



For people,
not the powerful

CONSTITUTION of the VICTORIAN SOCIALISTS

This is the Constitution of the Victorian Socialists and may hereafter be referred to as “the Constitution”.

1. Preamble

The Victorian Socialists is a political party. We work to foster solidarity through authentic collective struggle and to demonstrate the need for, and legitimacy of, democratic socialism.

Only through socialism can we rid the world of poverty and inequality, oppression and exploitation. Only through socialism can we protect the environment from destruction and stave off ecological collapse. Only through socialism can we provide the conditions necessary to fully realise our own creative potential.

2. Party Name

The Party shall be named the Victorian Socialists. Hereafter referred to in this Constitution as “the Party”.

3. Registered Officer and Party Agent

The Registered Officer of the Party, for the purposes of the *Electoral Act 2002* (Victoria) and the *Commonwealth Electoral Act 1918*, shall be the Secretary.

The Deputy Returning Officer of the Party, for the purposes of the *Electoral Act 2002* and the *Commonwealth Electoral Act 1918*, shall be the Treasurer.

The Party Agent, for the purposes of the *Commonwealth Electoral Act 1918*, shall be the Treasurer.

4. Aims and Objectives

The objects of the party are:

- a) To foster and develop genuine solidarity between socialists and socialist organisations across Victoria and across Australia;
- b) To endorse candidates to stand for election to the Victorian Legislative Council, the Victorian Legislative Assembly; the Federal House of Representatives and the Senate, and to local councils.
- c) To have socialists elected into the Victorian Legislative Council the Victorian Legislative Assembly; the Federal House of Representatives and the Senate, and to local councils.
- d) To forge genuine and practical links between the party and the population;
- e) To encourage working class people to embrace politics on a fundamental level as part of their every-day life;
- f) To redistribute political and economic power so that all members of society can more fully engage in the democratic process;
- g) To provide the working class with a legitimate platform to express their views;
- h) To contribute to the construction of a mass socialist party that can educate, organise and mobilise the Australian working class and other oppressed groups to replace the power of the capitalists with popular power;
- i) To lift the minimum wage so that it provides for a good life;
- j) To create a fair industrial framework so that workers and their unions are able to withstand the financial and managerial power that the capitalist class wields;
- k) To end poverty, inequality and exploitation;
- l) To put an end to oppression, racism and bigotry;
- m) To make housing affordable for all;
- n) To improve public transport by reversing privatisation, and expanding services;
- o) To provide an affordable and reliable transition away from fossil fuels to safe, affordable and reliable renewable energy;
- p) To put the electricity network back into public hands;
- q) To stop and reverse human-caused climate change and promote environmental sustainability and protections.

5. Admission to Membership

- a) Anyone who agrees with the aims and objectives of the Party is eligible to apply for membership;

- b) The Executive Committee will give genuine consideration to all applications for membership;
- c) The Executive Committee reserves the right to reject any application for membership.
- d) Once a membership application has been accepted by the Executive Committee, the applicant is a member and has the full rights of membership.

6. Register of Members

The Secretary shall keep and maintain, or cause to be kept and maintained, a Register of Members. The Register of Members shall record the names and postal addresses of all Members and other relevant information.

7. Termination of Membership

Membership of the Party shall be terminated:

- a) By the death of a member;
- b) By written resignation of a member;
- c) By expulsion from the Party;
- d) By being removed from the register subsequent to becoming an Unfinancial Member.

8. Membership Contributions (Financial) – Annual Fees & Levies

- a) “Membership Contributions” describes amounts payable by the Members to the Party and consists of two parts:
 - (i) Annual Fees; and
 - (ii) Levies.

Setting Membership Contributions:

- (i) The Annual Fees payable by Members shall be the amount as properly determined on an annual basis by the Executive Committee.
- (ii) The Executive Committee may impose levies on Members for specific purposes, provided that such a levy not be oppressive, unreasonable or unjust.

9. Financial and Unfinancial Members

- a) Financial Membership confers on Members benefits including the right to stand for preselection to be a candidate, the right to vote in all Party elections, and the right to speak at and vote at all Party meetings;
- b) Financial Members are those Members who make payment of the Membership Contribution within 12 weeks of it falling due;

- c) Where the Party has not received payment of Membership Contributions from a particular Member within 12 weeks from the date on which it is due, that Member shall be deemed to be Unfinancial;
- d) The Register of Members is to be purged of Unfinancial Members at least once every two years.
- e) Unfinancial Members are not:
 - i. Eligible to receive any of the privileges of Membership;
 - ii. Eligible to nominate for or hold any office in the Party;
 - iii. Eligible to participate in any ballot or election in the Party;
 - iv. Entitled to attend, speak at or vote in any meeting of the Party.

10. Officers of the Party

There shall be five Officers of the Party; specifically:

- 1. President
- 2. Vice-President
- 3. Secretary
- 4. Assistant Secretary
- 5. Treasurer

11. The President

The President shall

- a) Preside at meetings of the Executive Committee and Governing Council. The President shall preserve order so that the business of the meeting may be conducted in due form and with propriety. The President may cede their chairing rights to another Member.
- b) Within 30 days of any minutes being confirmed, sign the minutes. Original minutes shall be kept in the Record of Minutes and a copy of the minutes (excluding all in camera discussion and resolutions) shall be available to Party Members.
- c) See that the Constitution is adhered to.
- d) Act in accordance with directives of the Executive Committee and the Governing Council.

12. The Vice President

The Vice President shall:

- a) Assist the President in the execution of their duties;
- b) Be subject to the direction of the President and act in their stead wherever authorised in writing by the President.

- c) Act in accordance with directives of the Executive Committee and the Governing Council.

13. The Secretary

The Secretary shall:

- a) Convene all meetings of the Executive Committee, the Governing Council, Party Conferences and Special Party Conferences, as directed by the Executive or in line with the various other provisions in this Constitution;
- b) Keep or cause to be kept minutes of the business of the Party;
- c) Conduct the business and correspondence of the Party on behalf of the Party;
- d) Work with the President to provide the Returning Officer with such assistance as is necessary to enable them to conduct elections;
- e) Be responsible for the books, records, property and moneys of the Party;
- f) Hand to his or her successor, on the latter's election, all moneys, property, keys, and Party records held by the Secretary on behalf of the Party;
- g) Submit all Party records, including all financial records, to the Governing Council upon request by the Governing Council;
- h) Take all reasonable steps to increase the membership of the Party;
- i) Maintain a register of Members;
- j) Act in accordance with directives of the Executive Committee and the Governing Council.

14. The Assistant Secretary

The Assistant Secretary shall:

- d) Assist the Secretary in the execution of their duties;
- e) Be subject to the direction of the Secretary and act in their stead wherever authorised in writing by the Secretary.
- f) Act in accordance with directives of the Executive Committee and the Governing Council.

15. The Treasurer

The Treasurer shall:

- a) Receive or cause to be received all moneys on behalf of the Party and pay all moneys received to her or him on behalf of the Party into such bank, building society, credit union or other financial institution as directed by the Executive Committee;
- b) Issue receipts for moneys received;
- c) Work closely with the Executive Committee to ensure all moneys of the Party are used to further the interests, aims and objectives of the Party;

- d) Have charge of the financial books and bank statements for the Party;
- e) Prepare and present to the Executive Committee, on a quarterly basis, an up-to-date financial statement and when called upon to do so by the Executive Committee, produce all relevant books;
- f) Work with the Secretary to prepare an annual Party budget for approval by the Executive Committee;
- g) Prepare and present to the Executive Committee, on a quarterly basis, an acquittal of expenditure against budget;
- h) Ensure the Party has an appropriate suite of policies dealing with the financial management of the moneys of the Party and that such policies are properly abided by;
- i) Lodge disclosure returns with the Victorian Electoral Commission and the Australian Electoral Commission.
- j) Act in accordance with directives of the Executive Committee and the Governing Council.

16. The Funds and Property of the Party

- a) The Executive Committee is entrusted with controlling all of the funds and property the Party;
- b) The assets and income of the Party shall be applied solely in furtherance of its objectives and no portion shall be distributed directly or indirectly to the members of the Party except as bona fide compensation for services rendered or expenses incurred on behalf of the Party .

17. The Executive Committee – Composition, Powers and Duties

The Executive Committee shall:

- a) Consist of the Officers of the Party (President, Vice President, Secretary, Assistant Secretary and Treasurer) and up to four Ordinary Members of the Executive Committee (as appointed in accordance with Clause 18. C));
- b) Be responsible for the proper management of the affairs of the Party;
- c) Be subject to the directions of Party Conferences, Special Party Conferences, and the Governing Council and subject to this Constitution;
- d) Call a Party Conference, open to all Financial Members, at least once in each two-year period. The Executive Committee must provide Members with not less than 12 weeks notice of the Conference;
- e) Be subject to all proper directives of the Governing Council;
- f) Meet at least quarterly;
- g) Be able to decide matters between Executive Committee meetings by Out of Session votes in accordance with the following:

- i. Members of the Executive Committee must be granted sufficient time to give reasonable consideration to a matter being determined via an Out of Session Vote, at least 3 days;
- ii. The outcome of Out of Session Votes must be recorded as such in the minutes of the meeting immediately preceding the Out of Session Vote as if it was a vote of that meeting;

18. Governing Council – Composition, Powers and Duties

- a) The Governing Council of the Party shall consist of the Officers of the Party and 20 Ordinary Members of the Party elected at a Party Conference or Special Party Conference;
- b) The Governing Council is quorate where at least 3 Officers of the Party and 12 Financial Members of the Party are in attendance at a duly convened meeting.
- c) The Governing Council, as elected at a Party Conference or Special Party Conference, shall elect from their number up to four (4) representatives to sit on the Executive Committee as Ordinary Members of the Executive Committee;
- d) If any meeting of the Governing Council is not quorate within 30 minutes of the stated starting time, the meeting shall lapse but without prejudice to another meeting being called for the same purpose;
- e) The Governing Council shall, subject to this Constitution, and subordinate to the Party Conference and Special Party Conferences, be the governing body of the Party and have the management and control of the affairs of the Party and, without limiting the generality of the foregoing, shall in particular have power:
 - i. To determine and direct the policy and activism of the Party;
 - ii. To set wages and conditions of employment for any Officers holding offices;
 - iii. To appoint any Member to represent the Party before any other organisation, institution, board or authority;
 - iv. To exercise any other powers and perform any other functions conferred on it by this Constitution;
 - v. To delegate its authority to the Executive Committee;
 - vi. To establish any committees or sub-committees as it may from time to time determine;
 - vii. To Interpret this Constitution;
 - viii. To direct the Executive Committee in its control of the Party funds, property and the policies and procedures governing those matters.
- f) All decisions of the Governing Council shall be final and shall remain in force unless and until varied, amended or rescinded by it;
- g) The Governing Council of the Party shall meet at least annually, or on the petition of 20% of the members of the Governing Council, or at the request of the Executive Committee;

- h) Not less than 30 days prior to the annual meeting of the Governing Council, the Party Secretary shall invite all members of the Governing Council to submit items for inclusion on the Governing Council agenda, including draft resolutions;
- i) Members seeking to have an item placed on the agenda of the Governing Council must circulate that item including all relevant documentation to the Officers of the Party at least 15 days prior to the commencement of the meeting;
- j) The Party Secretary must prepare and circulate a detailed agenda for the meeting of the Governing Council at least 10 days prior to the commencement of that meeting.
- k) Proxy votes are not allowed at Governing Council meetings

19. Party Conferences – Composition, Powers and Duties

- a) A Party Conference, open to all Financial Members, is to be held at least once every two years, and shall be called by the Executive Committee with a notice period of at least 3-months;
- b) The Party Conference and Special Party Conferences have equal powers, and are the supreme decision-making bodies of the Party;
- c) Party Conferences are called to set the Party's political platform and Party activities, elect members to the Governing Council; preselect candidates for public office, and; consider amendments to the Constitution, which require a 2/3 majority vote to pass.
- d) Party Conferences and Special Party Conferences can be attended by all Financial Members, each of whom have the right to speak, to move motions, and to vote.
 - i. Every financial member has 1 vote;
 - ii. Proxy votes are not allowed.

20. Special Party Conferences – Composition, Powers and Duties

- a) Special Party Conferences can be called with a notice period of at least 4-weeks by the Executive Committee, by the Governing Council, or by a petition of at least 10% of all Financial Members of the Party;
- b) A Special Party Conference has all the powers of a regular Party Conference, but may be called for a limited purpose.
- c) Special Party Conferences can be attended by all Financial Members, each of whom have the right to speak, to move motions, and to vote.

21. Party Elections

- a) Elections shall take place at Party Conferences and may take place at Special Party Conferences;
- b) The provisions of clause 21, 22, apply to all elections for the following positions in the Party:
 - i. Officers of the Party (5);
 - ii. Ordinary Members of the Governing Council (20);

- iii. Preselection of Party Candidates for public office
- c) Returning Officer –
 - i. When a Party Conference is called, the Executive Committee shall appoint a Returning Officer to conduct all necessary elections;
 - ii. In the event that an appointed Returning Officer is unwilling or unable to conduct an election the Executive Committee must appoint another Returning Officer for that election;

22. Conduct of Elections

The Returning Officer shall conduct elections in the lead up to and at a Party Conference or a Special Party Conference in accordance with the following:

- a) Members shall be notified when nominations for positions are open. This shall take place within two weeks of a Party Conference or Special Party Conference being called;
- b) Members shall be notified of the time and date nominations will close. Nominations will close no sooner than 6 hours before the Conference session dealing with elections.
- c) Nominations must:
 - i. Be in writing;
 - ii. Indicate the office the nominee is running for;
 - iii. be signed by the Member who is nominated;
 - iv. be seconded by a Financial Member;
 - v. be provided to the Returning Officer.
- d) On the close of nominations, the Returning Officer shall –
 - i. check all nominations received for compliance with the requirements of this Constitution;
 - ii. provide non-compliant nominees with an opportunity to rectify their nomination;
 - iii. clearly indicate the defect in all non-compliant nominations;
 - iv. make a report on the nominations received to the Conference or Special Conference
- e) The Returning Officer shall conduct a ballot for all open positions
- f) Elections to the offices of President, Vice-President, Secretary, Assistant Secretary and Treasurer shall be determined via an attendance vote open to all Financial members in accordance with an optional preferential system;
- g) Election to the positions of Ordinary Member to the Governing Council shall be determined via an attendance vote open to all Financial members on a quota basis in accordance with an optional preferential system.

23. Extraordinary/Casual Vacancies

- a) Where a vacancy occurs on the Executive Committee, that is, in one of the following Offices: President, Vice-President, Secretary, Assistant Secretary, Treasurer or Ordinary Member of the Executive Committee, that vacancy shall be filled by a 2/3 majority vote of the Executive Committee with the appointee being a Member of the Governing Council;
- b) Where a vacancy occurs on the Governing Council the Governing Council may appoint to the vacant office by a 2/3 majority vote of that body.

24. Qualifications for Office

- a) Nominees for any Officer position shall have been a continuous Financial Member of the Party for not less than 6-months preceding the submission of the nomination;
- b) A Member may not nominate for more than one position at each election.

25. Team Nominations

- a) Team nominations are not permitted in any election;
- b) Candidates may circulate promotional material indicating preferred candidates to any office whatsoever during the election period, including as a how to vote card.

26. Scrutineers

- a) Any candidate may appoint a scrutineer who is a Financial Member of the Party to represent them.

27. Grievance Procedure

- a) Where a Party Member or Party Members(s) hold serious concerns about the behaviour of another Member of the Party, they may raise this concern with the President in writing;
- b) Concerns or grievances thus raised shall set out the issue and the remedy sought;
- c) Upon receipt of such a complaint or concern, the President will investigate the matter in accordance with following procedure:
 - i. This grievance procedure will be provided to all relevant parties including, but not limited to, the complainant and the subject of the investigation;<sup>[L]
[SEP]</sup>
 - ii. All relevant documentary information and evidence will be collected;
 - iii. Pertinent witnesses will be interviewed;<sup>[L]
[SEP]</sup>
 - iv. Information and evidence will be given due and proper consideration;
 - v. The President, or other investigating party where necessary, will draft a Preliminary Findings Report, which shall clearly state the nature of the grievance and whether it is sustained or dismissed;
 - vi. The Preliminary Finding Report will be presented to the complainant and the subject of the investigation;

- vii. The complainant and the subject of the investigation will be provided with an opportunity to respond to the Preliminary Finding Report;
 - viii. The President, or other investigating party, will give due and proper consideration to all such responses;
 - ix. The President, or other investigating party, will draft a Final Determination Report and present that report to the Executive Committee;
 - x. The Executive Committee will give the Final Determination Report due and proper consideration, including discussion and debate at a meeting of that body;
 - xi. The Executive Committee will direct the President to draft a Final Determination Report, including any disciplinary actions to be taken, in terms acceptable to that body;
- d) Investigations of this sort will normally be conducted and concluded within 12 weeks of the lodgement of the written grievance.
- e) In the event that the President or any member of the Executive Committee is the subject of the complaint, an investigation in accordance with the following procedure will be conducted by an independent body appointed by the Executive Committee. The subject of a complaint will recuse themselves from all discussions and decision pertaining to the complaint. Any such appointment should have regard not only for avoiding actual conflict of interest, but also the appearance of conflict of interest;
- f) At all times during the investigation process the following principles will be applied:
- i. Natural justice / procedural fairness;
 - ii. All allegations against the subject of the investigation will be presented to the subject of the investigation and an opportunity to respond will be provided;
 - iii. All relevant documentation will be provided to both the complainant and the subject of the investigation, unless there is a compelling reason why such documents should remain confidential (as determined by the Executive Committee);
 - iv. Advance notice of any interview will be provided, together with an opportunity for the subject of the interview to have a support person present if they wish;
 - v. Decision-making will be free from bias or the reasonable perception of bias.

28. Transitional Rule

- a) The provisions of this clause shall operate notwithstanding anything elsewhere contained in the Constitution;
- b) The Transitional Period concludes on the day following the inaugural Party Conference.
- c) During the Transitional Period:
 - a. Membership Contributions are to be set at \$0 per annum;

- b. The Officers of the Party and the Ordinary Members of the Executive Committee shall be composed of members elected by the founding members of the Party at the inaugural meeting of the party;
- c. The Executive Committee may co-opt other Financial Members of the Party onto the Executive Committee by unanimous vote of that body;
- d. The Executive Committee will be wholly functional and properly operative and will exercise the powers of the Executive Committee and of the Governing Council;
- e. Members of the Executive Committee are bound to exercise their powers and discharge their duties in accordance with decisions of the Committee;
- f. The Executive Committee are able to amend the Constitution by a unanimous vote of that body;
- g. Interim by-laws dealing with matters pertaining to the structure and functioning of the Victorian Socialists not set down in this Constitution may be adopted by the Executive Committee;
- h. The Executive Committee shall be responsible for the day to day organisation of the Party's finances, liaison with other organisations, media communications, and compliance with electoral laws and regulations;
- i. The Executive Committee may establish other bodies for the purposes of organising the Party's activities;
- j. On the petition of at least 10% of the Members of the Party, or by decision of the Executive Committee, a Special Party Conference will be convened;
- k. Candidates for the 2018 Victorian state election will be determined by the Executive Committee at a properly constituted meeting of that body;
- l. The Executive Committee shall draft and adopt a Party Code of Conduct within 12 months of adopting this Constitution.

29. Electoral Candidates

- a) Where a Party Member, properly endorsed as an electoral candidate, is successful, that member is obliged to vote in accordance with the position and directives of the Party and to publicly endorse and advocate for that position;
- b) Party Members who are successfully elected and those persons employed to work in the offices of elected Party Members shall be subject to the specific direction of Executive Committee and the Governing Council;
- c) The Party does not allow its members the right to exercise a conscience vote, save for in extraordinary circumstances;
- d) Victorian Socialists elected MPs and persons employed to work in the offices of Victorian Socialists elected representatives shall be subject to the specific direction of the Governing Council or of the Executive Committee in between General Council Meetings.
- e) Upon successful election, all successful Victorian Socialist candidates must donate any part of their salary that exceeds the average worker's weekly wage to the Victorian Socialists to help fund its work;

- f) Victorian Socialist elected MPs shall be required to gain the consent of the Executive Committee to be able to employ persons to work in their office(s);
- g) Due to the particular public role that candidates and elected MPs occupy, they will be expected to conduct themselves in a manner consistent with the aims and objectives of the Party and that ensures that the Party is not brought into disrepute.

30. Access to the books

The Party must provide access to the Party's financial records, to those Members of the Governing Council who seek access to the books.

31. The Constitution

The Constitution of the Victorian Socialists may only be amended by a 2/3 majority at a properly constituted Party Conference or Special Party Meeting.

32. Dissolution of the Victorian Socialists

- a) The Party may be dissolved by a Special Party Meeting convened for this purpose.
- b) Having properly determined to dissolve the Party, the Executive Committee must take immediate steps to distribute all assets of the Party in a fair and reasonable manner. All such assets are to be allocated to any organisation having aims and objectives consistent with those of the Victorian Socialists.
- c) The Party is not considered to be dissolved until such time as all assets are distributed in accordance with this Constitution.

***** End of Constitution *****