

AUSTRALIAN DEMOCRATS

NATIONAL CONSTITUTION and REGULATIONS

(The Regulations appear in italic type)

Effective as at 22 November 2003

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Charter

The Australian Democrats is a political party beholden to no group or groups in the community but aiming to serve the best interests of all Australians.

Our purpose is to work for societies which live within the resources of the planet, are democratically elected at all levels, and peacefully co-exist with people of different nationalities, ethnic groups and religions.

In Australia we are committed to:-

1. Developing our resources and infrastructure in ecologically sustainable ways to leave a rich, unpolluted, and biologically diverse environment for future generations to enjoy.
2. Supporting ways of managing the world's economy with respect for global resources and animal welfare.
3. Maintaining the quality of human relationships in all social interactions through openness, tolerance, compassion and a sense of mutual interdependence.
4. Achieving participatory democracy at all levels of our society, in which people accept and have respect for the democratic decision making processes from the workplace to the nation. This requires open and transparent government at all levels, and government guarantees of freedom of speech, free media, independent institutions and an informed and educated population.
5. Joining internationally with other democratic political parties to counter world wide threats to democracy, the environment and social order brought on by agreements between nations and corporations.
6. Guaranteeing social and political rights, responsibilities and freedoms for all Australians - including adequate food, shelter and health care, good and continuing education from early childhood, meaningful employment, and being treated with equal dignity and respect regardless of gender, other physical and cultural differences and differences of inheritance.
7. Distributing income, wealth, social services and opportunity equitably without undermining either incentive or self fulfilment.
8. Achieving reconciliation with aboriginal Australians together with a national strategy to address Aboriginal and Torres Strait Islander disadvantage.
9. Supporting human rights and welfare globally.
10. Frankness about Australia's interests and values in our dealings with other nations, and acting to protect each nation's right to decide its own future, within the framework of international law, to achieve cultural and economic autonomy.
11. An independent foreign policy, and a non-nuclear defence policy.

We make these commitments with faith in the human capacity for inventiveness, anticipating the possibility of new ways of thinking, beyond our current limitations. Our aim is to set within this country the social and economic conditions in which this creative spirit can survive and expand, and to provide the kind of leadership which can lift people's hearts and minds to the level demanded by the challenges of our times.

1 IDENTITY AND STANDING

- 1.1 The name of the Party is the Australian Democrats.
- 1.2 This constitution identifies the principles governing the conduct of the Party's affairs and the bodies responsible for implementing them.
- 1.3 All other Party documents are subordinate to this constitution.
- 1.4 This constitution can be changed only by a resolution which is supported by a 70 per cent majority of such members of the Party as, being entitled to do so, vote in a party ballot in accordance with this constitution.

2 DEFINITIONS

- 2.0 In this constitution, unless some other meaning is clearly intended:

'absolute majority' means more than half of the persons entitled to vote;

'body' means a committee or officer of the Party at national, divisional or branch level;

'branch' means a group of members within a division who conduct meetings at a local level;

'division' means the organisation of the members of the Party within each state and territory of Australia, unless otherwise provided for in this constitution;

'elected public office' means an elected position in a state, territorial or federal parliament, or municipal council or other similar body within Australia;

'executive' means the national executive of the Party;

'financial member' means a member whose membership status is financial in accordance with the provisions of this constitution;

'journal' means the National Journal of the Party as specified in this constitution;

'majority' means more than half of the persons voting;

'member' means a person who is enrolled as a member of the Party;

'membership officer' means the national Membership Officer;

'Party' means the national organisation;

'party ballot' means a ballot open to all members of the Party who are qualified under this constitution;

'policy' means a public statement by the Party for and on behalf of the members and endorsed candidates and the Parliamentary representatives of the Party on matters of general and/or specific concern to the people of Australia, which statement shall take the form of a declaration, opinion and/or pledge and shall be determined according to the provisions of this constitution;

'political party' means an organisation or group of people active in political affairs related to achieving the election of persons to any state, territory or Federal Parliament;

'preselection' means the endorsement by the Party, in accordance with the relevant constitutional provisions, of a person to stand as a candidate of the Party for elected public office;

'region' means a group of branches;

'relevant governing body' in a national context means the National Executive, in a divisional context means the governing body of the division, and in a branch context the governing body of the branch;

'relevant members' in a national context means the members of the Party, in a divisional context the members of the division, and in a branch context the members of the branch;

'state' means a state or territory of the Commonwealth of Australia;

- 2.1 Any provision requiring a person's signature on a document must be construed as meaning that such document be signed by that person with their personal signature, except that where a person is unable to sign their name in writing then their signature must be deemed to be their mark where this is identifiable as such and is made in the presence of a witness who must personally sign the document as such witness; and

3 PARTY OBJECTIVES

- 3.1 To be beholden to no group or groups in the community but to serve the best interests of all Australians.
- 3.2 To accept the challenges of the predicament of humankind on the planet with its exponentially increasing population, disappearing finite resources and accelerating deterioration of the environment.
- 3.3 To recognise the interdependence of all people and nations, to co-operate with the United Nations, and to accept our obligation to the developing countries by co-operating with them in their social and economic development and quest for environmental protection.
- 3.4 To seek the transition to a sustainable economy, in equilibrium with world resources and ecosystems, with a minimum of dislocation by planning and increasing public awareness of the problems.
- 3.5 To be even-handed to employee and employer, and reconcile their real interests by encouraging industrial democracy and other appropriate forms of co-operation.
- 3.6 To foster greater understanding and equity between city and country dwellers.
- 3.7 To stimulate the development of a multi-faceted national culture, with full opportunity for all groups to contribute.
- 3.8 To further unite the people of Australia by co-operative, indicative national planning, taking into account social, economic and environmental objectives.
- 3.9 To seek improvement in the quality of human relationships in all aspects of society and the economy, through honesty, tolerance, compassion and a sense of mutual obligation.
- 3.10 To decentralise power, to oppose its concentration in the hands of sectional groups, and to ensure that the power of large groups or bureaucracies is not allowed to override the interests of individuals or smaller groups.
- 3.11 To achieve and defend effective participatory democracy and open government by appropriate constitutional, parliamentary and governmental reforms.
- 3.12 By supporting existing rural and provincial industries and in other ways, to stem, and finally reverse, the flow of population to the cities.
- 3.13 In social and health services to emphasise prevention rather than cure.
- 3.14 To foster community activities and the growth of community spirit, bringing government and health and social services closer to the people.
- 3.15 To enable people to pursue their own way of life so long as they do not interfere with the rights of others.
- 3.16 To provide throughout life an education for living as well as for earning a living.
- 3.17 To ensure ready access to the media for public communication.
- 3.18 To ensure that the basic needs of all people are securely met, and to distribute income, wealth, social

services and opportunity more equitably without undermining either incentive or self-respect.

- 3.19 To encourage individual initiative and enterprise and to recognise the need for self-fulfilment.
- 3.20 Animals should be protected from cruelty and exploitation.
- 3.21 To recognise the rights of all peoples to self-determination.
- 3.22 To ensure the maintenance of biodiversity, to protect threatened species and to provide for better habitat protection.
- 3.23 To seek the election to the Commonwealth and State Parliaments, in sufficient numbers to form governments, of endorsed Party members committed to Party objectives.

4 MEMBERSHIP

- 4.1 Membership of the Australian Democrats is open to any person who is not expressly excluded from membership, is not a member of another Australian political party, is prepared to comply with this constitution, and pays the prescribed fee; provided that the Party may reject an application on the ground that its acceptance would be against the Party's interests.
 - 4.1.1 A person shall be entitled to join the Australian Democrats as an associate member. Such people shall have the same rights as other members, except that they shall have no voting rights or automatic entitlement to receive the Journal or other regular Australian Democrat communications, and may not stand for any Australian Democrat or public office or publicly represent the Australian Democrats. Applications to become an associate member are subject to the same procedures for approval and rejection as ordinary membership applications, with the exception that these processes may be effected by Divisional Membership Officers.
 - 4.1.2 Review of membership applications is the responsibility of each division's executive or such other body as the division determines.
 - 4.1.3 An application is rejected if it is opposed by either the responsible divisional body or the National Management Committee within the first six months after a member is enrolled, and such opposition is supported by the National Executive at its next meeting. Otherwise, or if it is approved by both the responsible divisional body and the National Management Committee, the application is accepted.
 - 4.1.4 clause deleted.
 - 4.1.5 A member is deemed to be enrolled upon receipt of the application by the National Membership Officer.
 - 4.1.5a If opposition to a membership application is expressed during the first six months after a member is enrolled the procedures under 4.1.3 are to be applied.
 - 4.1.5b Members are not entitled to vote in party ballots at national, divisional or branch level until six months after they are enrolled, but may take part in all other party activities, excluding declarations made under clause 11.6 of this constitution or ballot provisions under 14.9 of this constitution and subject to this Constitution and its Regulations. Members who have been enrolled for less than six months shall be known as non-voting members. If no opposition to an application has been expressed during the first six months of enrolment, the member becomes a voting member. A petition for the purposes of this regulation is considered to be a party ballot.
 - 4.1.6 The membership enrolment of a person who is entitled to such enrolment in accordance with clause 4.1 must be effected by the membership officer upon receipt of a written application from that person, provided that:
 - (a) such application has been signed by the person;

(b) such application is accompanied by the appropriate joining fee or evidence that this has been paid to the Party in a manner specified by or acceptable to the executive; and

(c) such application includes a declaration by the person that they subscribe to this constitution and are not a member of another political party.

4.1.7 The executive must determine the amount payable by way of fee or fees

(a) by a person applying to be enrolled as a member, such fee to be referred to as the joining fee,

(b) by a member renewing or continuing their membership, such fee to be referred to as the renewal fee;

(c) by a person applying to be enrolled as an associate member, such fee to be referred to as the associate joining fee;

and in so determining, the executive must also specify the period of time for which the payment of such fee or fees confers financial status to the relevant membership, and in default such period of time is one year.

4.1.8 Any increase of the amount payable by way of membership fees performed in accordance with regulation 4.1.7 above must be by resolution of the executive after notice of that proposal has been published in an issue of the journal available to the membership at least thirty days prior to the meeting of the executive where the question is to be decided.

4.1.9 The initial period of membership expires at the end of the twelfth month following enrolment. Membership is then renewable annually.

4.1.10 A member must have their membership enrolment continued or renewed by the membership officer according to the procedures specified for this in the regulations of this constitution and resolutions of the executive provided only that the appropriate renewal fee has been paid to the Party in a manner specified by or acceptable to the executive.

4.1.11 A person ceases to be enrolled as a member if the financial status of their membership is more than twelve (12) months in arrears with respect to their renewal fee, or if they have resigned from the Party where such resignation is in writing and is signed by the member, or resigned by email where such email notification is verified by the NMO and a 48 hour 'cooling-off' period has been observed, or if they have been expelled from the Party pursuant to the provisions of this constitution.

4.1.12 The rights, privileges, entitlements and duties of membership as specified in this constitution and any constitution of the division and branch to which the member may belong must be extended to and honoured by a person enrolled as a member where that membership has the status of financial voting member, or where that membership has had the status of unfinancial for no more than three (3) months; otherwise while the person remains enrolled as a member they may not exercise or be permitted to exercise those rights, privileges, and entitlements other than to renew their membership.

4.1.13 It is the duty of each member to promptly forward to the membership officer all necessary renewals information and changes of information needed to maintain accurate information about their membership enrolment.

4.1.14 It is the duty of the membership officer and the executive to do all that is reasonable to ensure that renewals and other information relevant to the membership roll are properly and promptly processed so as to ensure the accuracy of the membership roll; and such processing must be complete in less than three (3) months.

- 4.1.15 *No person may claim to be a member, or claim to hold or be entitled to exercise any right of membership given by virtue of this constitution or the constitution of any division branch or other body of the Party in any way whatsoever unless they are actually enrolled as a member according to the provisions of this constitution and its regulations.*
- 4.1.16 *In the event that the status of a person's membership enrolment needs to be determined, then the membership roll maintained by the membership officer in accordance with the requirements of this constitution and its regulations and relevant resolutions of the executive, is conclusive.*
- 4.2 The National Executive may expel from the Party any person who:
- (a) (Clause deleted - see Clause 4.10)
- (b) while a member of the Party, retains or accepts membership in another political party provided that in this case any such person shall first be allowed one month to choose to resign either from the Party or from the other party.
- 4.2.1 *A person who is expelled from the party or whose membership is rejected by the National Executive is excluded from membership until otherwise determined by the National Executive.*
- 4.2.2 *Any form of membership of an organisation registered as, or in the explicit opinion of the National Executive is, a political party in Australia or any State or Territory of Australia is membership of another Australian political party.*
- 4.3 Persons excluded from membership of the Party may appeal against such exclusion as if they were members.
- 4.4 A member shall be deemed to have immediately resigned membership without entitlement to appeal, upon that member using the words 'Democrat' or 'Australian Democrat' (or any plural form thereof) or so describing themselves as part of or in connection with electoral materials relating to the Federal, State or local election in which they are not a duly endorsed candidate or has not been given prior authorisation by the party for that election, or in which the member (having been previously endorsed) has ceased to be endorsed or authorised at a time prior thereto. It shall not be necessary for such resignation to be formally accepted by the executive before becoming effective.
- 4.5 (a) Each member of the Party is entitled to membership of only one division and one branch of that division.
- (b) Each member is entitled to membership of the division and branch in which that member is resident.
- (c) Each member may be granted membership of another division by that division.
- (d) Each member may be granted membership of another branch by that branch.
- (e) Each division may specify conditions for admission of a person, not resident in that division, to membership of that division.
- (f) Each branch may specify conditions for admission of a person, not resident in that branch's area, to membership of that branch.
- (g) A person may choose not to be a member of any division and/or branch and in default must be enrolled in a division and/or branch on the basis of that member's residential address.
- 4.6 Rights and responsibilities of a member
- Members shall be entitled, subject to the Party's Constitution and Regulations, to:
- Have equal say in the determination of the Party's policies and, as far as is practicable, be consulted over their application to legislation;

- Seek election to Party office and participate in the election of the Party's office bearers, including its Parliamentary leaders;
 - Attend as observers any meeting of a Party body which that body has not declared "in camera"; and participate in such meetings at the discretion of the body involved.
- 4.7 Each member shall be bound, except as otherwise specified by or determined under the Constitution or Regulations, to:
- Uphold and comply with the Party's Constitution and Regulations
 - Uphold and comply with decisions made by ballot of the members of the Party, or the member's division or branch.
- 4.8 Members must not act against the interests of the Party and, in particular, must not:
- Falsely state or give the impression that a person is an endorsed candidate of the Party, whether directly, or by the use of the word "Democrat" or a similar word;
 - Represent themselves as speaking on behalf of the Party, a Division or a branch, unless authorised to do so by the relevant governing body or the body assigned this responsibility by such governing body;
 - Malign or misrepresent any other member.
 - Disclose sensitive information gained by virtue of Party membership, unless required by law.
- 4.9 A member shall be permitted to communicate directly or indirectly with the news media concerning the internal affairs of a Branch, a Division or the Party only as formally authorised by the governing body of such Branch or Division or the National Executive, respectively.
- 4.11 **Responsibilities of office-bearers and candidates**
- (a) A member who holds Party office or the Party's endorsement as a candidate for public office must carry out the responsibilities of the position in the Party's interests.
- (b) On the basis of a complaint to which the member concerned has had adequate opportunity to respond:
- (c) A member who holds branch, divisional or party office may be found by the governing body of that member's branch or division or by the National Disputes Committee to have failed to carry out the responsibilities of the office to such an extent, or to have carried them out in such a way, that such branch or division or the party has been or probably will be seriously disadvantaged;
- (d) A member who holds party endorsement for public office may be found by the governing body of that member's division or by the National Disputes Committee to have failed to carry out the responsibilities of the position to such an extent, or to have carried them out in such a way, that the party has been or probably will be seriously disadvantaged.
- 4.12 **Life Membership**
- (a) Life Membership shall entitle the holder of this award to membership in the Party for life without fee while retaining all rights and privileges of fee-paying membership.
- (b) Life Membership may be awarded by the National Executive for service rendered to the Party but only by two thirds majority vote of voting members of the Executive after due notice of candidature has been provided.
- (c) Candidates for Life Membership shall be nominated by their Divisional governing body or by the National Executive with the agreement, in writing, of the appropriate Divisional governing body.

- (d) Any member of the Party may recommend candidates for Life Membership to a Divisional governing body.
- (e) Details of the service rendered to the Party shall accompany any nomination of candidate to the National Executive and shall contain both a history of the service and an evaluation of its worth to the Party.

5 DIVISION ORGANISATION

- 5.1 The general membership of the Party in each Division shall establish their own rules for the good governance of the Party within each Division, provided that such rules comply with the National Constitution.
- 5.2 Divisions are subject to establishment and dissolution by the National Executive
- 5.3 The structure of each Divisional Governing Body must allow for:
 - a) regional branches to be directly represented on Divisional Governing Bodies
 - b) direct election of the Divisional President by members of the Division
 - c) the Divisional structure to reflect the National structure and standard nomenclature of positions and committees
 - d) compliance with National incorporation
 - e) provision for elected Federal, State, Territory and Local Government representatives to be included
 - f) The Divisional may preclude parliamentarians from holding other voting positions on the Divisional Governing Body
- 5.4 Provided that the previous clauses of section 5 are met, the general membership of the party in each division shall:
 - (a) elect a Division Executive constituted in such a manner as the membership of that Division shall determine,
 - (b) constitute, elect or ratify such regional or local organisations and office bearers as the members of that division may determine,
 - (c) draw up and adopt a division Constitution which shall be amendable by the general membership of that division, and which shall comply in all respects with the National Constitution.

6 NATIONAL ORGANISATION

6. NATIONAL ORGANISATION

6.1 National Executive

There shall be a National Executive of the Party which shall comprise the following voting members:

- a) National President, elected annually by party ballot.
 - b) five Deputy National Presidents, elected concurrently by proportional representation in the annual ballot of all members;
 - c) The Presidents of each Division, elected annually by the members of their respective Division
 - d) the Federal Parliamentary Leader and Deputy Leader
 - e) the Young Australian Democrats National President (elected by and from members under the age of 30 years annually).
- 6.2 A State or Territory Parliamentary representative shall be a non-voting member of National Executive elected by and from State and Territory Parliamentarians annually
- 6.3 The National Executive shall have a quorum if at least half of the voting members, provided at least three of the Presidential Team and at least three of the divisional representatives (or their proxies) are present."
- 6.4 the following National Office Bearers are non-voting members of the National Executive:
- a) National Secretary
 - b) National Treasurer
 - c) National Campaign Director

- d) National Policy Coordinator
- e) National Communications Officer

6.5 Eligibility

- (a) Eligibility to nominate for a voting position on the National Executive shall be confined to those members whose membership has been current for at least twelve (12) months as at the date of close of nominations.
- (b) All candidates for the National Executive shall disclose membership of any other political party before the ballot or appointment.
- (c) Eligibility to nominate for a voting position on the National Office Bearer position shall be confined to those members whose membership is current at the time of appointment.
- (d) No member is eligible to hold more than one voting position on the National Executive. In the event a member becomes elected to two (2) voting positions on the National Executive the member is entitled to choose which position they may hold.

6.6 Proxies

- (a) Division Executives have the power to appoint proxies for their representatives.
- (b) The Federal Parliamentary Leader and Deputy may appoint another federal Parliamentarian (or each other) as a proxy for all or part of a meeting.
- (c) The National President and the Deputy National Presidents are not authorised to appoint proxies.
- (d) A proxy must be a person and must physically be present at the meeting at which the sitting member he/she represents cannot be present.
- (e) A proxy must be accredited with the National Executive by written notice of such appointment from the Division Executive.
- (f) Such accreditation can be valid for one or more meetings, the number of meetings the accreditation is valid for to be specified in the written notice to the National Executive.
- (g) No prior notice will be necessary, it will be sufficient to bring the accreditation to the meeting.
- (h) The proxy may be a member of any Division. A proxy must be a financial member of the Party and may be a current voting member of the National Executive.
- (i) No member may carry two proxies.

6.7 National Officers

The National Officers are:

- (a) National Membership Officer
- (b) National Ballots Administrator
- (c) National Returning Officer
- (d) National Journal Editor
- (e) National Registrar (appointed on the recommendation of the National Disputes Committee)
- (f) Auditors (members of a professional auditing body)
- (g) Party Agent
- (h) Registered Officer

6.8 Terms of Office

- (a) An election for President and Deputy Presidents shall be conducted by the Returning Officer in sufficient time for the results to be announced by 15th June in each year and those elected will assume office on 1st July in that year and shall hold office until 30th June in the following year.
- (b) A replacement election shall be conducted by the Returning Officer in the event of a casual vacancy in office of the President unless the casual vacancy occurs within the last six months of the term of office in which case the Senior Deputy President shall become Acting President for the remainder of the term.

- (c) In the event of a casual vacancy in a position of Deputy President, a countback of the previous ballot shall be conducted to fill the vacant position(s).
- (d) The National Office Bearers shall be appointed by the National executive for two year terms
- (e) National Office Bearers may be removed by a vote of an absolute majority of the National Executive, notice of which must be given to the office bearer and the National Executive at least fourteen days prior to the vote.

6.8 National Executive Duties and Responsibilities

- (a) To direct, organise and co-ordinate as required by the membership, the policies, functions and administration of the Party, in accordance with the Constitution.
- (b) National Executive is precluded from expending amounts from the party's reserve funds to meet ordinary running expenses of the party, with the exception of: Legal expenses, General federal election expenses, and investments.

7 COMMITTEES

7.1 The day-to-day conduct of the Party's national activities shall be administered by such Committees as National Executive establishes by regulations.

7.1.1 There shall be the following standing committees of the National Executive:

- (a) National Campaign Committee
- (b) National Policy Committee
- (c) National Finance and Administration Committee
- (d) National Membership Committee
- (e) National Communications Committee
- (f) National Constitution Review Committee

7.1.2 The National Campaign Committee shall:

- (a) comprise:
 - (i) National Campaign Director (as convenor)
 - (ii) Parliamentary Leader (or their nominee)
 - (iii) National President
 - (iv) National Secretary
 - (v) Political Research Officer
- (b) have the following responsibilities:
 - (i) All campaign related matters, including election campaigns and campaigning between elections
 - (ii) Issues based campaigns or targeted campaigns
 - (iii) Assistance and advice to state campaigns
 - (iv) Strategy and political positioning
 - (v) Liaison with divisional campaign directors
 - (vi) Liaison with party room

7.1.3 The National Finance and Administration Committee shall:

- (a) comprise:
 - (i) National President (as convenor)
 - (ii) National Treasurer
 - (iii) National Secretary
 - (iv) Senior Deputy National President
 - (v) 2 National Deputy Presidents, as appointed by National Executive
 - (vi) The National Fundraising Officer (non-voting)
- (b) have the following responsibilities:
 - (i) All finance related matters
 - (ii) Financial advice to National Executive
 - (iii) Budgets and budget predictions
 - (iv) Liaison with divisional treasurers
 - (v) Ballots and timelines for ballots
 - (vi) General record keeping
 - (vii) Ensuring that all other administrative tasks and processes are completed in an accurate and timely manner
 - (viii) Approving minor financial commitments as delegated by national executive.

7.1.4 The National Membership Committee shall:

- (a) comprise:
 - (i) Senior Deputy National President (as convenor)

- (ii) National President
- (iii) National Secretary
- (iv) Membership Officer
- (v) YADs National President
- (b) have the following responsibilities:
 - (i) Membership lists
 - (ii) Renewals and resignations
 - (iii) Servicing members
 - (iv) Co-ordination of contacting new and lapsing members
 - (v) strategies for member retention and membership drives
 - (vi) Liaison with divisional membership officers
 - (vii) Membership development
 - (viii) Approval of membership enrolment (section 4.1.5A)

7.1.5 The National Policy Committee shall:

- (a) comprise:
 - (i) National Policy Co-ordinator (as convenor)
 - (ii) National President
 - (iii) National Secretary
 - (iv) A Deputy National President, appointed by National Executive
 - (v) Parliamentary Leader (or nominee)
 - (vi) Deputy Parliamentary Leader (or nominee)
 - (vii) A State Parliamentarian
- (b) have the following responsibilities:
 - (i) Creation of National policies
 - (ii) Implementation of an inclusive, democratic and consultative policy formulation process
 - (iii) Membership and community consultation
 - (iv) Liaison with relevant portfolio holders and party room
 - (v) Liaison with divisional policy officers
 - (vi) Appointment of policy stream co-ordinators
 - (vii) Oversight of policy balloting process

7.1.6 The National Communications Committee shall

- (a) comprise:
 - (i) National Communications Officer (as convenor)
 - (ii) National President
 - (iii) National Secretary
 - (iv) A Deputy National President, as appointed by National Executive
 - (v) Deputy Parliamentary Leader (or nominee)
 - (vi) National Journal Editor
 - (vii) IT Coordinator
- (b) have the following responsibilities:
 - (i) Creation and implementation of a national communication strategy that maximises member participation and input in the party
 - (ii) Creation of the national journal
 - (iii) All I.T. matters, including website development and email lists
 - (iv) Liaison with divisional journal editors
 - (v) developing the agenda for national conference, subject to approval by the National Executive
 - (vi) ensuring that members are informed as early as possible of the date, venue and agenda of national conference
 - (vii) organising events as determined by the National Executive.

7.1.7 The Constitution Review Committee shall:

- (a) comprise:
 - (i) National Secretary (as convenor)
 - (ii) National President
 - (iii) Three members appointed by National Executive
- (b) have the following responsibilities:
 - (i) analysing and drafting proposed changes to the constitution and regulations as referred by National Executive or of its own initiative
 - (ii) maintaining a data base of all divisional constitutions and advising National Executive on any issues that may arise

(iii) *monitoring the compliance of the party's rules with any legal requirements.*

- 7.2 All Committees of the National Executive shall be directed by, and responsible to, the National Executive.
- 7.3 Quorum for any Committee shall be at least half the voting membership of the committee.

8. GRIEVANCES, DISPUTES AND APPEALS

- 8.1 Members who become involved in a dispute with each other must take all practicable steps to resolve it between themselves, if necessary with the help of a mutually acceptable conciliator.
- 8.2 National Registrar
- (a) There shall be a National Registrar who must not hold any other positions within the party and must have demonstrated understanding of the party processes and ethos and an ability to facilitate conciliation.
- (b) Disputes in the first instance will be presented to the National Registrar.
- 8.3 Grounds For a Dispute must be that
- a) the conduct at issue:
- (i) significantly disadvantaged the appellant or the party; and
- (ii) was either improper or unreasonable; or
- b) a member has acted against the interests of the party either by:
- (i) failing to comply with the requirements of the Constitution or Regulations; or
- (ii) some other conduct (conduct is improper if it breaches valid constitutional or other formal provisions, is manifestly unjust or works against the best interest of the party); or
- c) a member who holds branch, divisional or party office or holds party endorsement for public office has failed to carry out the responsibilities of the position to such an extent, or to have carried them out in such a way, that such branch or division or the party has been or probably will be seriously disadvantaged; or
- d) the conduct of a Divisional Dispute Committee has failed to comply with the requirements of the Constitution or Regulations, or was improper.
- 8.4 Any individual member may lodge a dispute under 8.3a) or 8.3.d); A Divisional governing body, the National Executive, a Parliamentary Team or 10 members from any Division may lodge a dispute under 8.3b) & 8.3c)
- 8.5 In general, disputes must be lodged with the Registrar within 14 days of the action in dispute taking place. If special circumstances are warranted this can be extended to 30 days.
- 8.6 In the case of ballots a dispute must be lodged within 3 days while the ballot is still underway or within 24 hours after the declaration of the ballot. If special circumstances are warranted this can be extended to 48 hours. A ballot is taken to be declared when the President and Secretary are informed. The Secretary has responsibility to inform interested parties.
- 8.7 Upon presentation of a dispute to the Registrar, he/she must determine:
- a) if the dispute is frivolous or vexatious; if this is the finding the dispute must be dismissed and the appellant only is to be notified; or
- b) if there is a prima facie case; if this is the finding all relevant parties must be informed and advised of the next steps in the process
- 8.8 The Registrar's determination must be made within 14 days, or within 3 days in the case of ballots or if the claim is taken to be a matter of urgency. Any interested party may request that the matter be considered as urgent and the Registrar will make any determination as is appropriate, taking into account the nature of the dispute and political implications.

- 8.9 When a prima facie case exists the Registrar must progress the dispute to mediation as soon as practicable
- 8.10 If mediation fails or does not take place, the Registrar makes a detailed report to the Convenor of the National Disputes Committee.
- 8.11 There shall be a National Disputes Committee which shall comprise: National Convenor and Divisional Disputes Convenors, who shall hold no other positions within the party.
- 8.12 The National Disputes Convenor shall be elected by the membership every two years, and shall hold no other positions in the party.
- 8.13 The National Disputes Committee will deal with disputes in a timely manner, and has the power to gather its own evidence and to hear from all parties in the dispute. Each dispute must be considered by at least three members of the Committee, selected by the Convenor on a rotational basis, having regard to availability and possible conflicts of interest.
- 8.14 The National Disputes Committee shall operate on the principles of dispute resolution and natural justice.
- 8.15 The National Disputes Convenor shall report the Committee's findings to the National Executive, with recommendations for action.
- 8.16 If the National Disputes Committee finds that the dispute was valid the Committee may,
- a) in accordance with the gravity of the breach:
- (i) take no further action;
- (ii) issue a directive;
- (iii) issue a reprimand or an advice to the member on future conduct;
- b) In more serious cases, recommend to the National Executive that any or all of the following rights of the member be suspended in whole or in part, for a specified or indefinite period:
- (i) the period of grace of a member whose subscription has expired;
- (ii) seeking or holding national, divisional and/or branch office;
- (iii) seeking or retaining endorsement of the party for public office;
- (iv) speaking on behalf of the party;
- (v) attending or participating in meetings of party bodies;
- (vi) Membership of the party.
- c) In the case of a ballot the Committee may, in accordance with the gravity of the breach:
- (i) Take no further action;
- (ii) Provide advice on the conduct of future ballots;
- (iii) Order a recount of the ballot
- (iv) Order the ballot to be redone
- 8.17 A decision or ballot result will stand while a dispute is being considered.
- 8.18 The National Executive must accept the finding of the National Disputes Committee and shall consider only whether the punishment proposed by the Committee is in accordance with the gravity of the breach, or some other punishment is appropriate. The decision of the National Executive shall be final.
- 8.19 Any findings and recommendations of the National Disputes Committee must be reported to the National Executive, and be made available to the relevant members. A record of such reports shall be made available to members on request, while protecting the identity of the parties involved in any particular matter.
- 8.20 The Registrar shall refer all disputes relating to parliamentarians, parliamentary performance or public comments made by parliamentarians to the relevant Parliamentary Team, or where the Team is less than 3 parliamentarians, to the National Executive, and not to the National Disputes Committee in the first instance.
- 8.21 If the matter cannot be satisfactorily resolved within the Parliamentary Team it can then be referred to the

National Disputes Committee for resolution. The Committee shall have regard to the Parliamentary Team's report on the matter.

9 POLICY FORMULATION

- 9.1 Policies shall be formulated with the maximum participation of members and shall finally be determined by the direct and equal say of the membership by a voluntary postal vote.
- 9.1.1 *A policy ballot shall be determined by a simple majority of those voting in such ballot.*
- 9.1.2 *Regulation removed by ballot declared on 28/03/2002*
- 9.1.3 *Petitions to change policy and initiated after the publication of the first draft of a policy and up to twelve months after a ballot has occurred will not proceed unless endorsed by the National Executive.*
- 9.1.4 *Petitions seeking to initiate a party ballot on a matter of policy will lapse should the National Policy Co-ordinator initiate a policy review through the Journal, provided the review clearly allows for discussion of the petitioners' request.*
- 9.1.5 *Petitions initiated to change policy must:*
 (a) *Refer to a specific policy item or items of policy;*
 (b) *Be accompanied by a copy of the policy as proposed by the petition;*
 (c) *Have been discussed with the National Policy Co-ordinator in relation to wording and structure prior to circulation.*
- 9.2 Policies which concern one Division only may be decided by the Division concerned by the procedures outlined in the Regulations.
- 9.3 Emergency policy decisions can be made by the National Executive. Any such decision shall be submitted for ratification by party ballot within two months. The National Executive shall not make any emergency policy decision which contradicts any policy of the Party already approved by a ballot of members.

10 FUNDING

- 10.1 The party shall abide by all relevant laws including electoral and association laws.
- 10.2 National membership fees and Journal subscriptions shall be:
 (a) set, collected and recorded by the National Executive,
 (b) distributed between the National and Division organisations on a basis and in proportions determined by the National Executive.

11 PARLIAMENTARY REPRESENTATION

New Member Representation

- 11.1A A person holding elected public office may apply to be enrolled as a member in accordance with the provision of this constitution.
- 11.1B A member who holds an elected public office must belong to the parliamentary party which corresponds to that office if the member has been preselected by the Party for that or an equivalent elected public office.
- 11.1C A person who is not enrolled as a member and who holds an elected public office may apply for a special endorsement where such endorsement:
 (a) entitles the person to membership of the parliamentary party corresponding to their elected public office upon their being enrolled as a member;
 (b) may be granted to the person by resolution of a committee comprising of the president, deputy presidents and parliamentary members of the executive, and those voting members of the executive who are members of the division which

encompasses the electorate of the applicant seeking special endorsement;

- (c) must be deliberated *in camera* and the results of such deliberations kept confidential until such time as the applicant for special endorsement should be enrolled as a member;
- (d) may only be granted by a vote supported by at least three quarters of those deliberating the application for special endorsement;
- (e) must be construed as fulfilling all requirements of the Party leading to preselection for an elected public office equivalent to that which the applicant already holds except that such special endorsement may not supplant any part of the preselection process which is comprised of a ballot of members.

11.2 Pre-selection

No member may stand as a candidate for election to a National Parliament without the approval of the relevant Division Executive or a committee appointed by the relevant Division Executive or elected by the members in that division.

- 11.2.1 *Subject to clause 11.2, and if the Division's constitution does not contain appropriate provisions, the Divisional governing body may endorse candidates for an electorate in the division after an election has been called, if in their opinion it is impracticable for a member to be endorsed as a candidate under the Division's Constitution.*

- 11.2.2 *No candidate endorsed under these Regulations can be placed ahead of a candidate endorsed under the Division's Constitution without the latter's consent, except if such placement occurs under Regulation 11.2.38.*

Candidate Assessment Committee

- 11.2.3 *Each Division shall have a Candidate Assessment Committee which is responsible for determining whether to approve or disapprove each candidate as suitable for endorsement for public office.*
- 11.2.4 *The Candidate Assessment Committee shall comprise at least four members. Each Division shall determine the actual number of members.*
- 11.2.5 *A majority of members of the Candidate Assessment Committee shall be elected by the Divisional membership using the quota preferential method of proportional representation. Other members of the Candidate Assessment Committee shall be appointed by, and from, the Divisional governing body. These appointees may appoint proxies.*
- 11.2.6 *The Candidate Assessment Committee shall elect its own convenor, who shall have a deliberate vote and a casting vote in the event of a tied vote.*
- 11.2.7 *The quorum of a meeting of the Candidate Assessment Committee shall be the majority of its members.*
- 11.2.8 *The members of the Candidate Assessment Committee shall have two years continuous Party membership immediately preceding their date of appointment.*
- 11.2.9 *Serving Parliamentarians are ineligible to be members of the Candidate Assessment Committee.*
- 11.2.10 *The term of office of the Candidate Assessment Committee shall be two years, except that the term may be extended by the Divisional governing body, if in their opinion the changing of the membership of the Candidate Assessment Committee at that time would unduly hinder its ability to manage its workload.*
- 11.2.11 *There is no limit on the length of time a person may be a member of the Candidate Assessment Committee.*
- 11.2.12 *If the Division's rules do not contain appropriate provisions, the Divisional Governing body shall*

appoint a member to fill a casual vacancy on the Candidate Assessment Committee.

11.2.13 If a member of the Candidate Assessment Committee does not remain impartial, the Divisional governing body may declare their position vacant.

11.2.14 No member of the Candidate Assessment Committee may consider an application for endorsement which involves a member of their household or in whose endorsement they have an interest.

Endorsement (incl. half-Senate and full-Senate teams)

11.2.15 The Divisional governing body shall have the authority to open nominations and set dates for the preselection process for all local and State elections covered by the Division. This includes whether or not the Party will stand candidates in local or State elections/by-elections.

11.2.16 The National Executive has the authority to decide whether the Party stands candidates in specific Federal electorates. This includes by-elections.

11.2.17 The National Executive has the authority to direct a Divisional governing body to set dates and commence preselection processes if it is deemed necessary. This includes directing a Divisional governing body to commence the ballot to determine the Senate teams for half and full-Senate (double-dissolution) elections.

11.2.18 The Divisional governing body has the responsibility to call for nominations and to set procedures for the endorsement process. In the case of federal electorates and Senate teams, this may not occur until National Executive has authorised the commencement of the preselection process. All pre-selection procedures must be consistent with this Constitution and its Regulations and any other directives of National Executive. The Divisional governing body shall also determine the number of candidates the Party will endorse for any multi-member electorates.

11.2.19 Nominations shall be called for in the Divisional newsletter or by mail in urgent cases, or the provisions of the constitution of a division may deem that the public announcement of a casual vacancy for a parliamentary position constitutes a call for nominations provided that such provisions state by when, and to where, such nominations must be lodged.

11.2.20 Only those members assessed by the Candidate Assessment Committee to be suitable for endorsement may be included in the team of candidates for elections for multi-member elections.

11.2.21 The Divisional governing body may determine that only a particular number of positions on the Party's team for multi-member elections shall be filled by party ballot, provided that the minimum number of positions to be filled by ballot shall be the top two positions for a half-Senate election and the top three positions for a full-Senate election. The minimum number of positions which must be balloted must equate to the number of positions which could be considered winnable.

11.2.21a If a vacancy occurs for a winnable position in the Party's team for a multi-member electorate, it shall be filled by a rebalot for that position and all lower positions which could be considered winnable. If National Executive (in the case of a Senate team) or the Divisional governing body (in the case of state or local council electorates) determines there is insufficient time to hold a ballot of members, the vacancy(s) shall be filled by a recount of the most recent ballot for the team.

11.2.22 Other positions on the team for elections for multi-member elections may be filled by the Divisional governing body as required to give a politically

balanced team. These people must have been assessed as suitable by the Candidate Assessment Committee. Any vacancy which occurs for these positions may be filled by the Divisional governing body.

11.2.23 Only those members assessed by the Candidate Assessment Committee to be suitable for endorsement shall be included in a pre-selection ballot for multi-member electorates sent to members. The positions on a team for multi-member elections shall be filled by the quota preferential method of proportional representation with ranking.

11.2.24 The Candidate Assessment Committee must interview all first time applicants for endorsement, provided that the interview may be waived for members who have previously been endorsed as a candidate by the Party.

11.2.25 In lieu of an interview - in the case of remote area applicant - the Candidate Assessment Committee may provide for the return of a detailed written questionnaire, telephone hook-up or other such procedure as may be determined by the Candidate Assessment Committee.

11.2.26 The Candidate Assessment Committee or any other body deemed appropriate by the Divisional governing body shall provide each applicant with a written statement on their strengths and those areas where improvement could be made.

11.2.27 The criteria for assessing applications for endorsement shall include:

- eligibility to nominate and be elected, according to the appropriate Federal or State legislation, including citizenship, bankruptcy and criminal record;
- personal qualities;
- party involvement;
- community involvement;
- knowledge of party policy;
- public speaking skills;
- media skills;
- employment history;
- campaigning skills;
- understanding and suitability for Parliamentary work.

11.2.28 The Candidate Assessment Committee may deny approval for a member to stand as a candidate. The Candidate Assessment Committee must be able to justify its decision against the criteria for the evaluation of applicants.

11.2.29 An applicant denied approval for endorsement may re-apply to the Candidate Assessment Committee for re-assessment once.

11.2.30 If after re-assessment the applicant is still aggrieved then further appeal may be made through the normal processes for resolving disputes namely, the respective Divisional appeals committee.

Withdrawal of endorsement

11.2.31 If significant concerns regarding the performance of an endorsed candidate are raised the Candidate Assessment Committee and/or the Divisional governing body is required to address such matters.

11.2.32 The Candidate Assessment Committee can initiate withdrawal of endorsement by the Divisional governing body at any time up to the election date. This must be agreed to by a three-quarter majority of the Divisional governing body.

11.2.33 A Divisional governing body may initiate withdrawal of endorsement or may ask the Candidate Assessment Committee to re-assess an endorsed candidate where it feels this is necessary. Upon re-assessment endorsement may be withdrawn.

11.2.34 In the case of a House of Representatives candidate, the Candidate Assessment Committee shall consult with the respective branch members when considering the withdrawal of endorsement.

Casual Senate vacancy

11.2.35 Where the Party is required to present a nomination to the respective State Governor for the filling of a casual Senate vacancy, the procedures given in this Constitution for the selection of Senate candidates shall apply.

11.2.36 If an absolute majority of the National Executive determines that there is insufficient time to hold a ballot of members, the casual Senate vacancy shall be filled by a recount of the most recent party ballot for a Senate ticket in that state, with the position being offered to the highest ranked available candidate from that recounted ballot. If that person is either unavailable or unwilling to fill the vacancy, the position shall be offered to the next most preferred candidate.

11.2.37 If the National Executive believes that it would be of significant benefit to the Party to do so it may, without prejudice, intervene in a Division's preselection process.

Other Provisions

11.2.38 (This Regulation ceased to apply from 1st June, 1996)

11.2.39 (This clause has been renumbered as 11.2a)

11.2.40 (This clause has been renumbered as 11.2b)

11.2.41 Anyone applying to be a candidate for the Party will be required to satisfy the Candidate Assessment Committee that he does not owe any money to the Party.

Obligations of Candidates

11.2a Anyone applying to be a candidate for the Party will be required to give a signed undertaking regarding the following: not to speak publicly against official Party policy unless there is a genuinely strong conscientious objection, in which case Party policy must be stated first and then any qualification/s can be given.

11.2b If elected the candidate agrees that whilst he may retain the right to resign from the Party, if he does so he will resign the parliamentary seat beforehand.

11.3 Conduct of Parliamentary Representatives

(a) An elected member of Parliament shall adhere to the policies formulated by this Party:

- except that where the views of an elected member are in conflict with party policy, then the elected member may vote according to their conscience;
- and where, in the opinions of an elected member, their duty to their electorate is in conflict with Party policy, then the elected member may vote according to their duty to their electorate.

(b) When an elected member recognises a conflict between either their conscience or their duty to their electorate and the Party policy, then they shall furnish a statement accounting for their position to their Division Executive, for their information.

(c) When an elected member votes against the Party policy, then they shall at the earliest opportunity, furnish a statement accounting for the reason why they so voted to their division Executive.

11.4 The Leader and Deputy Leader of the Party and the Leader and Deputy Leader of the Australian Democrats in each House of the Australian Parliament are elected from the members of the Australian Parliament who are endorsed by the Australian Democrats.

11.4.1 The Leader of the Party is also the Leader of the Australian Democrats in the House of the Australian Parliament of which that person is a member.

11.4.2 If the Leader and Deputy Leader of the Party are members of the same House of Parliament, the Deputy Leader of the Party is also the Deputy Leader of the Australian Democrats in that House; otherwise that person is the Leader of the Australian Democrats in the other House.

11.5 All Parliamentary leaders must be elected by Party ballot as soon as is practicable after each Federal election, other than a by-election or an election for one House of Parliament in which no candidates endorsed by the Australian Democrats are elected.

11.5.1 Each parliamentary leadership position is elected separately by the alternative preferential system of voting.

11.5.2 All members eligible for any parliamentary leadership position who wish to be included in the ballot must nominate.

11.5.3 The returning officer must retain ballot papers securely until the expiry of the term of office to which they relate.

11.5.4 Senators newly elected to the Parliament in a half-Senate election who gain leadership positions take them up when they take up their seats. If necessary separate counts must be conducted for the remainder of the current Senate term and the next term.

11.6 A parliamentary leadership position may be declared vacant by:

- an absolute majority of those eligible to hold the position,
- an absolute majority of the National Executive,
- or 100 members.

A vacancy for any position entails vacancies for all consequent positions.

Manner and Form of a Leadership Petition

11.6.1 For the purposes of a declaration by 100 members that a leadership position is vacant, such declaration must be in the following form.

(a) A petition which includes the name, address, signature and date of signature of each petitioner.

(b) Such a petition must be collected within a thirty day period, the commencement date being the day the first signature is collected and the concluding date being thirtieth day after the first signature is signed. At the conclusion of the thirtieth day and if the requisite number of signatures has been collected, the petition must be forwarded to the National Ballots Administrator who shall certify the time and date that the petition was served upon them, after which time no further signatures shall be allowed to be entered on the petition. If after the expiration of 37 days from the date of the first petition's signature, the petition has not been lodged with the National Ballots Administrator, the petition shall have no effect.

Upon certification by the National Ballots Administrator, the National Ballots Administrator shall immediately inform the Leader and Deputy of the Parliamentary Party, the National President, the National Secretary and the National Membership Officer of the receipt of the petition. Following the certification by the National Ballots Administrator, the National Membership Officer shall certify, within 3 working days, the veracity of the following matter:

- That the required number of members who have signed the petition are financial members of the party of at least six months standing and have not otherwise been excluded or resigned from membership or had their voting rights suspended in any way.

A petition to declare vacant a leadership position which is received during a Federal Election period, shall remain dormant during that period and not be further acted upon until after polling day.

A petition to initiate a leadership ballot up to twelve months after a leadership ballot has occurred shall not proceed unless endorsed by the National Executive.

11.6.2 A casual vacancy for a Parliamentary Leadership position may be filled by the National Executive for up to 3 months.

Effect of Leadership Petition

11.6.3 On the certification of receipt of a petition by the National Ballots Administrator and the National

Memberships Officer under regulation 11.6.1 the effect of certification shall be as follows:

- (a) The opening of nominations for a leadership ballot. Such nominations for leadership shall be open for a minimum of 24 hours and a maximum of thirty days as determined by the National Ballots Administrator in consultation with the National President.
- (b) To maintain the incumbent/s in their positions until the declaration of the result of the ballot of the membership.
- (c) If only the maintained incumbent nominates for the declared vacant position, a ballot shall proceed.

11.7 A casual vacancy is filled either by recount of the previous party ballot for the position, or by fresh party ballot, as resolved by the National Executive. Any person whose position was expressly declared vacant is excluded from recounts of previous ballots.

11.7.1 Casual vacancies may, at the request of the National Management Committee, be filled provisionally by recount of the previous party ballot for the position(s), votes for candidates who are no longer eligible or available being passed on as indicated by each voter.

11.7.2 Any position which cannot be filled by recount may be filled provisionally by ballot of those eligible to hold the position.

11.7.3 If all vacant positions are provisionally filled by recount they may be confirmed by an absolute majority of the National Executive within one month of the declaration of the vacancy.

11.7.4 If any vacant positions are not provisionally filled by recount and confirmed in accordance with these regulations a party ballot must be held for all vacant positions as soon as is practicable.

11.7.5 In determining whether to confirm provisionally held positions National Executive must take into account the length of the remaining period of the parliamentary term.

12 CONDUCT OF MEMBERS

12.1 Any member of the Party who disagrees with a policy or decision of the Party shall remain wholly free to express and advocate their own views, except on occasions when they are communicating in a public capacity as a representative of the Party, in which event they may express their own views, but make it clear that they do not reflect those of the general membership of the Party.

13 PUBLICATION AND PURPOSES OF THE JOURNAL

13.1 There shall be published at regular intervals, not less than four times per year, a Journal which shall be circulated to all members of the Party as a vehicle for communication amongst members and as an impartial medium for comment and debate.

13.2 The Journal shall be the means by which full membership ballots shall be held. The discussion of subjects to be balloted and the ensuing ballots shall have priority access to the Journal.

13.3 The Journal shall be the responsibility of the Editor appointed by, and answerable to, the National Executive.

14 CONDUCT OF BALLOTS

14.1 Any provision in this Constitution for elections by the general membership in respect of any National Executive or National Office shall be construed as requiring an election by ballot conducted through the Journal.

14.1.0 Purpose of Ballots

The purposes of ballots are to:

- a) elect members to Party officer positions, following a call for nominations published in the National Journal,
- b) making Party Policy
- c) amending current Party policy
- d) amending this constitution; and
- e) any other matters authorised by the Executive

14.1.1 Initiation of Ballot

a) Upon initiation of a ballot the National Ballots Administrator is to be informed by the National Secretary, in writing, of the matter to be balloted. Upon receipt of this Information the National Ballots Administrator shall consult with the Journal Editor, National Returning Officer, National Membership Officer and any other person or body necessary to achieve the proper conduct of the ballot as provided for under the National Constitution and these rules.

b) Authority to initiate a ballot:

- (i) in the case of an elected position - are governed by clauses 6.6 (a) and 6.6 (b) of this Constitution and rest with the National Ballots Administrator in consultation with the National Returning Officer;
- (ii) in the case of any other elected position - rests with the Executive or such officers or other rules as it designates;
- (iii) in the case of any policy issue - rests with the National Policy Convenor; and
- (iv) in the case of any Constitutional amendment - rests with the convenor of the relevant constitution review committee where one exists, otherwise with the National President acting in accordance with Executive resolutions.

14.1.2 Nominations

a) Calls for nomination to an elected position shall be published in the National Journal or where appropriate, another mechanism which is sent to all eligible members

b) The closing date must allow a minimum of twenty-one (21) days following publication. This does not apply to nominations for Parliamentary Leadership positions.

c) In the event of delays in the publication and/or distribution of a Journal carrying a call for nominations the National Ballots Administrator, in consultation with the National Returning Officer, may extend the time during which nominations will be accepted. Any such decision must be made prior to the original date for the close of nominations. Notice of such decision must be sent to the National President, National Appeals Committee Convenor and each of the State head offices.

d) Nominations must be received by the National Ballots Administrator at the postal address or format specified in the call for nominations by the closing date. The National Ballots Administrator shall accept written nomination of a member(s) of the Party provided that the nominee confirms his/her nomination in writing within three (3) days of the close of nominations.

14.1.3 Ballot Paper

a) The Ballot Paper is the written instrument, drawn up by the Ballots Administrator, upon which the member may cast a vote.

b) The Ballot Paper may contain a single or multiple issues(s) for ballot, each with its attendant alternatives, options or candidates.

c) The Ballot Paper shall contain or be accompanied by, such instructions to members as considered necessary to guarantee the identity of the voter(s) and secrecy of the ballot. Such instructions

shall detail the requirements to be satisfied for the member's vote to be accepted to the count.

d) Only one member's vote shall be recorded on a given ballot paper. Two such ballot papers shall be provided to allow joint members to cast their votes.

14.1.4 Return of Votes

The Ballot Paper(s) shall be posted to the Returning Officer by individual members unless the Returning Officer clearly specifies other delivery arrangements (including bulk, fax or individual hand delivery).

14.1.5 Close of Poll

a) All Ballot Papers must be sent to the Returning Officer before the time specified by the Returning Officer on the day of close of the poll. However, Ballot Papers clearly postmarked prior to the close of the poll may be admitted to the count provided they are in the possession of the Returning Officer before the completion of the count.

b) The closing date for the poll must be at least twenty-one (21) days from date of posting or distributing the ballot paper(s).

14.1.6 Security and Count of the Ballot

- a) The counting of the Ballot Papers shall be done at a time and place nominated by the Returning Officer,
- b) The Returning Officer shall advise any member who should so request of such time and place.
- c) Only members nominated by a candidate as scrutineers shall be eligible to attend the count,
- d) Candidates are not permitted to attend any count of a ballot on which their name appears,
- e) The Returning Officer reserves the right to exclude any person from the count,
- f) It is the responsibility of the Returning Officer to ensure that all ballot papers are kept in a secure location and are not opened prior to the commencement of the count.

14.1.7 Assistance at the Counting

The Returning Officer may delegate tasks involving the eligibility checking of Ballot Papers and their counting to persons under his/her direct supervision.

14.1.8 Voters' Roll

- a) At least one copy of the voters' roll, detailing all members eligible to vote in a particular ballot, shall be available to the Returning Officer prior to the commencement of the eligibility checking.
- b) The Returning Officer shall retain the voters' roll and the Ballot Papers for a period equal to the term of office in the case of a ballot for elected office or for one year in the case of a non-election ballot.
- c) Any member shall have the right to inspect the voters' roll by arrangement with and in the presence of the Returning Officer or Ballots Administrator during the period in which they are retained.

14.1.9 Electoral Systems

- a) Where single positions are to be filled, the preferential/alternative voting (Ware) system shall be used, but where two or more positions are to be filled concurrently or any committee or team, the quota preferential method of proportional representation shall be used. In voting on policy options, the Hallett Rules of counting (reference: Hoag and Hallett, "Proportional Representation", appendix 10) shall be employed.
- b) In all elections the allocation of preferences shall be optional. No vote shall be deemed informal by reason only that:
 - (i) the same preference (other than the first preference) has been recorded on the ballot paper for more than one candidate or option, but the Ballot Paper shall be treated as if those preferences and any subsequent preferences had not been recorded on the ballot paper; or

(ii) there is a break in the order of preferences recorded on the ballot paper, but the ballot paper shall be treated as if any subsequent preferences had not been recorded on the ballot paper.

(iii) the published ballot paper was not used but only where a voter's clear intent can be established by the returning officer.

c) For all elections using the quota-preferential method of proportional representation the Returning Officer shall follow the rules of the Proportional Representation Society of Australia as printed in the Society's manual.

d) Should ranking be required following an election by the quota-preferential method, all unsuccessful candidates shall be excluded and the voted recounted as for an election for one position by the preferential alternative vote method to give a winner, and excluding the winner and the votes redistributed and the process may be repeated until all successful candidates are ranked in order.

14.2 On any ballot it shall be the duty of the National Ballots Administrator to prepare and distribute the ballot papers and to do so in such a manner as to ensure:

- (a) that no member of the Party who is entitled to vote is deprived of a ballot paper.
- (b) that only ballot papers of members of the Party who are entitled to vote are counted.
- (c) that no member of the Party shall vote more than once in any one ballot.

14.2.1 Eligibility for voting in party elections shall be determined on the basis of current financial membership of the Australian Democrats, as per the national membership list supplied by the National Membership Officer, and subject to the constraints of the National Constitution.

14.3 The National Ballots Administrator may distribute appropriate ballot papers at a National Conference, which ballot papers may be returned either at the National Conference or by post and they shall be counted with ballot papers returned from the Journal.

14.4 A decision made by a majority of members voting in a non-elective ballot is valid only if such majority constitutes at least 3% of the eligible membership.

14.4A The outcome of a ballot, or part of a ballot, must take effect as and from the date on which the ballot closed unless some other later date has been specified in this constitution, in the regulations or as part of the substance of the ballot question itself.

14.5 The results of a ballot of the membership, as declared by the National Returning Officer, must be:

- (a) considered definitive as to the opinion of the membership;
- (b) binding on all members officers and bodies of the Party in accordance with the provisions of this Constitution;
- (c) deemed to be effective from the date on which the ballot closed or such later date as may have been specified in the ballot itself; and
- (d) published in the Journal as soon as possible after the result of the ballot has been declared.

14.5.1 The National Returning Officer and National Ballots Administrator may together declare a ballot to be internally inconsistent or incapable of providing a clear indication of the opinion of the members voting in the ballot, and in doing so must recommend to the National Executive that the ballot be redrafted or reballoted as provided for within clause 14.6. Action cannot be taken under this clause once the results of a ballot have been declared by the National Returning Officer.

14.6 A question which has been determined by membership ballot may not be re-balloted within a period of twelve

months following the declaration of that ballot, except by virtue of this Constitution and its regulations, or a resolution of the executive of which notice had been given in the Journal.

- 14.7 The provisions of the National Constitution relevant to ballots must apply to ballots conducted by a division except that the result of such a ballot:
- is only binding on members, officers and bodies of that division in accordance with the provisions of the division's constitution;
 - must be declared by the officer of the division who fills the role equivalent to that of returning officer;
 - must be published in the journal or newsletter or equivalent publication of the division.
- 14.8 Except as may be otherwise provided for in this constitution and its regulations the constitution of a division may specify:
- which matters need to be determined by ballot of the membership of that division;
 - which matters are to be determined by procedure other than ballot;
 - the method of counting, the majority required and such other matters as are relevant to determining the outcome of a particular ballot; and
- In the absence of such provisions in a division's constitution the provisions of this constitution and its regulations and rules must apply.
- 14.9 A party ballot may be initiated by the National Executive, one division, five branches or fifty members.
- 14.10 Voting in all party ballots is open only to persons who at the ballot's closing date have been members of the Party for at least six months.

15 NATIONAL CONFERENCE

- 15.1 A National conference shall be called by the National Executive at least every three years.
- 15.2 A National Conference shall be called at the request of any three divisions, and shall be organised by the National Executive as soon as possible after receipt of that request.
- 15.3 A National Conference may consider any matter put before it, but it shall consider the matters put forward by its sponsors, either National Executive or Divisions, as first priority.
- 15.4 National Conference may make recommendations in regard to policy, the National Constitution, or matters of an administrative nature, which, after publication and discussion in the National Journal, shall be put to the ballot of the membership.
- 15.4.1 *Any decisions at National Conference shall be submitted as recommendations to the full membership before implementation.*

16 NATIONAL ELECTORAL ACTIVITY

- 16.1 The decisions on allocation of preferences for national election campaign, including those for the House of Representatives, the Senate, or by-elections for casual vacancies in either House, shall be made by a ballot of the full membership. The membership may delegate authority for any such decisions to the National Executive or to the relevant State.
- 16.2 It will be appropriate for National and Division Executives to initiate general discussion and appoint committees for the purpose of formulating statements for use in electoral campaigns.
- 16.3 The Executive shall ensure that statements for use in electoral campaigns are consistent with National policy.
- 16.4 Voting in ballots concerning the conduct of a campaign for election to a public office, including preference allocation and candidate endorsement ballots, is open only:
- to persons who at the ballot's closing date:

- meet residential qualifications for enrolment on the public electoral roll for an electorate to which the ballot relates,
 - are at least 15 years old,
 - and have been members of the Party for at least six months; and
- to divisional office-bearers elected by the members at large of the division in which the electorate is located; provided that the division's constitution may remove this right from some or all divisional office-bearers.

16.4.1 *Persons whose names are on an appropriate public electoral roll are deemed to meet residential and age qualifications unless demonstrated otherwise.*

16.4.2 *Persons whose names are not on an appropriate public electoral roll may be required to substantiate their eligibility.*

16.4.3 *A Division may adopt particular provisions for endorsing candidates for local government elections in that state, provided that all members who reside in a particular municipality are given the opportunity to vote in endorsement ballots for candidates in that municipality.*

17 (Section Repealed)

18 REGULATIONS

- 18.1 The regulations prescribe the procedures for implementing the principles identified in this constitution.
- 18.2 The regulations may be amended by the National Executive as follows:
- A proposal to amend the regulations shall be published in the National Journal and advised to the secretaries of each Division; and
 - the amendment is supported by an absolute majority of the National Executive;
- 18.3 National Executive may amend regulations without prior notification in the journal or to Divisions, but such approval requires a two-thirds majority vote and must be published in the National Journal and advised to Divisions within four months or the regulation lapses.
- 18.4 A regulation may be disallowed by a membership ballot if the petition number signs a petition requesting such a ballot. Arguments for and against the disallowance shall be presented to members.

19 USE OF PARTY FUNDS

The Party is a non-profit organisation and accordingly the following provisions shall apply:

- 19.1 The income and property of the Party howsoever and whencesoever derived or acquired shall be applied solely towards the promotion of the objects and policy objectives of the Party as set forth in this Constitution and no portion thereof shall be paid or transferred directly or indirectly by way of dividend bonus or otherwise to the members of the Party.
- Provided that
- nothing herein contained shall prevent the payment in good faith of remuneration to any officers or servants of the Party or to any member of the Party in return for any services actually rendered to the Party or for goods supplied in the ordinary and usual way of business nor prevent the payment of interest at a rate not exceeding the rate of interest paid for the time being by the Party's bankers in respect of term deposits having a maturity of 180 days on money borrowed from any member of the Party
 - any member who is a member of the National Executive of the Party pursuant to Clause 6.1 and who is appointed to any salaried office of the

Party or any office of the Party paid by fees shall upon such appointment be deemed to have vacated the office specified in Clause 6.1 to which such member was elected.

- (c) no remuneration or other benefit in money or money's worth shall be paid or given by the Party to any voting member of the National Executive except repayment of out-of-pocket expenses and interest at the rate afore-said on money lent or reasonable and proper rent for premises demised let or sublet to the Party.

- 19.2 If upon the winding-up or dissolution of the Party there remains after satisfaction of all its debts and liabilities any property whatsoever the same shall not be paid to or distributed among the members of the Party but shall be given or transferred to some other institution or institutions having objects and objectives similar to the policy objectives of the Party and whose memorandum of association or constitution shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as is imposed on the Party under or by virtue of Clause 19.1 hereof such institution or institutions to be determined by ballot of members of the Party at or before the time of dissolution and in default thereof by application to the Supreme Court of the Australian Capital Territory for determination.

20 DISSOLUTION

The Party shall not be dissolved except by resolution of the full membership passed in a postal ballot held in accordance with this constitution provided that such resolution shall not be passed unless there are 70 per cent or more of the votes cast which favour the resolution and the total number of votes cast is at least 25 percent of the full membership. Provided that the total number of votes cast is at least 25 percent of the full membership and further provided that the dissolution of the Party shall not become effective until

- (a) 30 days after the result of any ballot required under Clause 19.2 is declared or any determination of the Supreme Court of Australian Capital Territory pursuant to Clause 19.2 is made, or
- (b) if no such ballot or determination is required then 30 days after the declaration of a successful resolution is passed in accordance with this Clause 20 or
- (c) such other date as the resolution passed to this Clause 20 shall stipulate whichever is the later.

Additional Regulations

1 DEFINITIONS

- 1.0 In these regulations, unless inconsistent with the context or some other meaning is clearly intended:
 - '**executive**' means the National Executive of the Party;
 - '**journal**' means the National Journal of the Party;
 - '**national constitution**' means the National Constitution of the Australian Democrats upon which these regulations depend, pursuant to Clause 18.1 of that constitution;
 - '**president**' means the National President of the Party;
 - '**recognised groups**' means a group or organisation recognised by the Party according to the provisions of section 2 of these regulations;
 - '**secretary**' means the National Secretary of the Party.
- 1.1 Expressions referring to writing must be construed as including references to printing, lithography, photography and other modes of representing words in a visible form;

- 1.2 Words or expressions in the singular form must be construed as including the plural form and vice versa;
- 1.3 Words or expressions in the feminine form must be construed as including the masculine form and vice versa;
- 1.4 Words or expressions referring to persons must be construed as including reference to corporations, partnerships and associations as well as individuals;
- 1.5 Words or expressions contained in these regulations must be interpreted in accordance with the provisions of the national constitution; and
- 1.6 The heading notes form no portion of these regulations.

2 RECOGNISED GROUPS

- 2.1 The Party may recognise specific groups or organisations that are formed on the basis of shared or common interests. This recognition may only be accorded by a decision of the executive. The status of a recognised group does not imply any financial or other liability. Nor does the status of recognised group imply any financial or other relationship between the Party and the recognised group.
- 2.2 This recognition of specific groups or organisations may involve permission for the group or organisation to use the name of the Party, and the executive must specify the manner and conditions under which the group or organisation may use the name of the Party when this permission is given.
- 2.3 Before a group or organisation may be recognised it must provide to the secretary:
 - (a) a copy of its constitution, or whatever document or documents serve in the role of constitution, and any other form of regulating or binding document which exists and relates to the affairs of the organisation;
 - (b) an outline of the proposed and/or actual constituency of the group or organisation;
 - (c) an audited statement of the financial affairs of the group or organisation;
 - (d) a list of the actual or proposed office holders of the group or organisation;
 - (e) an undertaking from the group or organisation to use the name of the Party and the status of recognised group in ways which are not against the interests of the Party, and to cease using the name of the Party if the status of recognised group is withdrawn.
- 2.4 The executive must consider a valid request from a group or organisation for recognised group status within six (6) months of the receipt of that request by the secretary. The executive must resolve to give or refuse the status of recognised group within twelve (12) months of a valid request. A request for this recognition is valid when accompanied by all supporting documentation required by these regulations.
- 2.5 In the event that a request for the status of recognised group is refused by the executive then the reason or reasons for the refusal must be supplied to the governing body of that group or organisation.
- 2.6 A recognised group must:
 - (a) notify the secretary of any changes to its constitution, or whatever document or documents serve in the role of constitution, and of any change in circumstances relating to the existence of any form of regulating or binding document that relates to the affairs of the organisation; and
 - (b) submit to the secretary each year after the Annual General Meeting, or equivalent meeting, of the recognised group a list of the actual office holders and an audited statement of the financial affairs of the group.

- 2.7 *The secretary must keep, or cause to be kept, the original documents which comprised the valid request for the status of recognition group, along with any documents submitted in compliance with regulation 2.6.*
- 2.8 *The executive may remove the status of recognised group from a group or organisation by resolution of the executive to that effect, and in that event the reason or reasons for the removal must be supplied to the governing body of that group or organisation where such governing body exists and can be identified.*

-Ends-

Freedom of Information Release