



Liberal Party of Australia, NSW Division

# **MANDATORY CODE OF PRACTICE – CONDUCT AND ETHICS**

**LIBERAL PARTY OF AUSTRALIA, NSW DIVISION**  
**MANDATORY CODE OF PRACTICE – CONDUCT AND ETHICS**  
**(CODE)**

1. The Liberal Party of Australia, NSW Division (Division) is committed to providing a productive, rewarding and healthy workplace and environment for all our staff, volunteers, members, office-bearers and elected representatives.
2. Every person who undertakes activities on behalf of, in the representation of, or as a member of the Division should treat others with dignity, courtesy and respect, enabling everyone to contribute in a cohesive manner to our objectives as set out in our Constitution.
3. The Division is committed to the highest standards of behaviour by its staff, volunteers, members, office-bearers and elected representatives and to providing a safe and respectful environment. We are also committed to equal opportunity.

**A. SCOPE**

4. This Code is consistent with the provisions of the Constitution of the Division.
5. This Code should be read and applied consistently with Commonwealth and New South Wales law. Where there is an inconsistency between this Code and Commonwealth or New South Wales law, the legislation prevails.
6. Subject to that caveat, this Code applies to all staff, contractors, members, office-bearers, volunteers and elected representatives of the Division.
7. It applies to on-site, off-site, online interactions, or after-hours work, meetings or social functions convened by the Division or Bodies of the Division (as defined in its Constitution), and all Division conferences or campaign events which individuals may attend as a result of their Division membership or duties.
8. The Division is a political party and its public reputation is important. Although the Division cannot require compliance with this Code by its staff, contractors, members, office-bearers, volunteers and elected representatives where the activities are unrelated to the work of the Division, everyone is encouraged to consider this Code when dealing with others in any capacity.

**B. GENERAL PRINCIPLES**

9. The Division is committed to the principles that:
  - a. every person should be treated with dignity and respect;
  - b. addressing inappropriate and unacceptable behaviour supports a healthy and positive workplace and experience;
  - c. if there are issues or conflicts in the organisation, everyone has a role to recognise those issues and bring them to the attention of the appropriate people; and
  - d. everyone has an obligation to work respectfully to resolve difference or conflict.
10. The Division expects and requires that staff, volunteers, members and representatives will at all times:
  - a. act in a manner that promotes the objectives of the Division;
  - b. maintain a high standard of integrity and professionalism;
  - c. act lawfully and ethically;
  - d. treat each other with respect, courtesy and dignity;

- e. exercise a reasonable degree of care, skill and diligence in carrying out their duties, acknowledging that that this may vary according to the role or duty;
  - f. use any powers associated with his or her role for a proper purpose, in the best interests of the Division as a whole;
  - g. where applicable, comply with their obligations under the *Electoral Act 2017*, *Electoral Funding Act 2018* and the *Local Government Act 2009*;
  - h. not take improper advantage of his or her position;
  - i. properly manage any conflict between personal or business interests with the interests of the Division;
  - j. recognise he or she has an obligation to be independent in judgment and actions;
  - k. be responsible and scrupulous in the proper use of Party funds, equipment, facilities, communications and information, including personal information held by or belonging to the Division and information acquired as a result of his or her position;
  - l. not act in manner which detrimentally affects the reputation of Division, or reduces its prospects of success at any election; and
  - m. not engage in Unacceptable Behaviour.
11. Senior Office Holders of the Division have a duty under the *Electoral Funding Act 2018* to report any conduct in connection with the Division which the office holder knows or reasonably believes constitutes a contravention of the Act.

## **C. UNACCEPTABLE BEHAVIOUR**

12. Discrimination, vilification, bullying, threatening behaviour, harassment, including sexual harassment, physical violence and other forms of inappropriate behaviour are unlawful under Commonwealth, and NSW legislation. Such behaviour is prohibited by the Division and will not be tolerated. Everyone is entitled to participate in the Division's activities in an environment that is free from this behaviour.

### **Discrimination**

13. Discrimination is behaviour which treats, or proposes to treat, someone unfavourably because of a personal characteristic when that characteristic is protected by the law, such as sex, age, race, religion or disability.
14. It is acknowledged that entitlement to membership of some Bodies of the Division (as defined in the Constitution) may be based on characteristics such as age or gender. These bodies include, for example, the Young Liberal Movement and Women's Council. These bodies or committees have specific aims consistent with the nature of their membership and the objects of the Division. It is not discriminatory to so restrict membership of these bodies.

#### *Direct Discrimination*

15. Direct discrimination occurs when a person is treated less favourably than another in a similar situation because of a personal characteristic protected by law. The prohibited grounds of discrimination are set out in Commonwealth and NSW anti-discrimination laws and include discrimination on the grounds of sex, race, age, disability etc.
16. Discrimination can occur directly when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law. It can also occur indirectly, when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law.

17. Examples of grounds on which discrimination may occur include:

- a. age;
- b. breastfeeding;
- c. carer responsibilities;
- d. disability
- e. gender identity;
- f. HIV/AIDS;
- g. marital or relationship status;
- h. pregnancy;
- i. race;
- j. religion;
- k. sex; and
- l. sexual preference or orientation.

This list is not exhaustive.

#### *Indirect Discrimination*

18. Indirect discrimination may occur when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law.
19. Discrimination may also include the situation where a workplace participant harasses another person based on a ground of discrimination.

#### **Vilification**

20. Vilification is an act which incites hatred, severe contempt or severe ridicule of a person or group, because of race, religion, disability, gender, homosexuality, transgender, transsexuality or HIV/AIDS. Vilification is a particularly serious breach of applicable legislation and will be dealt with accordingly.

#### **Bullying, Harassment and Physical Violence**

21. Bullying is unreasonable and inappropriate behaviour directed towards an individual or group, which creates a risk to physical or mental health and safety. It can be a form of discrimination.
22. Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation or ignoring people, or unfair work practices. It also includes physical harassment and any form of threatening behaviour, both mental and physical.
23. Harassment is unwelcome conduct that a reasonable person would expect to offend, humiliate or intimidate.
24. Physical violence is the intentional use of physical force or power, threatened or actual, against another person or a group, which either results in or has a high likelihood of resulting in, amongst other things, injury, death or psychological harm.

#### **Sexual Harassment**

25. Sexual harassment is a specific and serious form of harassment. It is unwelcome sexual behaviour, which could be expected to make a reasonable person feel offended, humiliated or intimidated. Sexual harassment can be physical, spoken or written. It can include, but is not limited to:
  - a. sexually suggestive behaviour;

- b. brushing up against someone, touching or fondling;
  - c. sexually suggestive comments or jokes;
  - d. displaying offensive screen savers, photos, calendars or objects;
  - e. repeated unwanted requests to go out;
  - f. a request for sex;
  - g. sexually explicit posts on social networking sites;
  - h. insults or taunts of a sexual nature;
  - i. intrusive questions or statements about a person's private life;
  - j. sending sexually explicit emails or text messages;
  - k. inappropriate advances on social networking sites;
  - l. accessing sexually explicit internet sites in the presence of others whilst volunteering in an office of the Division or a Body of the Division, an electorate or campaign office, or in any other public place; and
  - m. behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.
26. Just because someone does not object to inappropriate behaviour at the time, does not mean that they are consenting to the behaviour.
27. All employees, members and volunteers have the same rights and responsibilities in relation to sexual harassment. A single incident is enough to constitute sexual harassment – it doesn't have to be repeated. All incidents of sexual harassment – no matter how large or small or who is involved – require employers and managers, or the State Director to respond appropriately.
28. Comments and behaviour that do not offend one person may offend others.

## **D. PROFESSIONAL INTEGRITY**

### **Defamation**

29. A person must not make public or cause to be published any statement about any employee, contractor, member, volunteer or representative of the Division which could be construed as defamatory. Any person who makes a potentially defamatory statement shall be personally responsible for the payment of any damages or costs awarded by a court in respect of those statements. Any member found by a court to have defamed any employee, contractor, member or volunteer of the Division may also face disciplinary action.

### **Confidentiality**

30. Any information provided in connection with the work of the Division that is:
- a. personal information about a member, volunteer or employee of the Division; or
  - b. information relating to the internal affairs or activities of the Division,
- is confidential. Confidential information must not be disclosed without the authority of the State Director, relevant Body of the Division, or the person by whom the information was provided, unless required by law.
31. Any employee, contractor, member, volunteer or representative of the Division who receives confidential information in connection with the work of the Division must not use that confidential information for any purpose other than:
- a. the purpose for which the confidential information was provided; or

- b. a purpose permitted under the Constitution.

## **E. PROCEDURES FOR COMPLAINTS**

- 32. The Division is committed to ensuring that allegations of Unacceptable Behaviour are dealt with promptly, confidentially, and in accordance with the principles of procedural fairness for all parties involved. Complaints must also be dealt with in accordance with applicable legislation.
- 33. The Division intends to implement a separate process for receiving and resolving complaints regarding Unacceptable Behaviour, which includes a Conduct Review Committee. To ensure that Committee has appropriate disciplinary powers, amendments to the Constitution will be required. Until then, complaints regarding Unacceptable Behaviour will be dealt with under the existing provisions of the Constitution.
- 34. A breach of a mandatory Code of Conduct may constitute either unsatisfactory conduct or misconduct as a member under the Constitution, and may result in disciplinary action including suspension from the Division for a period of up to 2 years (in the case of unsatisfactory conduct) or 5 years (in the case of misconduct) or expulsion from the Division.
- 35. Conduct which may be or is criminal should be reported by the complainant to the Police.
- 36. It may be difficult for a person to make a complaint concerning the conduct of others. The Division is conscious of this, and will provide such support to assist the complainant through the process as is considered appropriate in the circumstances.
- 37. Complaints relating to the discharge of duties by Members of the upper and lower houses of the federal or state parliaments, of ministers, or councillors should be made to the relevant parliament, council, government agency or department.
- 38. Staff members of Members of the upper and lower houses of the federal or state parliaments, or of ministers, who have a complaint relating to their employment should refer the matter to their employer, being the relevant parliament or government department.
- 39. Staff members of councillors who have a complaint relating to their employment should refer the matter to their employer, being the relevant council, government agency or department.

