li>(e) <i>this Complaints Handling Policy</i>.</li> </ul>
National ALP organisational staff and paid officials	National Secretariat	National ALP Workplace Health & Safety Policy and Employment Terms and Conditions
Branch organisational staff and paid officials	Relevant State or Territory Branch	Relevant Branch employment agreements, and the following rules, procedures and processes: <ul style="list-style-type: none"> <li>(a) <i>Code of Conduct</i>;</li> <li>(b) <i>Sexual Harassment Prevention and Response</i>;</li> <li>(c) <i>Policy on Bullying and Harassment Prevention and Response</i>; and</li> <li>(d) <i>this Complaints Handling Policy</i>.</li> </ul>

- 2.7. In the event that a complaint relates to conduct of an ALP member (excluding Federal MPs) occurring across more than one jurisdiction or online, the complaint will be referred to a Complaint Manager in the jurisdiction in which the Respondent is a member for action in accordance with that Branch's *Complaints Handling Policy*.

### 3. KEY SUPPORT PRINCIPLES IN COMPLAINT HANDLING

- 3.1. The ACT Branch is committed to ensuring that allegations of sexual harassment, harassment, bullying, discrimination and other breaches of the *Code of Conduct* are dealt with promptly, confidentially and in accordance with the principles of procedural fairness for all parties involved.
- 3.2. It is important that the handling and resolution of any complaint is undertaken in a manner that is respectful, trauma-informed, culturally safe, particularly for First Nations people, and avoids additional distress to Complainants, survivors and victims.
- 3.3. It is also important throughout the complaint handling and resolution process that Complainants are adequately supported and are aware of the support options and complaint reporting options available to them. Respect Contact Officers and Complaint Managers can provide information on available support options, including External Support Providers.
- 3.4. In order to respect the privacy of Complainants and the principles of natural justice, ACT Labor will not comment on any complaint while it is being investigated or subject to any process or action in relation to a complaint except to say that this Policy is being complied with.

### 4. RESPECT CONTACT OFFICER

- 4.1. Respect Contact Officers are available as an initial contact point for a Complainant.
- 4.2. ACT Labor Respect Contact Officers will be appointed by two-thirds majority of the Administrative Committee for a term determined by the Administrative Committee from time to time.
- 4.3. Respect Contact Officers have been trained in both this Policy and the *Code of Conduct and Associated Policies*. In carrying out their role, a Respect Contact Officer will support the Complainant by:
  - (a) taking all complaints seriously;
  - (b) listening without interrupting;
  - (c) letting the person express how they feel and respecting the words they use in reference to the incident or incidents;
  - (d) acknowledging if the person is in distress and may have difficulties in expressing themselves;
  - (e) respecting the decisions of a Complainant; and
  - (f) provide information to Complainants on External Support Providers, being organisations that have the training and capacity to support the Complainant.

**4.4.** The role of a Respect Contact Officer is to:

- (a) receive complaints;
- (b) act promptly;
- (c) assess the nature of a complaint and provide initial information and advice to the Complainant regarding the complaints handling process and options available to the Complainant under this Policy;
- (d) initiate immediate action where there is imminent danger/ immediate risk;
- (e) refer complaints to an appropriate Complaint Manager, as provided by the Pathways set out in clause 2.6;
- (f) refer complaints to another Respect Contact Officer if they have a conflict of interest;
- (g) respect the confidentiality of those involved in the complaint, subject to the requirements of this Policy, mandatory reporting obligations and any applicable duties under work health and safety legislation;
- (h) ensure appropriate details of the complaint are recorded in the Complaint Report Form; and
- (i) record appropriate details of all complaints as required by ALP's record keeping and reporting requirements.

**4.5.** The table below provides details of Respect Contact Officers and an indication of whether a Respect Contact Officer is connected to a National Office or a Branch. A Complainant may wish to contact a National Office Respect Contact Officer instead of an ACT Labor Respect Contact Officer. If a National Office Respect Contact Officer does assist a Complainant, the Pathways set out above remain applicable.

**Respect Contact Officer Contact Details**

Name	Phone	Email	Gender	Other
Abby Flynn	0452 639 084	abby.flynn@safetyandrespect.alp.au	Female	LGBTIQ+, Youth
Carol Corless	0414 350 251	carol.corless@safetyandrespect.alp.au	Female	
Georgette Mouawad	0450 443 076	georgette.mouawad@safetyandrespect.alp.au	Female	CALD, LGBTIQ+, Youth
Israel Machucha	0434 166 664	israel.machucha@safetyandrespect.alp.au	Male	CALD, LGBTIQ+
Megan Baker-Goldsmith	0408 494 323	megan.baker-goldsmith@safetyandrespect.alp.au	Female	LGBTIQ+
Nathalie Rosales-Cheng	0416 478 359	nathalie.rosales-cheng@safetyandrespect.alp.au	Female	CALD
Sandra Fisk	0429 313 030	sandra.fisk@safetyandrespect.alp.au	Female	Disability

## 5. COMPLAINT MANAGER

- 5.1. Complaint Managers are appointed from within ACT Labor by two-thirds majority of the Administrative Committee based on their skills, qualifications and experience. Complaint Managers receive complaints, including referrals from Respect Contact Officers or the Secretary, and then acts and provides guidance to ensure that the complaint is handled in accordance with this Policy
- 5.2. Complaint Managers have been trained in both this Policy and the *Code of Conduct and Associated Policies*. In carrying out their role, a Complaint Manager will support the Complainant by:
- (a) taking all complaints seriously;
  - (b) listening without interrupting;
  - (c) letting the person express how they feel and respecting the words they use in reference to the incident or incidents;
  - (d) acknowledging if the person is in distress and may have difficulties in expressing themselves;
  - (e) respecting the decisions of a Complainant; and
  - (f) provide information to Complainants on External Support Providers, being organisations that have the training and capacity to support the Complainant.
- 5.3. The role of a Complaint Manager is to:
- (a) refer complaints to another Complaint Manager or an external provider if they have a conflict of interest;
  - (b) confirm complaints fall under this Policy including the appropriate jurisdiction for the complaint to be actioned;
  - (c) provide advice to the Complainant about the complaint handling process and options available to the Complainant for resolving their complaint;
  - (d) provide written advice to the Secretary on the complaint, the complaints handling process and this Policy;
  - (e) assist the Secretary in carrying out complaints handling process requirements set out in this Policy;
  - (f) provide information to the Respondent promptly, this may include advising the Respondent that a complaint has been made with the consent of the Complainant;
  - (g) ensure appropriate details of the complaint are recorded in the Complaint Report Form;
  - (h) initiate immediate action where there is imminent danger/ immediate risk;
  - (i) record appropriate details of all complaints as required by ALP's record keeping and reporting requirements ;

- (j) respect the confidentiality of those involved in the complaint, subject to the requirements of this Policy, mandatory reporting obligations and any applicable duties under work health and safety legislation; and
- (k) act promptly.

**5.4.** The table below provides details of Complaint Managers for ACT Labor. Where a Complaint Manager listed below cannot be appointed due to an actual or perceived conflict of interest, the Secretary may refer the complaint to a Complaint Manager from another Branch, the National Secretariat or an external complaints provider to perform the duties of the Complaint Manager under this Policy. If a Complaint Manager from another Branch is appointed, the Pathways set out above remain applicable.

#### **Complaint Manager Contact Details**

<b>Name</b>	<b>Phone</b>	<b>Email</b>	<b>Gender</b>	<b>Other</b>
Penelope Worthington	0425 710 553	penelope.worthington@safetyandrespect.alp.au	Female	LGBTIQ+, Disability
Ron Brent	0418 479 487	ron.brent@safetyandrespect.alp.au	Male	



## **6. SECRETARY**

- 6.1. The Secretary may receive complaints.
- 6.2. The Secretary will refer complaints to an appropriate Complaint Manager having regard to the applicable Pathway and for the purposes of complying with the complaints process set out in this document.
- 6.3. The role of the Secretary is to:
  - (a) act promptly;
  - (b) take all complaints seriously;
  - (c) respect the confidentiality of those involved in the complaint, subject to the requirements of this Policy, mandatory reporting obligations and any applicable duties under work health and safety legislation;
  - (d) receive referrals from a Complaint Manager to action complaints in accordance with the requirements of this Policy;
  - (e) action complaints in accordance with the requirements of this Policy;
  - (f) initiate immediate action where there is imminent danger/ immediate risk;
  - (g) refer matters to the Disputes Tribunal for decision making on disciplinary action where an investigation substantiates or partially substantiates a complaint either:
    - A. in the Secretary's discretion for matters where the sanction considered does not include expulsion, suspension or termination of appointment; and
    - B. in all cases where a sanction being considered includes expulsion, suspension or termination of appointment,
  - (h) determine the disciplinary action to be taken where the sanction proposed does not include expulsion, suspension or termination – or where the Respondent agrees to expulsion, suspension or termination of appointment;
  - (i) record appropriate details of all complaints as required by ALP's record keeping and reporting requirements.

## **7. CONFLICTS OF INTEREST**

- 7.1. Where a Secretary has a perceived, actual or potential conflict of interest in relation to a complaint, the President of ACT Labor will facilitate the process with the same authority as the Secretary.
- 7.2. Where the Secretary determines that both they and the President of ACT Labor have a conflict of interest that cannot be managed, the Secretary may ask the Complaint Manager to request that a member of the ALP National Appeals Tribunal appoint a suitably qualified person from ACT Labor to carry out the role and functions of the Secretary set out in this Policy. Such person will have the powers and responsibilities given to the Secretary under this Policy, including the power to impose a sanction in accordance with clause 12.

## **8. LESS FORMAL RESOLUTION OPTIONS**

- 8.1.** Different methods of resolution may be used to resolve potential complaints, depending on the nature of the allegations, the seriousness of the alleged behaviour, and the wishes of the Complainant.
- 8.2.** Less formal resolution processes are usually appropriate where the allegations are less serious in nature or the Complainant wishes to pursue a less formal resolution.
- 8.3.** Less formal resolution options include:
  - (a)** the Complainant contacting the person directly either verbally or in writing to tell the person that they do not like the behaviour, and asking that it stop; and
  - (b)** a facilitated meeting between the Complainant and Respondent, noting that this option will be dependent on the Respondent's willingness to participate in a meeting.
- 8.4.** The purpose of self-resolution is to enable the parties to resolve the matter themselves. The Complainant may seek advice on possible strategies from a Complaint Manager.
- 8.5.** The purpose of less formal resolution is to allow the Complainant to put their complaint forward in a supported environment to the Respondent, with the aim of ensuring the offending behaviour ceases.
- 8.6.** Outcomes from less formal options include:
  - (a)** an acknowledgement of complaint;
  - (b)** an apology;
  - (c)** undertaking not to repeat behaviour;
  - (d)** undertaking to change behaviour;
  - (e)** agreement to undertake additional training; and
  - (f)** agreement regarding conduct in the future.
- 8.7.** If a Complainant or Respondent does not believe an issue can be resolved by less formal resolution, they should advise the Complaint Manager as soon as practical. The Complaint Manager will then advise the Complainant of other resolution options.

## **9. MORE FORMAL RESOLUTION OPTIONS**

- 9.1.** Where a complaint is not resolved by less formal resolution, the Secretary may take more formal resolution options, with the consent of the Complainant.
- 9.2.** In this instance, the Complaint Manager will provide advice to the Secretary on next steps.
- 9.3.** Having regard to the principles set out at clause 3.1, the following steps may be taken, as part of more formal action:
  - (a)** a mediation between the Complainant and Respondent in the first instance to resolve the complaint, with the consent of both parties to the complaint; or
  - (b)** an independent third party may be appointed by the Complaint Manager to investigate the complaint with the consent of the Complainant.
- 9.4.** By way of general guidance, if an investigation is commenced the Investigator will be provided with Terms of Reference authorised by the Secretary to investigate the complaint. As part of the investigation process the following may occur:
  - (a)** the Complainant may be asked to provide written details of the complaint or may be interviewed, with a support person or adviser if required;
  - (b)** relevant details of the complaint will be conveyed to the Respondent;
  - (c)** the Respondent will be given 7 days to respond, or as otherwise reasonably determined by the Investigator;
  - (d)** the Respondent may be asked to provide written details of the response to the complaint or may be interviewed, with a support person or advisor, if required;
  - (e)** the Complainant may be required to provide an affidavit or statutory declaration verifying on oath the truthfulness of the complaint;
  - (f)** the Respondent may be required to provide an affidavit or statutory declaration verifying on oath the truthfulness of the response to the complaint;
  - (g)** if there is a dispute over facts, other relevant evidence may be gathered and witnesses may be interviewed;
  - (h)** a finding may be made as to whether the complaint is substantiated to the satisfaction of the Investigator on the balance of probabilities; and
  - (i)** a written report may be prepared, documenting the evidence, the finding and any recommendations including disciplinary action.

- 9.5. The final investigators report must be provided to the Complaint Manager and Secretary.
- 9.6. Where a complaint is not substantiated, parties are to be advised and the matter will be closed within 7 days of receiving the investigators final report.
- 9.7. If the complaint is substantiated, including partially, by the Investigator, within 4 days the Secretary must advise the Respondent and provide the Respondent with 7 days to provide written submissions on sanctions or other disciplinary action.
- 9.8. Within 4 days of receipt of submissions from the Respondent and where it is recommended or intended that the sanction or disciplinary action is suspension, expulsion or termination, the Secretary must refer the matter to the Disputes Tribunal in writing for a decision on sanction or other disciplinary action.
- 9.9. Within 7 days of receipt of submissions from the Respondent where it is recommended or intended that the sanction or disciplinary action is not suspension, expulsion or termination, the Secretary must make a decision on the sanction or other disciplinary action.
- 9.10. In its discretion, the Secretary may also refer matters to the Disputes Tribunal for decision on sanction or disciplinary action where the proposed sanction is not suspension, expulsion or termination at any time.
- 9.11. Where the Respondent or Complainant is an employee they will be afforded their workplace rights throughout the resolution process, including any rights to representation under any applicable legislation or ACT Labor policies.

## **10. COMPLAINTS INVOLVING CRIMINAL CONDUCT**

- 10.1. Some forms of harassment, including sexual harassment may constitute a criminal offence. This includes physical assault, indecent exposure and sexual assault.
- 10.2. In accordance with the *Code of Conduct*, criminal conduct is able to be reported to the Police by the Complainant.
- 10.3. Any referral to the police or external agencies by the ACT Labor will be done in consultation with, and consent by, the Complainant, subject to the requirements of this Policy, mandatory reporting obligations and obligations under work health and safety legislation.
- 10.4. Where a police or other agency investigation or prosecution is underway, legal advice should be obtained by the Secretary in relation to next steps under this Policy including whether any action should be placed on hold.

## **11. ALLEGATIONS OF SEXUAL ASSAULT**

- 11.1. Where an allegation of sexual assault is made, ACT Labor should be active in its support of the Complainant by providing appropriate details of External Support Providers.
- 11.2. Survivors of sexual assault should be in control of the decisions affecting them, especially their right to decide whether to seek counselling, medical services, police or legal intervention.

- 11.3. At all times the privacy of the Complainant should be respected and no information should be shared without their consent, subject to the requirements of this Policy, mandatory reporting obligations and obligations under work health and safety legislation.
- 11.4. At all times complaints will be managed in a way which acknowledges and is respectful of the fact that sexual assault is a traumatic incident and every individual will differ in the impact upon their ability to make immediate decisions and to communicate.
- 11.5. External Support Providers (see below) are best placed to provide advice about legal options, court preparation and court support to the Complainant and it is not intended that the Respect Officer or the Complaint Manager provide these types of supports to the Complainant.

## **12. CONSEQUENCES AND DISCIPLINARY ACTION**

- 12.1. A breach of the *Code of Conduct*, depending on its nature and severity, may lead to disciplinary action being taken by the Secretary, which may include:
  - (a) counselling;
  - (b) requiring an apology;
  - (c) conciliation/mediation conducted by an impartial third party;
  - (d) training on expected standards of behaviour; and
  - (e) a warning.
- 12.2. A breach may also lead to:
  - (a) termination of appointment, suspension or expulsion from the Party in accordance with the process set out in this Policy; and
  - (b) where the Respondent is an employee, performance management, demotion or termination in accordance with relevant workplace laws, agreements and policies.
- 12.3. A decision made under this Policy to impose a sanction or take disciplinary action against a Respondent is binding, subject to any appeal available under this Policy.

### **Decisions by the Secretary**

- 12.4. Where the Respondent is an employee, any decision relating to their employment will be consistent with any applicable workplace laws, agreements and policies.
- 12.5. A decision of the Secretary under clause 12.1 is appealable to the Disputes Tribunal, except where the decision relates to an employee and their employment in which case decisions are subject to relevant workplace laws, agreements and policies.

## Decisions by Disputes Tribunal

- 12.6. Matters will be referred to a member of the Disputes Tribunal for determination on sanction or other disciplinary action. If the member of the Disputes Tribunal has a perceived, actual or potential conflict of interest they must decline to make a decision on the matter and communicate this to the Chair of the Disputes Tribunal who will appoint a new Panel Member. Where all members of the Disputes Tribunal have a conflict of interest, the matter will be referred to the National Complaints Panel for determination.
- 12.7. Where a matter is referred to the Disputes Tribunal for decision making on sanction or other disciplinary action, one appointed member of the Disputes Tribunal, selected on a rotational basis, will make a decision regarding an appropriate sanction or disciplinary action.
- 12.8. In making a decision, the Disputes Tribunal Member must not reinvestigate the matter, but must make a decision on the sanction or other disciplinary action based on the investigation report findings and any submissions received on disciplinary action.
- 12.9. Sanctions can include, but are not limited to, termination of appointment, suspension and expulsion from the Party.
- 12.10. The Disputes Tribunal Member must advise the Secretary and Complaint Manager of the decision within 7 days of receipt of the referral.
- 12.11. The Complainant and Respondent should be advised of the decision within 4 days of receipt of the decision.
- 12.12. A decision of a Panel Member is subject to appeal under clause 12.14.

## Appeals

- 12.13. The Respondent may make a written request for an appeal within 7 days of notification of the Secretary or Dispute Tribunal Member's decision. A request for an appeal can only be made on the grounds that procedural fairness was denied. The request for an appeal, addressing the grounds for appeal, should be made to the Complaint Manager and Secretary.
- 12.14. Within 4 days of receipt of request and grounds for appeal, the matter will be referred to three Members of the Disputes Tribunal (on a rotational basis with no member being the original decision maker) to hear the appeal.
- 12.15. Where a Member of the Disputes Tribunal hearing an appeal has a perceived, actual or potential conflict of interest the Chair of the Disputes Tribunal must advise the Complaint Manager who will replace that member with another Member of the Disputes Tribunal.
- 12.16. Where there are less than three members of the Disputes Tribunal available and able to hear an appeal, the Complaint Manager will refer the matter to a Disputes Tribunal to hear the matter. A Disputes Tribunal is set up on the National Secretariat under the *National Complaints Handling Policy*. The Disputes Tribunal will follow the procedure set out in this Policy in considering any appeal.

- 12.17. The Disputes Tribunal or National Complaints Panel (as applicable) can determine whether it will hear the appeal, and then whether it will hear the appeal on papers or by way of a hearing.
- 12.18. Any decision by the Disputes Tribunal or the National Complaints Panel (as applicable) to overturn the previous decision must be accompanied by written reasons and agreed by two-thirds of the Complaints Panel or National Complaints Panel (as applicable).
- 12.19. Any sanction is stayed during an appeals process. The Respondent may however be suspended until the appeal is finalised.
- 12.16. Where a member of the Disputes Tribunal has a perceived, actual or potential conflict of interest on any matter, including an appeal, they must decline to make a decision on the matter and communicate this to the Chair of the Disputes Tribunal assigned to the matter, who will appoint a replacement Disputes Tribunal Member.

### **13. REPORTING PLAN**

- 13.1. ACT Labor is committed to monitoring the effectiveness of the *Code of Conduct and Associated Policies*.
- 13.2. ACT Labor will collect deidentified data on each complaint received under this Policy in accordance with annual reporting obligations under the *Code of Conduct and Associated Policies* Reporting Plan.
- 13.3. Each year by 31 January, the Secretary will provide the National Secretary a deidentified report of all complaints received under this Policy in accordance with annual reporting obligations under the *Code of Conduct and Associated Policies* Reporting Plan.

## 14. GENERAL

- 14.1. Anonymous complaints can be made under this Policy. The ability to take action in relation to anonymous complaints will depend on the nature of the complaint, level of information provided and, where appropriate, the consent of the person subject to the alleged conduct.
- 14.2. All parties to a complaints process must maintain confidentiality. A failure to maintain confidentiality may be a breach of the *Code of Conduct* which may result in action being taken under this Policy.
- 14.3. Where a finding is made against a person, or a sanction or other disciplinary action is imposed under this Policy, the finding, sanction or other disciplinary action may be shared between Branches to the extent reasonably necessary to properly administer a Branch and uphold the *Code of Conduct and Associated Policies*. Details of complaints that are not finalised due to a member resigning can also be shared for this purpose.
- 14.4. Victimising a person for making a complaint under this Policy or participating in a complaints handling policy may be a breach of the *Code of Conduct* which may result in action being taken under this Policy.
- 14.5. Disciplinary action may also be taken against a person for making a complaint or against a Complainant if there is substantiated evidence that the complaint was malicious or vexatious.
- 14.6. In the event that time or other circumstances do not permit the Secretary to conduct the process for a complaint, the Secretary may appoint another ACT Labor official or independently qualified person to facilitate the process with the same authority as the Secretary.
- 14.7. ACT Labor will not comment on any complaint while it is being investigated or subject to any process or action, save to say this Policy is being complied with. Upon conclusion of the process, the Secretary may if appropriate in the circumstances, provide a brief factual statement on the outcome.
- 14.8. Any existing complaints being actioned when this Policy comes into effect will continue to be actioned in accordance with the rules and procedures in place at the time the complaint was made, unless the Secretary requests that a complaint is recommenced under this Policy.



## EXTERNAL SUPPORT PROVIDERS

### AUSTRALIA WIDE SERVICES

#### SEXUAL ASSAULT & DOMESTIC VIOLENCE

##### **1800RESPECT**

Australia's national domestic, family and sexual violence counselling, information and support service.

**1800 737 732**

[www.1800respect.org.au/](http://www.1800respect.org.au/)

#### COMPLEX MENTAL HEALTH ISSUES

##### **Sane**

Support for people with recurring, persistent, or complex mental health issues and trauma and for their families, friends and communities.

**1800 187 263**

[www.sane.org](http://www.sane.org)

##### **BeyondBlue**

Free, anonymous forums and confidential Support Services including online peer support community, phone counselling, webchat counselling (all available 24/7), and emails (answered within 24 hours).

**1300 224 636**

<https://www.beyondblue.org.au/>

#### CRISIS SUPPORT AND SUICIDE PREVENTION

##### **Lifeline**

24-hour crisis support and suicide prevention services for Australians experiencing emotional distress.

**13 11 14**

[www.lifeline.org.au](http://www.lifeline.org.au)

##### **Suicide Call Back Service**

A free professional service providing 24/7 phone and online counselling to people at risk of suicide, concerned about someone at risk, bereaved by suicide, and people experiencing emotional or mental health issues.

**1300 659 467**

[www.suicidecallbackservice.org.au](http://www.suicidecallbackservice.org.au)

## LGBTIQ+ SPECIALIST SERVICES

### **Qlife**

Anonymous and free peer support and referral for LGBTI people in Australia wanting to talk about sexuality, identity, gender, bodies, feelings or relationships.

**1800 184 527**

<https://qlife.org.au/>

## YOUTH SPECIALIST SERVICES

### **Headspace**

Mental health support to people aged between 12 – 25 years, including sexual health, alcohol and other drug services, as well as work and study support.

**(03) 9027 0100**

<https://www.headspace.org.au>

## MEN'S SPECIALIST SERVICES

### **MensLine Australia**

Offers free professional 24/7 telephone counselling support for men with concerns about mental health, anger management, family violence (using and experiencing), addition, relationships, stress and general wellbeing.

**1300 789 978**

<https://mensline.org.au/>

### **No to Violence**

Works with men who use family violence, and the sector that supports them, to change their abusive and violent behaviour.

**1300 766 491**

<https://ntv.org.au/>

## FIRST NATIONS SPECIALIST SERVICES

### **13YARN**

13YARN is the first national service of its kind for Aboriginal & Torres Strait Islander people in crisis. We offer a confidential one-on-one over the phone yarning opportunity and support with a trained Lifeline Aboriginal & Torres Strait Islander Crisis Supporter for mob who are feeling overwhelmed or having difficulty coping.

**139 276**

<https://www.13yarn.org.au/>

## AUSTRALIAN CAPITAL TERRITORY

<b>Australian Capital Territory Police Assistance Line</b> 131 444 <a href="https://www.police.act.gov.au/">https://www.police.act.gov.au/</a>	Call this number if you require police assistance, but there is no immediate danger.
<b>Victim Support ACT</b> 1800 822 272 <a href="https://www.victimsupport.act.gov.au/">https://www.victimsupport.act.gov.au/</a>	Anyone who is a victim of a crime committed in the ACT is eligible for support or information from Victim Support ACT.
<b>Women's Legal Centre (ACT and Region)</b> 1800 634 669 <a href="https://wlc.org.au/">https://wlc.org.au/</a>	Provides specialist legal representation, support, and advocacy to women in the ACT.
<b>Canberra Rape Crisis Centre</b> Crisis Line: (02) 6247 2525 SMS only: 0488 586 518 <a href="https://crcc.org.au/">https://crcc.org.au/</a>	Confidential counselling and advocacy for women and children who have experienced any form of sexual violence recently or in the past, and their supporters.
<b>ACT Mental Health Phone Line</b> 1800 629 354	24-hours, 7 days a week and provides referral information to all ACT residents.

## How to make a complaint

The prevention of bullying, harassment and discrimination is the responsibility of all ALP members, staff and volunteers.

The ALP is committed to the right of all members, staff and volunteers to participate in ALP activities free from bullying, sexual harassment and discrimination, gendered violence, in all its forms, and other types of inappropriate behaviour.

The ALP encourages and values safe active bystander intervention to prevent or stop bullying, harassment and discrimination.

If you are unsure about who to make a complaint to you can contact a Respect Contact Office to understand more about the process.

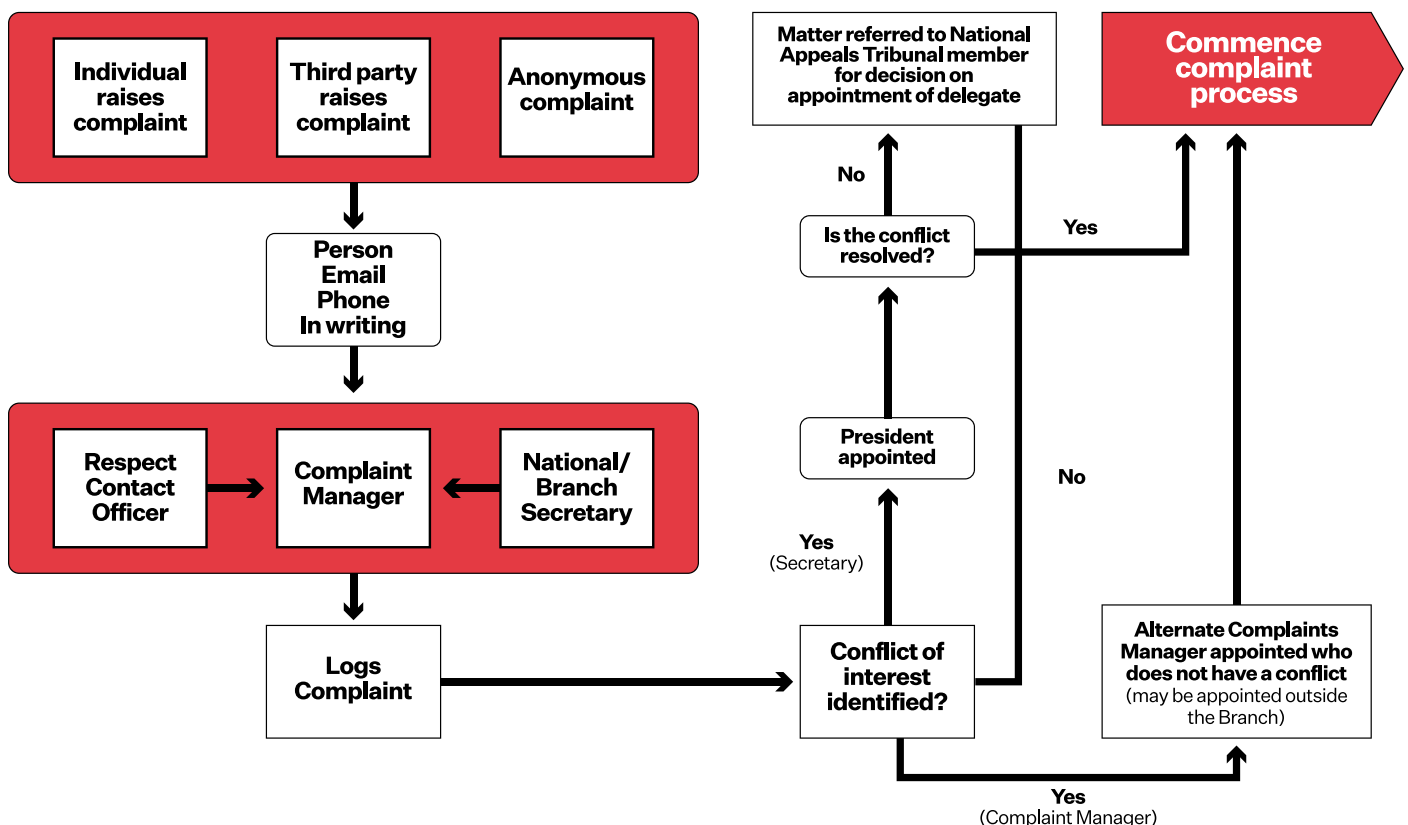
All complaints received will be treated confidentially and records will be held securely for reporting purposes.

Anonymous complaints will be actioned dependent on the level of information provided and the subject to the response of the person alleged to have been subject to the harassment, bullying or discrimination.

Complaints should be actioned by the Branch to which they relate. Complaints relating to the National Office, or in connection with a National ALP gathering or event will be actioned by the National Secretariat's Office.

Where issues of conflict of interest are identified relating to referral pathways or specific roles within the complaints handling process, alternative delegations may be made. Should alternative delegations not resolve the conflict of interest concerns the issues will be referred to a member of the National or State based Appeal Tribunal for a determination in accordance to the Complaints Handling Process.

Some forms of harassments, including sexual harassment may constitute a criminal offence. This includes physical assault, indecent exposure and sexual assault. Criminal conduct is able to be reported to the Police by the Complainant. Any referral to the police or external agencies by the ALP will be done in consultation with, and consent by, the Complainant, subject to the requirements of mandatory reporting obligations and obligations under work health and safety legislation.



# Complaint process

## Support available

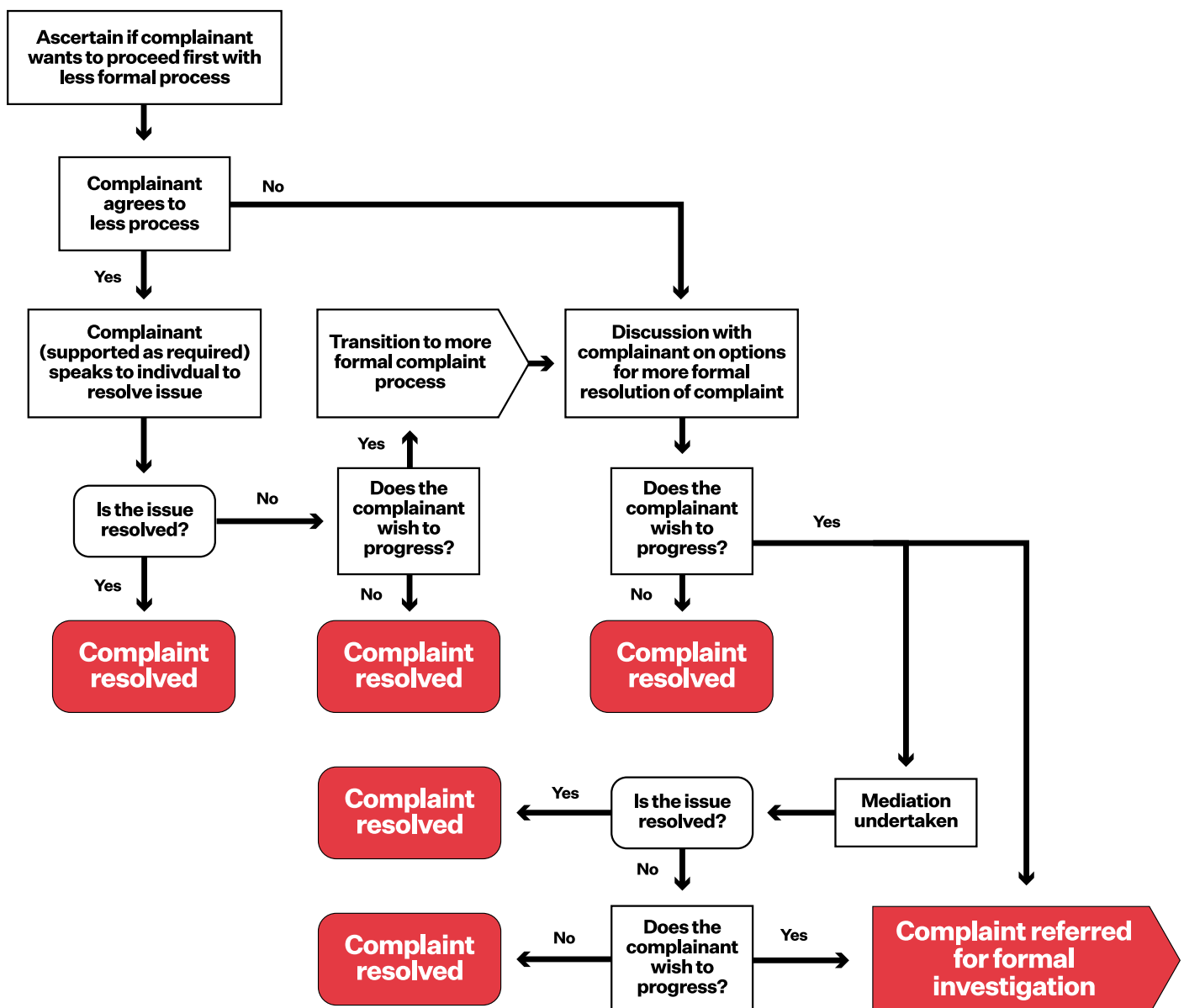
The Respect Contact Officer can provide advice on options available and act as a support where appropriate.

Support services will be available to Complainant and their family.

Complaint Manager or Secretary (if appropriate) will guide the Complainant through the process and address inappropriate behaviour where required.

Part of the resolution processes is ensuring that a Complainant is aware of the available reporting options. This may involve referral to counselling or other independent avenues of the professional advice and assistance, with the consent of the Complainant.

Unresolved conflict of interest concerns will be referred to the ALP National Appeal Tribunal by the Secretary for resolution.



# Investigation process

