

Victorian Labor Complaints Handling Policy

**SAFETY &
RESPECT**

Labor



1. APPLICATION

- 1.1. This *Complaints Handling Policy* applies to complaints arising under the *Code of Conduct* (Code) (Schedule I) and the following *Associated Policies*:
 - 1.1.1. The Policy for *Sexual Harassment Prevention and Response* (Schedule J); and
 - 1.1.2. The Policy for *Bullying and Harassment Prevention and Response* (Schedule K).
- 1.2. This *Complaints Handling Policy* does not apply to disciplinary offences set out at Rule 21.5 of the Branch Rules.

2. COMPLAINT RESPONSE JURISDICTION

- 2.1. The ALP has harmonised its complaints handling policy across its structure. This means that the process and procedure for responding to complaints is largely consistent across the ALP federally.
- 2.2. A complaint in relation to the Victorian Branch should be handled by the Victorian Branch.
- 2.3. Victorian 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. The Party reserves the right to develop complaints handling policies for individual workplaces where appropriate, which are consistent the principles outlined in the Code and Associated Policies.
- 2.5. The following table sets out the relevant pathways for complaints to be actioned. However, the Party recognises that many members are involved in the ALP in a variety of ways and encourages anyone who may wish to make a complaint to speak to a Respect Contact Officer listed at clause 6 of this Complaints Handling Policy for further guidance.

3. 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	<p><i>National Code of Conduct</i></p> <p><i>ALP National Policy for Sexual Harassment Prevention and Response</i></p> <p><i>ALP National Policy on Bullying and Harassment Prevention and Response</i></p> <p><i>ALP National Complaints Handling Policy</i></p>
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	<p><i>National Code of Conduct</i></p> <p><i>ALP National Policy for Sexual Harassment Prevention and Response</i></p> <p><i>ALP National Policy on Bullying and Harassment Prevention and Response</i></p> <p><i>ALP National Complaints Handling Policy</i></p>
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	<p>The relevant state and territory branch rules, procedures and processes which incorporate:</p> <ul style="list-style-type: none"> (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"> (a) Branch Rules (b) <i>Code of Conduct</i>; (c) <i>Policy for Sexual Harassment Prevention and Response</i>; (d) Policy on Bullying and Harassment Prevention and Response; and (e) this <i>Complaints Handling Policy</i>.
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"> (a) Code of Conduct; (b) <i>Sexual Harassment Prevention and Response</i>; (c) <i>Policy on Bullying and Harassment Prevention and Response</i>; and (d) this <i>Complaints Handling Policy</i>.

3.1. 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 State or Territory Branch’s *Complaints Handling Policy*.

3.2. Complaints under this Policy can be made to:

- 3.2.1. A Respect Contact Officer;
- 3.2.2. A Complaint Manager or

3.2.3. The State Secretary.

3.3. It is recommended that complaints are made, in the first instance, to a Respect Contact Officer or a Complaint Manager.

4. KEY SUPPORT PRINCIPLES IN COMPLAINT HANDLING

4.1. Victorian Labor is committed to ensuring that allegations of sexual harassment, harassment, bullying, discrimination and other breaches of the *Code and Associated Policies* are dealt with promptly, confidentially and in accordance with the principles of procedural fairness for all parties involved.

4.2. 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.

4.3. 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.

4.4. In order to respect the privacy of Complainants and the principles of natural justice, Victorian 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 that it may say that this Policy is being complied with.

5. RESPECT CONTACT OFFICER

5.1. Respect Contact Officers are available as an initial contact point for a Complainant.

5.2. 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:

5.2.1. taking all complaints seriously;

5.2.2. listening without interrupting;

5.2.3. letting the person express how they feel and respecting the words they use in reference to the incident or incidents;

5.2.4. acknowledging if the person is in distress and may have difficulties in expressing themselves;

5.2.5. respecting the decisions of a Complainant; and

5.2.6. 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 Respect Contact Officer is to:

5.3.1. receive complaints;

5.3.2. act promptly;

- 5.3.3. 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;
 - 5.3.4. initiate immediate action where there is imminent danger/ immediate risk;
 - 5.3.5. refer complaints to an appropriate Complaint Manager, as provided by the Pathways set out in clause 2.5 and the table at clause 3.
 - 5.3.6. refer complaints to another Respect Contact Officer if they have a conflict of interest;
 - 5.3.7. 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;
 - 5.3.8. ensure appropriate details of the complaint are recorded in the Complaint Report Form; and
 - 5.3.9. record appropriate details of all complaints as required by ALP's record keeping and reporting requirements.
- 5.4. The table at Section 6 (overleaf) provides details of Respect Contact Officers for Victorian Labor and an indication of whether a Respect Contact Officer is connected to the National Office or a Branch. A Complainant may wish to contact a National Office Respect Contact Officer instead of a Branch Respect Contact Officer. If a National Office Respect Contact Officer does assist a Complainant, the Pathways set out above remain applicable.

6. RESPECT CONTACT OFFICER CONTACT DETAILS






Name and Contact Details	Attributes
<p>Margie Ambrose 0402 786 884 Margie.ambrose@safetyandrespect.alp.au</p>	<p>Pronouns: She/Her</p> 
<p>Mohammed Abdillahi 0434 199 564 Mohammed.abdillahi@safetyandrespect.alp.au</p>	<p>Pronouns: He/Him</p> <p>Member of a Culturally and Linguistically Diverse Community</p> 
<p>Pamela Anderson 0420 981 508 pamela.anderson@safetyandrespect.alp.au</p>	<p>Pronouns: She/Her</p> <p>First Nations Person</p> 
<p>Robbie Nyaguy 0466 611 598 robbie.nyaguy@safetyandrespect.alp.au</p>	<p>Pronouns: He/Him</p> <p>Member of the LGTBQI+ Community</p> 
<p>Wendy Boyle 0417 360 612 wendy.boyle@safetyandrespect.alp.au</p>	<p>Pronouns: She/Her</p> <p>Person with a disability</p> 

7. COMPLAINT MANAGER

- 7.1. Complaint Managers are appointed from within Victorian Labor by the Administrative Committee. They receive complaints, including referrals from Respect Contact Officers or the State Secretary, and then act and provide guidance to ensure that the complaint is handled in accordance with this Policy.
- 7.2. 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:
- 7.2.1. taking all complaints seriously;
 - 7.2.2. listening without interrupting;
 - 7.2.3. letting the person express how they feel and respecting the words they use in reference to the incident or incidents;
 - 7.2.4. acknowledging if the person is in distress and may have difficulties in expressing themselves;
 - 7.2.5. respecting the decisions of a Complainant; and
 - 7.2.6. provide information to Complainants on External Support Providers, being organisations that have the training and capacity to support the Complainant.
- 7.3. The role of a Complaint Manager is to:
- 7.3.1. refer complaints to another Complaint Manager or an external provider if they have a conflict of interest;
 - 7.3.2. confirm complaints fall under this Policy including the appropriate jurisdiction for the complaint to be actioned;
 - 7.3.3. provide advice to the Complainant about the complaint handling process and options available to the Complainant for resolving their complaint;
 - 7.3.4. provide written advice to the Secretary on the complaint, the complaints handling process and this Policy;
 - 7.3.5. assist the State Secretary in carrying out complaints handling process requirements set out in this Policy;
 - 7.3.6. provide information to the Respondent promptly, this may include advising the Respondent that a complaint has been made with the consent of the Complainant;
 - 7.3.7. ensure appropriate details of the complaint are recorded in the Complaint Report Form;
 - 7.3.8. initiate immediate action where there is imminent danger/ immediate risk;

- 7.3.9. record appropriate details of all complaints as required by Victorian Labor’s record keeping and reporting requirements;
- 7.3.10. 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
- 7.3.11. act promptly.
- 7.4. In appointing Complaint Managers, Victorian Labor will endeavour to ensure Complaint Managers are appropriately experienced and qualified, including that they have received training in the *Code and Associated Policies* and trauma-informed care, and have the skills and experience to act confidentially and promptly.
- 7.5. The table at Section 8 (overleaf) provides details of Complaint Managers for Victorian Labor. Where a Complaint Manager listed below cannot be appointed due to an actual or perceived conflict of interest, the State Secretary may refer the complaint to a Complaint Manager from another State or Territory Branch, the National Secretariat or an external provider to perform the duties of the Complaint Manager under this *Policy*. If a Complaint Manager from another State or Territory Branch is appointed, the Pathways set out above remain applicable.

8. COMPLAINT MANAGER CONTACT DETAILS

Name and Contact Details	Attributes	
<p>Laura Blandthorn (Victorian Labor General Counsel) 0421 908 065 laura.blandthorn@safetyandrespect.alp.au</p>	<p>Pronouns: She/Her</p>	
<p>Marg Willis 0419 171 571 Marg.willis@safetyandrespect.alp.au</p>	<p>Pronouns: She/Her</p>	
<p>Mohammed Shiekh 0423 382 568 mohammed.shiekh@safetyandrespect.alp.au</p>	<p>Pronouns: He/Him</p> <p>Member of a Culturally and Linguistically Diverse Community</p>	
<p>Rhonda Bain 0418 246 756 rhonda.bain@safetyandrespect.alp.au</p>	<p>Pronouns: She/Her</p>	
<p>Vicki Hildebrand 0431 389 076 vicki.hildebrand@safetyandrespect.alp.au</p>	<p>Pronouns: She/Her</p>	

9. STATE SECRETARY

- 9.1. The State Secretary may receive complaints.
- 9.2. The State 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 Policy.
- 9.3. The role of the Secretary is to:
 - 9.3.1. act promptly;
 - 9.3.2. take all complaints seriously;
 - 9.3.3. 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;
 - 9.3.4. receive referrals from a Complaint Manager to action complaints in accordance with the requirements of this Policy;
 - 9.3.5. action complaints in accordance with the requirements of this Policy;
 - 9.3.6. initiate immediate action where there is imminent danger/ immediate risk;
 - 9.3.7. refer matters to the Disputes Tribunal for decision making on disciplinary action where an investigation substantiates or partially substantiates a complaint;
 - 9.3.8. in the State Secretary's discretion, determine the disciplinary action to be taken in less serious matters; and
 - 9.3.9. record appropriate details of all complaints as required by ALP's record keeping and reporting requirements.

10. CONFLICTS OF INTEREST

- 10.1. Where the State Secretary has a perceived, actual or potential conflict of interest in relation to a complaint, the President of Victorian Labor will facilitate the process with the same authority and responsibilities as the Secretary.
- 10.2. Where the State Secretary determines that both they and the President of Victorian Labor have a conflict of interest that cannot be appropriately managed, the Secretary may ask the Complaint Manager to request that the President of the Disputes Tribunal appoint a suitably qualified person from the Party 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 15.1 of this Policy.

11. LESS FORMAL RESOLUTION OPTIONS

- 11.1. Different methods of resolution may be used to resolve complaints and potential complaints, depending on the nature of the allegations, the seriousness of the alleged behaviour, and the wishes of the Complainant.
- 11.2. 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.
- 11.3. Less formal resolution options include:
 - 11.3.1. 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
 - 11.3.2. 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.
 - 11.3.3. 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.
 - 11.3.4. 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.
- 11.4. Outcomes from less formal options include:
 - 11.4.1. an acknowledgement of complaint;
 - 11.4.2. an apology;
 - 11.4.3. undertaking not to repeat behaviour;
 - 11.4.4. undertaking to change behaviour;
 - 11.4.5. agreement to undertake additional training; and
 - 11.4.6. agreement regarding conduct in the future.
 - 11.4.7. 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.

12. MORE FORMAL RESOLUTION OPTIONS

- 12.1. Where a complaint is not resolved by less formal resolution, the State Secretary may take more formal resolution options, with the consent of the Complainant. In this instance, the Complaint Manager will provide advice to the State Secretary on next steps.

- 12.2. Having regard to the principles set out at clause 4 of this Policy, the following steps may be taken, as part of more formal action:
- 12.2.1. 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
 - 12.2.2. an independent third party (the Investigator) may be appointed by the Complaint Manager, in consultation with the State Secretary, to investigate the complaint with the consent of the Complainant.
- 12.3. If an investigation is commenced, the Investigator will, in most cases, be provided with Terms of Reference authorised by the State Secretary to investigate the complaint. As part of the investigation process the following should occur:
- 12.3.1. the Complainant may be asked to provide written details of the complaint or may be interviewed, with a support person or adviser if required;
 - 12.3.2. relevant details of the complaint will be conveyed to the Respondent;
 - 12.3.3. the Respondent will be given 7 days to respond, or as otherwise reasonably determined by the Investigator;
 - 12.3.4. the Respondent may be asked to provide written details of the response
 - 12.3.5. to the complaint or may be interviewed, with a support person or advisor, if required;
 - 12.3.6. the Complainant may be required to provide an affidavit or statutory declaration verifying on oath or affirmation the truthfulness of the complaint;
 - 12.3.7. the Respondent may be required to provide an affidavit or statutory declaration verifying on oath or affirmation the truthfulness of the response to the complaint;
 - 12.3.8. if there is a dispute over facts, other relevant evidence may be gathered and witnesses may be interviewed;
 - 12.3.9. a finding may be made as to whether the complaint is substantiated to the satisfaction of the Investigator on the balance of probabilities; and
 - 12.3.10. a written report should be prepared, documenting the evidence and the findings.
- 12.4. The Investigator's final report must be provided to the Complaint Manager and the State Secretary.

- 12.5. Where a complaint is not substantiated, parties are to be advised and the matter will be closed within 7 days of receiving the Investigator's final report.
- 12.6. If the complaint is substantiated, or partially substantiated, by the Investigator, within 4 days of receiving the report, the State Secretary must advise the Respondent and provide them with the Investigator's report. The State Secretary will provide the Respondent with 7 days to provide written submissions on sanctions or other disciplinary action, including any mitigating factors.
- 12.7. Unless clause 12.8.1 applies, within 4 days of receipt of submissions from the Respondent or if no submissions are received in accordance with clause 12.6, the State Secretary will refer the matter to the President of the Disputes Tribunal to determine the sanction or disciplinary action. In this case, the State Secretary must provide the President of the Disputes Tribunal with a copy of the Investigator's report and any submissions received from the Respondent.
- 12.8. The President of the Disputes Tribunal may, for the purposes of determining the sanction or disciplinary action:
- 12.8.1. determine the sanction themselves;
 - 12.8.2. ask another member of the Disputes Tribunal to determine the sanction or disciplinary action; or
 - 12.8.3. if necessary, and in the President's discretion, convene a panel of three members of the Disputes Tribunal to determine the sanction or disciplinary action.
- 12.9. Unless the Investigator's report substantiates misconduct of a serious nature (including but not limited to sexual harassment, assault, or physical violence), the State Secretary may determine the sanction. The State Secretary has no power under this Policy to suspend or expel a member.
- 12.10. All referrals to the Disputes Tribunal under this Policy will be made to the President of the Tribunal. If there is no President appointed, or they are absent, referrals can be made to any other member of the Tribunal.

13. COMPLAINTS INVOLVING CRIMINAL CONDUCT

- 13.1. Some forms of harassment, including sexual harassment, may constitute a criminal offence. This includes physical assault, indecent exposure and sexual assault.
- 13.2. In accordance with the Code, criminal conduct may be reported to the police.
- 13.3. Any referral to the police or external agencies by Victorian 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.

- 13.4. Where a police or other agency investigation or prosecution is underway, legal advice should be obtained by the State Secretary in relation to next steps under this Policy including whether any action should be placed on hold.

14. ALLEGATIONS OF SEXUAL ASSAULT

- 14.1. Where an allegation of sexual assault is made, Victorian Labor should be active in its support of the Complainant by providing appropriate details of External Support Providers.
- 14.2. 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.
- 14.3. 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.
- 14.4. 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.
- 14.5. 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.

15. CONSEQUENCES AND DISCIPLINARY ACTION

- 15.1. A breach of the Code, depending on its nature and severity, may lead to disciplinary action being taken by the Disputes Tribunal or the Secretary, which may include:
 - 15.1.1. counselling;
 - 15.1.2. requiring an apology;
 - 15.1.3. conciliation/mediation conducted by an impartial third party;
 - 15.1.4. training on expected standards of behaviour; and
 - 15.1.5. a warning.
- 15.2. A breach of the Code may also lead to the following disciplinary action being imposed by the Disputes Tribunal:
 - 15.2.1. termination of appointment, suspension or expulsion from the Party in accordance with the process set out in this Policy and the Rules;
or

- 15.2.2. where the Respondent is an employee of the State Office, performance management, demotion or termination, subject to relevant workplace laws, agreements and policies.
- 15.3. 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.

16. DECISIONS BY THE SECRETARY

- 16.1. Where the Respondent is an employee, any decision relating to their employment will be consistent with, and subject to, any applicable workplace laws, agreements and policies.
- 16.2. A decision of the Secretary under clause 12.9 may be appealed to the Disputes Tribunal.

17. DECISIONS BY DISPUTES TRIBUNAL

- 17.1. Where a matter is referred by the Secretary to the Disputes Tribunal for decision making on appropriate sanction or other disciplinary action, one appointed member, selected on a rotational basis, will make a decision regarding an appropriate sanction or disciplinary action.
- 17.2. The President of the Disputes Tribunal may, in their discretion, convene a panel of three members of the Disputes Tribunal to determine the sanction.
- 17.3. The Disputes Tribunal member or panel must make a decision on the sanction or other disciplinary action based on the Investigator's report and any submissions received by the Complainant and/or Respondent on disciplinary action. Sanctions can include, but are not limited to, termination of appointment, suspension and expulsion from the Party.
- 17.4. The Disputes Tribunal member must advise the State Secretary and the Complaint Manager of the decision within 7 days of receipt of the referral.
- 17.5. The Complainant and Respondent should be advised of the decision within 4 days of receipt of the decision.
- 17.6. A decision of a Disputes Tribunal member is subject to appeal under clause 18.

18. APPEALS

- 18.1. The Respondent may lodge an appeal within 7 days of notification of the State Secretary's or Disputes Tribunal's decision. A request for an appeal can only be made on the ground that procedural fairness was denied. The request for an appeal, addressing the grounds for appeal, should be made to the Complaint Manager and the State Secretary.
- 18.2. Within 4 days of receipt of request and grounds for appeal, the Complaint Manager will refer the appeal to the President of the Disputes Tribunal, who shall select three members of the Tribunal, on a rotational basis with no member being the original decision maker, to hear the appeal.
- 18.3. Where there are less than three Disputes Tribunal members available to hear an appeal, the President of the Disputes Tribunal will inform the Complaint Manager, who will refer the matter to a National Complaints Panel to hear the matter. A National Complaints Panel is established by the National Secretariat under

the National Complaints Handling Policy. The National Complaints Panel will be requested follow the procedure set out in this Complaints Handling Policy in considering any appeal.

- 18.4. The Disputes Tribunal or National Complaints Panel (as applicable) will determine whether it will hear the appeal, and then whether it will hear the appeal on papers or by way of a hearing.
- 18.5. Any decision by:
 - 18.5.1. the Disputes Tribunal to overturn the previous decision must be accompanied by written reasons and be agreed by two-thirds of the Disputes Tribunal hearing the appeal; and
 - 18.5.2. the National Complaints Panel will be made in the discretion of that Panel in accordance with the National Complaints Policy.
- 18.6. Any sanction other than suspension is stayed during an appeals process. The Respondent may have membership rights suspended until the appeal is finalised.

19. CONFLICT OF INTEREST

- 19.1. Where a member of the Disputes Tribunal has a perceived, actual or potential conflict of interest on any matter they are allocated, they must decline to make a decision on the matter and communicate this to the President of the Disputes Tribunal, who will appoint a replacement. Where all members of the Disputes Tribunal have a perceived, actual or potential conflict of interest on any matter, the matter will be referred to a member of the National Complaints Panel who will facilitate the process with the same authority as the Disputes Tribunal.
- 19.2. Where a National Complaints Panel Member 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 National Complaints Panel assigned to the matter, who will appoint a replacement National Complaints Panel Member.

20. REPORTING PLAN

- 20.1. Victorian Labor is committed to monitoring the effectiveness of the Code and Associated Policies.
- 20.2. Victorian 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.
- 20.3. Each year by 31 January, the State 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.

21. GENERAL

- 21.1. 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.
- 21.2. All parties to a complaints process must maintain confidentiality. A failure to maintain confidentiality may be a breach of the Code which may result in action being taken under this Policy.
- 21.3. 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 the Victorian Branch and other State or Territory Branches to the extent reasonably necessary to properly administer and uphold the Code and Associated Policies as they relate to the Victorian Branch and other State or Territory Branches. Details of complaints that are not finalised due to a member resigning can also be shared for this purpose.
- 21.4. Victimising a person for making a complaint under this Policy or participating in a Complaint Handling Policy may be a breach of the Code which may result in action being taken under this Policy.
- 21.5. 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.
- 21.6. In the event that time or other circumstances do not permit the State Secretary to conduct the process for a complaint, the State Secretary may appoint another Victorian Labor official or independently qualified person to facilitate the process with the same authority and powers as the State Secretary.
- 21.7. Victorian 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 State Secretary may if appropriate in the circumstances, provide a brief factual statement on the outcome.
- 21.8. 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 State 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/

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

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

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

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), addiction, 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/>

VICTORIA

<p>Victoria Police Assistance Line 131 444 https://www.police.vic.gov.au/</p>	<p>Call 131 444 to report non-urgent crime and events anytime, anywhere 24 hours a day, seven days a week.</p>
<p>Head to Health 1800 595 212 https://headtohealthvic.org.au/</p>	<p>Professional mental health support based on the person’s needs, including referral services.</p>
<p>Women’s Information and Referral Exchange (WIRE) 1300 134 130 support@wire.org.au https://www.wire.org.au</p>	<p>Free support, referrals & information on any issue for women, non-binary & gender diverse people in Victoria (including Family Violence).</p>
<p>Sexual Assault Service Victoria Crisis Line: 1800 806 292 https://www.sasvic.org.au</p>	<p>A state-wide, after-hours, confidential telephone crisis counselling service for people who have experienced both past and recent sexual assault.</p>
<p>Safe Steps Family Violence Response Centre 1800 015 188 safesteps@safesteps.org.au https://www.safesteps.org.au</p>	<p>24/7 Family and Domestic Violence Support for Victorians.</p>
<p>Switchboard 1800 184 527 https://www.switchboard.org.au Webchat online 3pm – 12 midnight 7 days</p>	<p>Provides peer-driven support services for lesbian, gay, bisexual, transgender and gender diverse, intersex, queer and asexual (LGBTIQ+) people, their families, allies and communities.</p> <p>They have a range of different programs offering peer-to-peer support in areas including gender and sexuality, diverse relationships, suicide prevention, family violence support, antiracism advocacy, and social inclusion for older LGBTI community.</p>
<p>ORYGEN (03) 9966 9100 https://oyh.org.au/</p>	<p>Specialist mental health services for young people aged 15 – 25 who reside in western and north- western regions of metropolitan Melbourne.</p>
<p>Direct Line 1800 888 236 https://www.directline.org.au</p>	<p>Anonymous and confidential drug & alcohol counselling and referral service. Available 24/7 by phone or online.</p>

ATTACHMENT A – COMPLAINTS HANDLING PROCESS

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.

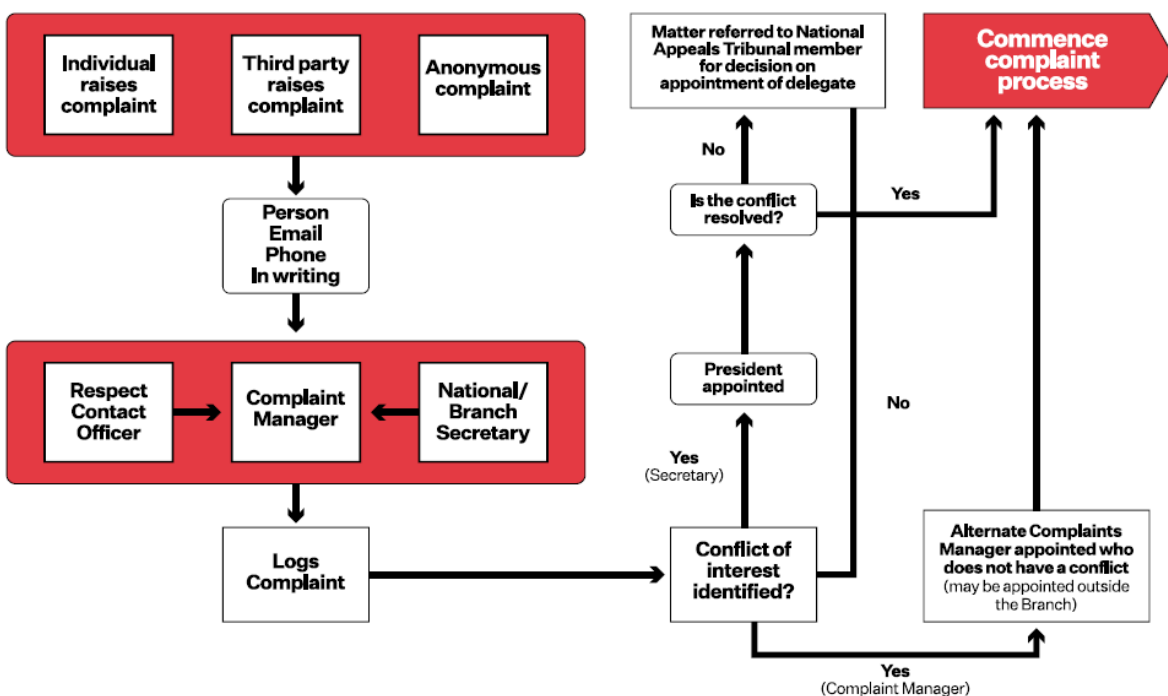
Anonymous complaints will be actioned dependent on the level of information provided and the subject to the response of the person alleged to have been subject to the harassment, bullying or discrimination.

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

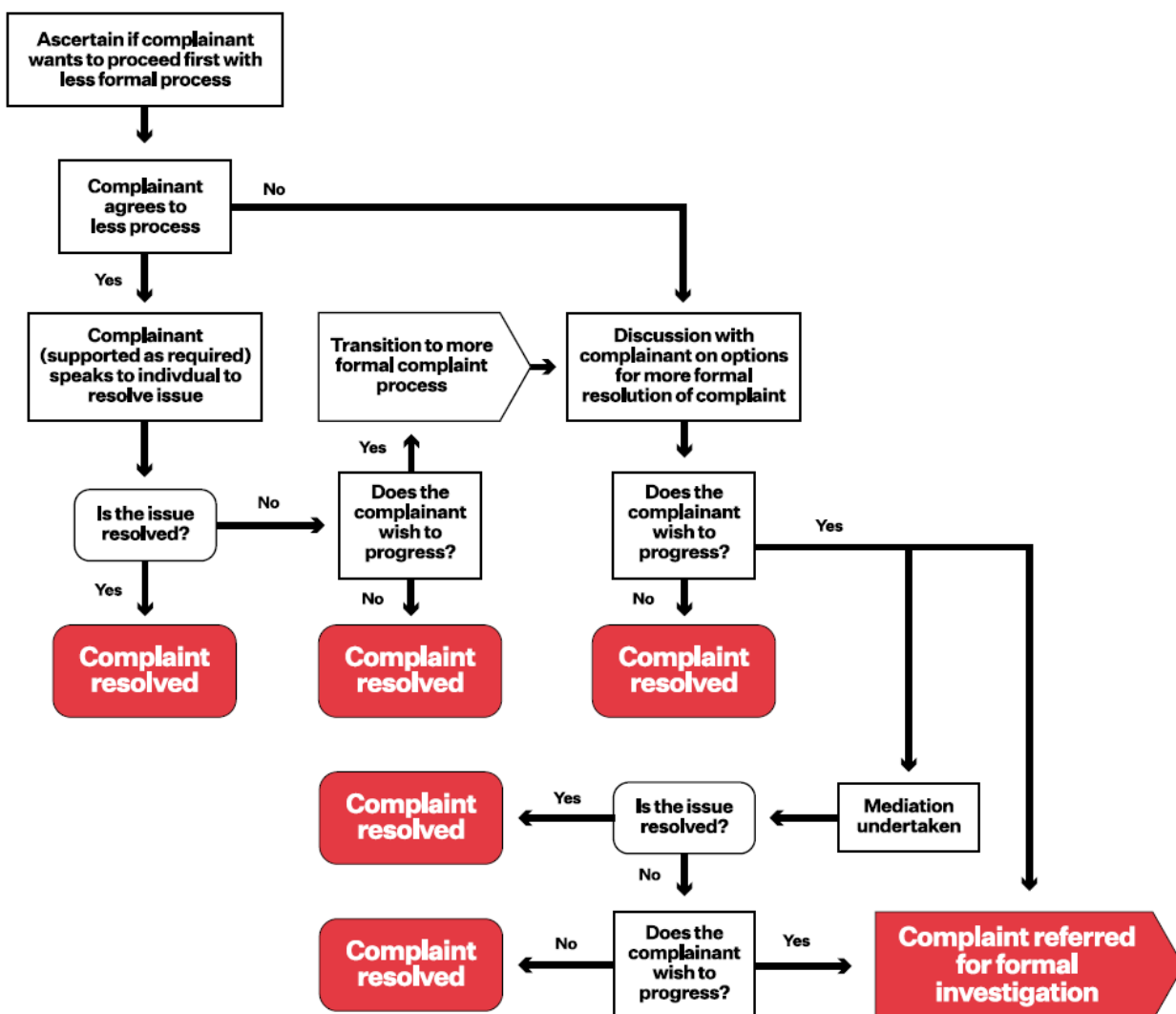
Support is available

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.

The 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 Disputes Panel by the Secretary for resolution.



Investigation Process

