

19 January 2022

Ms Elizabeth Broderick AO
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Dear Ms Broderick

INDEPENDENT REVIEW INTO BULLYING, HARASSMENT AND SEXUAL MISCONDUCT IN NSW PARLIAMENT

Thank you for the opportunity to provide a submission to the *Review into bullying, harassment and sexual misconduct in NSW Parliament* (the Review).

The Foundation for Alcohol Research and Education (FARE) is the leading not-for-profit organisation working towards an Australia free from alcohol harms. We approach this through developing evidence-informed policy, enabling people-powered advocacy and delivering health promotion programs. FARE has been working with communities across the country to improve the health and wellbeing of Australians for 20 years.

Bullying, sexual harassment and sexual misconduct has no place in the NSW Parliament or any other workplace. Alcohol is well recognised as a risk factor for this behaviour, acknowledged in the *Independent Review into Commonwealth Parliamentary Workplaces* (the Jenkins Review), by Sex Discrimination Commissioner, Kate Jenkins. The final report, *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces* (the Jenkins report), identified alcohol use and a drinking culture as key risk factors in Commonwealth parliamentary workplaces, which were exacerbated by a lack of consistent approaches to regulating alcohol use. This was a particular issue for parliamentarians and their employees.¹

Throughout the Jenkins Review, concerns were raised about the availability of alcohol; the blurring effect of alcohol on personal and professional boundaries; its connection to work opportunities (and exclusion of those who avoid alcohol); and the impact of alcohol use on health and wellbeing. The Review also reported about the way in which alcohol contributes to bullying, sexual harassment and sexual assault within these workplaces, which is consistent with findings in the broader literature about alcohol as a risk factor for bullying, sexual harassment and sexual assault.

The Jenkins Review's findings were also consistent with other reviews in a parliamentary context such as the *Respect@Work: Sexual Harassment National Inquiry Report*, by Commissioner Jenkins, the *Review of the Parliamentary Workplace: Responding to Serious Incidents* (the Foster Review) by Stephanie Foster, Deputy Secretary of the Department of Prime Minister and Cabinet, and the *Review of Harassment in the South Australian Parliament Workplace* by Emily Strickland, Acting Equal Opportunity Commissioner in South Australia.

The impact of alcohol use is not unfamiliar to the NSW Parliament. The NSW Parliament has undertaken a number of actions over the past 15 years, including:

- In 2013, the Parliament conducted an *Inquiry into Regulation of the consumption of alcohol by members during sitting hours* in response to public debate about intoxication of Parliamentarians within Parliament House,
- In 2006, a submission was made to the Privileges Committee's periodic review of the Code of Conduct for Members, proposing that an additional clause be inserted into the code to require that members "not perform their duties as an MP while under the influence of alcohol or any other drug", and
- In 2004, an amendment to Standing Order 190 (Disorderly conduct by members) was proposed on 17 March 2004, prompted by an incident in the Legislative Assembly involving a Member who was intoxicated.²

In our submission to the Jenkins Review, FARE examined the impact of alcohol within Parliamentary workplaces and recommended actions that can be taken to create a safe and respectful workplace. These actions apply equally well into other parliamentary workplaces. A copy of FARE's submission is attached.

FARE made 16 recommendations to the Jenkins Review, including recommendations to:

- undertake a risk assessment of alcohol use and harm
- develop and enforce an alcohol policy to address alcohol in the workplace and at work-related events – this policy should adopt a health and human rights approach
- develop a Code of Conduct that requires people to abide by the alcohol policy
- limit alcohol use in Parliamentary workplaces to pre-approved functions and licensed premises, and
- create an independent unit with responsibility for the prevention, reporting and management of unacceptable behaviour within Parliamentary workplaces, including responding to alcohol use.

The Jenkins report devotes considerable attention to the use of alcohol with its final recommendation, Recommendation 28, specifically addressing the introduction of alcohol policies to Parliamentary workplaces and recommending implementation of the above.

Thank you again for the opportunity to provide a submission to this Review. We would be happy to discuss the issues raised with you in further detail.

Yours sincerely



CATERINA GIORGI
CHIEF EXECUTIVE OFFICER

¹ Australian Human Rights Commission 2021 *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces* available at <https://humanrights.gov.au/our-work/sex-discrimination/publications>

² [NSW Inquiry into Regulation of the consumption of alcohol by members during sitting hours](#)