

Independent Review into the workplaces of Parliamentarians and their staff

Terms of Reference

The Government, in consultation with the Presiding Officers, the Opposition, minor parties and independent Members of Parliament has established an Independent Review (Review) into the workplaces of Parliamentarians and their staff (parliamentary workplaces).

The aim of the Review is to ensure all Commonwealth Parliamentary workplaces are safe and respectful and that our national Parliament reflects best practice in the prevention and handling of bullying, sexual harassment and sexual assault.

The Review will consider recommendations to ensure that the people who work in parliamentary workplaces are treated with dignity and respect and have access to clear and effective mechanisms to prevent and address bullying, sexual harassment and sexual assault.

Objectives

The objectives of the Review are to:

- Understand the experiences and the expectations of current and former staff of Commonwealth parliamentarians, current and former Commonwealth parliamentarians, and staff working within the Parliament of Australia with respect to ensuring a safe and respectful workplace;
- Consider best practice in the enabling of safe and respectful parliamentary workplaces, including national and international approaches;
- Examine the adequacy, effectiveness, independence, resourcing and awareness of current supports available to enable a safe and respectful workplace, in particular preventing and responding to workplace bullying, sexual harassment and sexual assault;
- In the context of workplace bullying, sexual harassment and sexual assault, consider:
 - drivers in parliamentary workplaces, including the workplace culture, characteristics and practices that may increase the risk;
 - legislative, cultural, structural or other barriers to reporting incidents in parliamentary workplaces; and
 - current response and reporting mechanisms in parliamentary workplaces;
- Assess the extent to which current legislation, policies, processes and practices promote or impede safe and respectful workplaces, including the operation of the *Members of Parliament (Staff) Act 1984 (MOP(S) Act)*; and
- Prepare a report setting out findings and recommendations on the matters within the scope of the Review, with a focus on constructive measures that can be implemented to achieve best practice in the prevention and handling of workplace bullying, sexual harassment and sexual assault.

The Review will be led by Australia's Sex Discrimination Commissioner, Kate Jenkins.

The Review will be conducted in accordance with section 11 of the *Australian Human Rights Commission Act 1986 (Cth)*.

The Review will provide a public report by November 2021. Commissioner Jenkins may make interim recommendations, and will provide a public progress update in July 2021.

Commissioner Jenkins will publicly detail and implement measures to protect individual privacy and confidentiality of participation in the Review.

The Review is expected to consult widely, especially with current and former staff. In addition, a number of current or former MOP(S) Act staff will be nominated to act as reference points for Commissioner Jenkins. Commissioner Jenkins may draw upon further independent expertise or advice to assist in the successful delivery of the Review.

The Review will inquire into systemic issues, and for this reason the Review will not be investigating or making findings about individual allegations as part of the inquiry. The Commissioner will provide clear referral pathways to participants who wish to raise matters with the appropriate agency or authority as well as clear referral pathways to counselling or other supports. Additional resources will be provided to ensure anyone participating in the review has access to appropriate support services as needed, including specialist trauma counselling.

The Australian Human Rights Commission will be provided with additional resources to support Commissioner Jenkins to conduct the review, including the ability for individuals to participate with full confidence that they will be supported and their privacy protected.

All Commonwealth agencies will cooperate fully with the Review.