

# The Charter and National Constitution of the Australian Greens

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# National Constitution of the Australian Greens

## Definitions

- **THE GREENS:** is the abbreviation of The Australian Greens and unless otherwise stated refers to the National body.
- **MEMBER BODY:** Member bodies are state political parties (comprised of their various constituent groups) that agree to abide by The Charter and this constitution.
- **CONSTITUENT GROUPS:** those Green groups (Regional Branches/Groups, Electorate Branches/Groups, Local Branches/Groups) within each state which together make up The Greens of that state as outlined.
- **MEMBERS:** are "natural persons" - flesh and blood people, not organisations, companies, associations. Members of member bodies are automatically members of the national organisation of The Greens.
- **MEMBERSHIP NUMBERS:** the number of members counted for each State will be taken as the highest number of financial members between 1 June and 30 September each year reported by the respective State to the National Membership Secretary.
- **NATURAL PERSONS:** a legal term meaning a single individual as opposed to a group or organisation.
- **RELATED PARTIES:** as defined in Part XI of the Commonwealth Electoral Act. Clause 123(2) of this Act states that "For the purposes of this Part, 2 political parties shall be taken to be related if:
  - a. one is a part of the other; or
  - b. both are parts of the same political party".
- **PROSCRIBED PARTIES:** All Australian political parties other than The Greens and its Related Parties are proscribed
- **NATIONAL ORGANISATION:** is The Greens as it meets either as National Council or National Conference or when it makes a decision by national plebiscite or by its defined policy making processes.
- **POLICY FRAMEWORKS:** Each policy of The Greens will have a policy framework as a preamble. These policy frameworks are not to be as broadly general as The Charter of The Greens but are to be sufficiently general to permit people's opinions to differ over the details of the policies.
- **POLITICAL PARTY:** Any organisation, or corporate body registered, deregistered, or seeking registration, as a political party with the Australian and or State Electoral Commissions.
- **STATE:** Where 'state' is mentioned it should be read as 'state and territory' unless otherwise stated.
- **TERM:** As defined as a period of time between National Conferences.
- **DEBT:** any amount of money owing, even briefly; eg. an account is a debt.
- **OPTIONAL PREFERENTIAL SYSTEM (of voting):** the voter's choice of candidates in a ballot and their choice of order of preference eg. 1 or 1, 2 or 1, 2, 3, etc.
- **FINANCIAL YEAR:** means the year ending on 30 June.

# Definitions, Constituent Groups

- **LOCAL GROUPS/BRANCHES:** Local Groups may be comprised of members of a suburb, town, workplace, neighbourhood, or local geographic area. Local Groups may be members of their Electorate Branch. Local Groups are to be defined by State bodies.
- **ELECTORATE BRANCHES:** This is The Greens organisation based on a federal Lower House electorate. (In Tasmania the state Lower House electorates are the same as the federal ones.) The Electorate Branch will comprise all members in that electorate. The Electorate Branch may also be comprised of a variety of Local Groups/Branches
- **REGIONAL GROUPS:** This is The Greens organisation based on a geographical region.
- **STATE COUNCIL:** This is The Greens organisation based on a state. It will comprise representatives of each Local Group/Electorate Branch according to the state's own constitution.
- **NATIONAL COUNCIL:** This is The Greens organisation based on national representation according to the National Constitution.

# Introduction to the Constitution

This document is the constitution of the national body of The Greens. It sets out an organisational structure that is a confederation of state parties. This constitution sets out the extent of the autonomy of the national body. This constitution seeks to maximise opportunities for productive co-operation between members and to provide protection's for individual members and member bodies.

This constitution requires all member bodies of The Greens to agree to:

- a. The Charter of The Greens and to agree generally to abide by this constitution and the proper decisions of the national organisation;
- b. participate equally in developing national policies and campaigns;
- c. share similar decision making procedures and membership criteria and procedures;
- d. support affirmative action and practise participatory, democratic and accountable internal decision making processes;
- e. share the costs of national and international organisation through the payment of levies;
- f. share information and ideas.

This constitution further requires that the state parties of The Greens and their constituent groups are free to have explicit autonomy to make decisions relating to their own affairs provided that these decisions remain compatible with the Charter and the agreed policy frameworks of The Greens.

# **Chapter 1 - Purpose and Charter**

## **1 - Name and Constitution**

1.1 The name of the party is The Australian Greens also known as The Greens.

1.2 This constitution identifies the principles and the rules governing the conduct of the party's affairs and defines the powers of the constituent bodies and the roles of the positions defined within.

1.3 All other party documents are subordinate to this constitution with the exception of the Charter of The Greens.

## **2 - Constitutions: State Parties and their Constituent Groups**

2.1 The Greens are a national confederation of member bodies state parties comprised of Regional, Electorate and Local Groups and Branches. The composition of each State Party's constituent groups is to be defined by the Constitution of that State Party. To facilitate smooth operations between the national and various state organisations, all the State Constitutions must remain compatible with the National Constitution.

2.2 To ensure that this compatibility is achieved, a constitutional review panel will be elected. This panel will comprise one delegate from each State. It will evaluate constitutional proposals and make recommendations about them to the National Council and to the State Parties concerned.

Ref. clause 52 "Constitutional Interpretation" and clause 53 "Constitutional Amendments".

2.3 Subject to clause 15.2, where a Member Body or constituent group's constitution is in contradiction to The Australian Greens' Constitution, to the extent of their inconsistency, The Australian Greens' Constitution shall prevail.

## **3 - The Charter of The Greens**

3.1 The Charter is the document of agreement which defines the basic principles and aims of The Greens. As such Members and branches of The Greens may not publicly forward ideas at variance with the Charter without calling into question their continued membership of The Greens.

3.2 To change the Charter an amendment must either be decided by consensus at a National Conference or be supported in a plebiscite by at least 75 per cent of eligible party Members nationwide. For the result of such a plebiscite to be valid, at least 51 per cent of Members must have participated. The plebiscite will be by postal vote.

## 4 - Objectives

The Greens' main objectives will be the following:

4.1 to seek the election or appointment to public office in Local Councils and State, Territory and Commonwealth Parliaments, people who are committed to The Greens' Charter, principles, policies and objectives;

4.2 to be a registered political party pursuant to the Commonwealth Electoral Act and to be the sole source of recognition of related political parties of the confederation of The Greens;

4.3 to encourage other political parties to adopt our policies and principles by electoral strategies and direction of voting preferences;

4.4 to promote and assist other associations and organisations (whether incorporated or not) and persons in working for the objectives of The Greens;

4.5 to promote the development of and participate and communicate with the Green political movement, both nationally and globally;

4.6 to further a vision of the world characterised by peace and nonviolence, social justice, grassroots participatory democracy and ecological sustainability;

4.7 to make, publicise and strive to implement policies on national and global issues as described in The Charter of The Greens;

4.8 to engage in education of both ourselves and the rest of the community to raise awareness of the issues and concerns covered in the Charter of The Greens;

4.9 to co-ordinate mutual support and joint actions on behalf of the members; and

4.10 to carry out such tasks as the members may from time to time delegate to the national body; this delegation may be revoked at any time.

# **Chapter 2 - Membership Criteria and Appeals**

## **5 - Member Bodies**

5.1 State or Territory Green Parties may join The Greens as Member Bodies if there is a consensus of delegates to the National Council to approve their application.

5.2 Parties whose application to become a Member Body is accepted by the National Council will sign the Confederation Agreement to become a Member Body of The Greens. The text of the Confederation Agreement is in Appendix C.

5.3 The National Council can formulate by-laws and guidelines that regulate the application process of Member Bodies.

5.4 It is the exclusive power of the National Council to extend related party status to other parties. No Member Body, or part thereof, is entitled to extend related party status to another party. If a Member Body contravenes this provision, it will face expulsion.

## **6 - Obligations of Member Bodies**

6.1 Member Bodies will agree to abide by this Constitution and to adopt The Charter of The Greens as their own Charter.

6.2 Subject to clause 15.2, Member Bodies will also agree to abide by the proper decisions of National Council and National Conference as well as national plebiscites.

## **7 - Resignation and Expulsion of Member Bodies**

7.1 A Member Body may resign only if it has passed a resolution according to the rules set out in its constitution.

7.2 After conducting a plebiscite as outlined in clause 7.1 and after proof of payment of all outstanding debts and making appropriate arrangements for any ongoing obligations to The Greens, a Member Body may then resign by written notice to the National Secretary.

7.3 The National Secretary will bring this matter to the next meeting of the National Council. The resignation will take effect seven days after the close of this meeting.

7.4 If any Member Body infringes any of the rules, by-laws or orders of The Greens National Council, National Conference or national plebiscite or commits any act which, in the opinion of The National Council, is against the principles and aims of The Greens, the National Council may, in writing, bring this to the attention of the offending body and initiate a procedure to terminate the membership of this body.



7.5 To terminate the membership of a Member Body, the National Council must undertake the following:

7.5.1 Send a written notice of grievance to the State Secretary of the Member Body, that explains the complaint and the expected remedy.

7.5.2 If, within sixty days, the Member Body has not remedied the grievance to the satisfaction of the National Council, then the National Council may hold a special meeting to hear the matter further. The Member Body will be entitled to present written and oral arguments at the hearing. This meeting will be facilitated by an skilled independent practitioner of conflict resolution who is acceptable to both parties.

7.5.3 If, after this process, there is still no resolution of the conflict, then the National Council may, with full consensus of its delegates (excluding the offending member body), resolve to expel the offending Member Body.

7.5.4 The expulsion will take effect within seven days of its declaration or at a time specified in the resolution.

7.5.5 A Member Body which has been expelled will forfeit any right and claim upon The Greens and its property and funds. It will cease to be a related political party of The Greens and all other Member Bodies. It will remain liable to The Greens for any outstanding liabilities.

## **8 - Membership**

8.1 Natural persons will be welcomed as Members provided that:

8.1.1 they have read and agreed to the Charter of the party and agreed to abide by its constitutional rules;

8.1.2 they are not Members of a Proscribed Party and they refrain from joining a Proscribed Party whilst remaining a Member of The Greens;

8.1.3 they pay an annual membership fee;

8.2 Members who move from one state to another will be accepted as members of the Green party in the new state subject to the constitution of the new state party. The membership fee already paid to the original state party should be considered valid for the new state party.

8.3 State parties may establish rules regarding the suspension or expulsion of members, including appeal rights. All decisions regarding the suspension or expulsion of members and appeals against these decisions will be handled by the State parties concerned and not the national organisation.

8.4 The Secretary or the Membership Secretary shall keep and maintain a register of members and make the register available for inspection by members at reasonable times.

## **9 - Membership Entitlements**

All Members are entitled to the following benefits:

- 9.1 to be eligible to be elected as Office Bearers to the national organisation, to a state party and to one of its constituent groups;
- 9.2 to participate in discussion, debate and decision-making in Greens' meetings, according to the Constitutional agreements of The Greens;
- 9.3 upon being accepted as a Member, to receive a copy of The Charter and the Constitution of The Greens;
- 9.4 upon request, to receive a copy of the audited accounts of the previous year. The request is to be made in writing, will be subject to a reasonable charge to cover printing and postage, and will be provided in a reasonable time;
- 9.5 to communicate about matters pertaining to the Greens with the entire membership through The Greens' publications within reason constrained by space, cost and time limitations;
- 9.6 to receive the recognised Members' bulletin of The Greens;
- 9.7 to participate in policy formation according to the Constitution;
- 9.8 to seek nomination for Public Office as a candidate for The Greens; and
- 9.9 at any reasonable time to inspect without charge the books, records and security of The Greens;

## **10 - Associates**

- 10.1 State parties may choose to have an associate membership status.
- 10.2 Associates are not Members and have none of the rights and privileges of Members.
- 10.3 Associates of The Greens are not entitled to:
  - 10.3.1 vote or block consensus;
  - 10.3.2 hold any official position within The Greens organisation as defined in this constitution or be a delegate;
  - 10.3.3 stand as candidates or hold public office in the name of The Greens;
  - 10.3.4 attend any meeting of The Greens without the consent of that meeting or place items on the agenda without the co-sponsorship of a member; or
  - 10.3.5 make public statements in the name of The Greens.

10.4 Associates will apply for associateship in a similar way to membership application as defined in each state's constitution.

10.5 Associates will pay an annual fee as set by their State Council.

10.6 Associates must agree to abide by The Charter and Constitution of The Greens.

## **11 - Member Organisations**

11.1 Member bodies may have a category of Member Organisations

11.2 Although such Member Organisations may be accorded certain rights and privileges in the constitution of the member bodies, they are not members of the national organisation and shall not have any rights and privileges accorded by the National Constitution.

11.3 Member Organisations of the Greens Victoria are not entitled to:

11.3.1 vote in any ballot of The Australian Greens;

11.3.2 be represented in any of the national bodies of The Australian Greens; or

11.3.3 have a representative hold any national office.

## **12 - Joining Procedure**

12.1 An individual may apply for membership by completing a membership form which will have the following components:

12.1.1 Name of Applicant.

12.1.2 Residential Address, including postcode, of Applicant.

12.1.3 Postal address, including postcode, of applicant, as well as phone, fax and email contacts if applicable.

12.1.4 Applicant must sign a declaration that they agree to be bound by the Charter and Constitution of The Greens.

12.1.5 The Applicant must declare that they are not a Member of a Proscribed Party and will not join such a party whilst remaining a Member of The Greens.

12.2 An application for membership must be handed on to the Local Group or Electorate Branch Secretary who will place the member's name on the Local Group's or Electorate Branch's Register of Members once the application has been accepted.

12.3 The Local Group or Electorate Branch Secretary must advise the State Secretary of the name and address of new Members. The State Secretary will periodically pass on an updated copy of the State membership register to the National Secretary.

12.4 Membership details will not be passed on to any outside organisations without the written permission of the Member.

## **13 - Membership Fees**

13.1 Each Member will pay membership fees to their Local, Electorate, or Regional Group/Branch which will be required to pass on an agreed amount per membership to the State and National Councils. The National Council in consultation will determine the amount of the national fee. Each State Council will determine the amount of its state fee. (Under circumstances of financial hardship, a constituent group may pay the membership fees of one of its Members in lieu of agreed services rendered)

13.2 In the event that the membership fee of any Member is not paid by the due date, the Member will remain financial for no longer than three months, after which membership will lapse.

13.3 Annual National membership fees owed by each state party will be paid to the National organisation by a date or dates as set out in the by-laws.

13.4 There will be no special joining fees or rejoining fees.

13.5 After acceptance of membership, membership fees are not refundable.

# Chapter 3 - Structure

## Section 1 - General

### 14 - Composition of The Greens

14.1 The Greens will be a national confederation of State Parties - Member Bodies and will comprise individual Members who form the following bodies:

14.1.1 Local Branches and/or Local Groups

14.1.2 Electorate Branches and/or Regional Groups

14.1.3 The State Parties - Member Bodies

14.1.4 State Councils

14.1.5 The National Council

14.1.6 Working Groups and Election Campaign Committees

### 15 - Relationships between Groups

15.1 The Greens will operate as a national organisation in conjunction with a confederation of State Parties comprised of constituent groups as described in sub-clauses 14.1.1, 14.1.2. The composition of and relationship between constituent groups at the State level may be defined by the constitution of the State Party concerned.

15.2 Within The Greens, State Parties and their constituent groups will have the autonomy to make decisions relating to their own affairs according to their State Constitution provided that:

15.2.1 these decisions are consistent with the Charter of The Greens;

15.2.2 they remain within The Greens' policy framework; and

15.2.3 they take into account National and State campaign priorities and election strategies.

15.3 Notwithstanding the provisions of 15.2, where a State Party or one of its constituent group promotes a policy that differs from the national policies of The Greens, this difference must be made clear in any public announcement.

15.4 To ensure that decision making is as much as possible from the grassroots, National Council and State Council agenda items for future meetings should be discussed at all relevant preceding group and branch meetings.

15.5 An up-to-date calendar of dates of meetings of National Council, National Conference, State Councils and State Conferences should be printed in the national bulletin and state newsletters.

15.6 All State Parties will send to the National Secretary copies of any newsletters, publications and media statements emanating from and media reports about the State Party or one of its constituent groups.

15.7 The National Secretary will send to all the State Secretaries copies of newsletters, publications and media statements emanating from and media reports about the national organisation of The Greens and the various State Parties.

## **16 - Affirmative action**

16.1 The Greens are committed to the principle of women and men having equal status within society and will practice gender equity and equal opportunity principles.

16.2 The Greens will instigate affirmative action for women to encourage them into non-traditional positions.

16.3 At no time will any Member be discriminated against due to gender, age, race, ethnicity, class, religion, disability, sexuality or marital status.

## **17 - Office Bearers**

17.1 Office Bearers of the national organisation of The Greens will be the Convenor, Secretary, Treasurer, Deputy convenor, Deputy secretary and Deputy treasurer.

17.2 Office Bearers for the national organisation will be resident within Australia. Should an Office Bearer be outside Australia at the time of the National Meetings or National Conference, a temporary Office Bearer will be appointed to fill the vacancy.

## **18 - Officer Bearers: State Parties and Constituent Groups**

18.1 The powers and duties of Office Bearers for State Parties and their constituent groups are to be defined within the constitutions of the relevant body.

## **19 - Spokespersons**

19.1 The only persons with authority to make public statements on behalf of The Greens are:

19.1.1 Spokespersons appointed by the National Council;

19.1.2 Members of The Greens in the Federal Parliament;

19.1.3 Endorsed Candidates for Federal Parliamentary Elections; and

19.1.4 The Convenor in relation to internal organisational matters.

19.2 Appointments under clause 19.1.1 will be for a specified tenure or, if no term is specified by National Council, will be until the next National Conference.

## **20 - Working Groups**

20.1 The National Council may establish Working Groups and in so doing will determine their membership, terms of reference and duration.

20.2 Working Groups will at all times be accountable to the National Council and are constrained to follow The Charter, policy frameworks and general mandates of The Greens.

## **21 - Election Campaign Committees**

21.1 The National Council may from time to time establish committees to conduct campaigns in support of candidates endorsed for public office, in conjunction with local campaign committees.

21.2 The Election Campaign Committees will appoint a campaign coordinator.

21.3 The Election Campaign Committees will at all times be accountable to the National Council and are constrained to follow the Charter, policy frameworks and general mandates of The Greens.

21.4 The Election Campaign Committees will provide all necessary information to the Convener, the Secretary and the Treasurer, Party Agents and Registered Officers for the purposes of compliance with the relevant Electoral Acts.

21.5 Each Election Campaign Committee will keep its own separate set of record books.

21.6 Accurate financial records must be returned to the Australian Electoral Commission for them to check. The following will each need to be recorded separately:

21.6.1 all gifts as defined in section 287 of the Commonwealth Electoral Act;

21.6.2 record of election expenses;

21.6.3 claims for reimbursement of electoral expenses up to the amount allowed.

21.7 Financial records relating to election campaign expenses will be kept for up to four years (minimum for one year) after an election. (The Commonwealth Electoral Act has recently been revised. This may affect the accuracy of the above requirements. Ref. Guidelines for further details.)

## Section 2 - the National Body

# 22 - The National Council

22.1 A body of Members known as the National Council is empowered by Members with the task of coordinating and organising the policies, functions, and administration of The Greens at a national level.

22.2 The National Council will comprise two delegates from each State Party. Any State Party whose number of members surpasses 2000, is entitled to nominate one extra Delegate. The group of Parliamentary Members of The Greens in the Senate and the House of Representatives will be entitled to send one delegate.

22.3 Office Bearers of the National Council will be the National Convenor, National Secretary and National Treasurer and their Deputies. Office Bearers are members of the National Council. Office Bearers need not be delegates, in which case they are not entitled to vote; (i.e. Office Bearers will be non voting unless they are delegates). Office Bearers have speaking rights and they are entitled to block consensus.

22.4 The National Council will convene at least 3 times a calendar year either by available communications technology or in person.

22.4.1 A National Conference is regarded as fulfilling the requirement for a National Council for the purposes of clause 22.4.

22.5 The National Council will convene meetings in person at least once per year, in addition to the National Conference.

22.6 National Council Members will normally have at least twenty-one days notice of any face to face or teleconference meetings. In no circumstance will notice be less than seven days.

22.7 Delegates to National Council will be nominated by their State Party. Each State Party will have a procedure set out in its State Constitution for electing its National Council Delegates. Delegates may be mandated, substituted or revoked by the State organisation at any time.

22.8 A quorum for a National Council meeting will consist of 50 per cent of the Delegates to the National Council.

22.9 Proxy votes will be permitted at National Council and must be presented in writing to the session Facilitator. Only Delegates may hold proxy votes.

22.10 Decisions of the National Council will be made primarily by consensus. As a last resort at least a two-thirds majority vote will be required to change the status quo. This has to be preceded by a procedural motion according to clause 36.4. Delegates abstentions may be recorded but will not count as votes for or against.

22.11 When the National Council meets by electronic mail or by fax, the conduct of the meetings will be conducted according to relevant by-laws.



22.12 The National Secretary will keep minutes of the National Council's decisions. A copy of all decisions of National Council will be forwarded within 28 days to each State Secretary.

22.13 The National Council can exercise all the powers of the National Conference but is subject to the directions of National Conferences and national plebiscites.

22.14 The powers of the National Council include the following:

22.14.1 to establish Working Groups and a National Election Campaign Committee;

22.14.2 to employ such persons under such conditions as the National Council may from time to time determine;

22.14.3 to authorise particular Members to sign cheques on behalf of The Greens

22.14.4 to raise funds and incur debts in the name of The Greens;

22.14.5 to authorise Members to raise funds and incur debts in the name of The Greens to a specified limit.

## **23 - Annual National Conference**

23.1 The National Council will convene an Annual National Conference not more than five months after the close of the financial year.

23.2 The Annual National Conference is the Annual General Meeting of the national body of The Greens. It is open to all Members as observers.

23.3 The Annual National Conference has all the powers of the National Council.

23.4 At least 30 days notice of the date, place and time of the Annual National Conference and the nature of the business proposed to be dealt with at the conference will be given to Members via the State Secretaries.

23.5 The National Council will appoint a Returning Officer in due time for the Annual National Conference;

23.6 Business will include, but not be limited to, the following items of business:

23.6.1 presentation of the Annual Report by the Convenor;

23.6.2 presentation by the National Treasurer of the audited financial statements for the previous year;

23.6.3 discussion of proposed amendments to the Constitution;

23.6.4 discussion of party policy and campaign strategies subject to constitutional requirements; and

23.6.5 amendments of the constitutional by-laws

23.7 The powers of the National Conference include the following:

23.7.1 to recommend the adoption of policy on behalf of The Greens subject to constitutional provisions. Where there is a consensus of all the delegates to the conference, a policy will be adopted as official policy immediately.

23.7.2 to nominate spokespersons who may publicly articulate policy.

23.7.3 to establish Working Groups

23.7.4 to employ such persons under such conditions as the National Conference may from time to time determine

23.7.5 to establish National Election Campaign Committees

23.7.6 to authorise particular Members to sign cheques in conjunction with the Convenor on behalf of The Greens

23.7.7 to raise funds and incur debts in the name of The Greens (subject to legal advice)

23.7.8 to authorise Members to raise funds and incur debts in the name of The Greens to a specified limit.

23.7.9 to agree by consensus on amendments to the National Constitution.

23.7.10 election of National Office Bearers.

23.8 If there is a consensus of the National Council, the Annual National Conference may be postponed for one year only. In this case all the required business of the Annual National Conference will be dealt with at the next meeting of the National Council.

## **24 - Special National Conferences**

24.1 A Special National Conference can be called for in any of the following ways.:

24.1.1 a resolution passed by two State Councils;

24.1.2 a petition signed by 10 per cent of the membership;

24.1.3 a decision of the National Council.

24.2 In the event of such actions, the National Convenor will call together a Special National Conference. Normally there will be at least 30 days notice to Members via the State Secretaries of the date, place and time of the Special National Conference and the resolutions proposed to be dealt with at the conference.

24.3 A Special National Conference is only empowered to decide on matters referred to it by the resolution, petition or decision of National Council.

## **25 - Delegates to National Conferences**

25.1 Delegates to National Conferences will be in accordance with the following formula:

25.1.1 Normally each State will have a minimum of four delegates and a maximum of ten delegates to National Conferences. Each 100 Members beyond 400 Members entitles a State Party to one extra delegate (eg.: 213 = 4, 443 = 4, 543 = 5, 743 = 7, 1254 = 10).

25.1.2 If a State has less than 20 Members, it will be entitled to only one delegate.

25.1.3 The group of Federal elected representatives will be entitled to send to the National Conference up to 3 delegates who are Federal Members of Parliament.

25.1.4 Each group of State elected representatives will be entitled to send one delegate who is a Member of that State's Parliament.

25.1.5 From each State, elected local government representatives will be entitled to send one delegate.

25.1.6 Unless they are delegates, National Office Bearers are not entitled to vote. They will have speaking rights and they are entitled to block consensus.

25.2 The National Conference will be a conference open to all Members of The Greens. It will be a decision of the delegates to the National Conference whether non-delegated Members may be permitted to speak.

25.3 With the approval of the National Council, people may be invited to address the conference who are not Members of The Greens.

25.4 States will select their delegates according to their own constitutions

25.5 Subject to giving prior written notice to the National Secretary, States may substitute delegates to a National Conference on a session by session basis.

25.6 Proxy votes will be permitted at National Annual Conferences and must be presented in writing to the session Facilitator. Only Delegates may hold proxy votes.

## **26 - Cost Sharing of National Organisation**

26.1 The costs of facilitating the involvement of State Parties in the activities of the national organisation and in collaborating on nationally coordinated initiatives may either be covered out of the budget of the national organisation, or shared amongst the State Parties according to formulae as agreed from time to time by those State Parties.

## **27 - Registered Officers of The Greens**

27.1 Every four years, beginning in 1992, The Greens will elect a Registered Officer for The Greens parent registration, at that year's Annual National Conference.

27.2 Each State Party will elect a Registered Officer according to its own constitution.

27.3 Each state party will have the power to nominate candidates to stand in Federal elections. Registered Officers or Deputy Registered Officers may not nominate candidates to the Electoral Commission in a state other than their own State.

27.4 The Registered Officer for The Greens' parent registration, at the direction of the National Council, will arrange the approval of candidates in states or territories where no registered related party exists.

27.5 The Registered Officer in each State will also automatically assume the position and powers of a Deputy Registered Officer at the national level. Registered Officers will be accountable to their respective parties to carry out all such duties as set out in Commonwealth legislation.

27.6 Candidates for the position of Registered Officer must have been a Member for longer than two years.

27.7 If the Registered Officer of the parent registration resigns from the position in writing, or ceases to be a Member of the party, or refuses to fulfil their designated responsibilities, then the National Council or National Conference may accept the Registered Officer's resignation or discharge the Registered Officer and elect a new Registered Officer for the period until the due time for the next election of Registered Officer as specified in Clause 27.1.

27.8 These Officers will be entrusted to carry out the duties required of them by the various Acts that govern the regulation of political parties.

## **28 - Election of National Office Bearers**

28.1 National Office Bearers will be elected annually by a secret ballot of delegates to the Annual National Conference. An option "seek further nominations" is a valid vote.

28.2 The vote will be by an optional preferential system.

28.3 The newly elected office bearers assume their duties at the close of the Annual Conference when they were elected.

28.4 Office Bearers who have been elected at Annual National Conferences for two consecutive terms in the same positions will not be eligible for re-election to that position at the next election. Office Bearers who have served three consecutive terms in any position will not be eligible for re-election to national office at the next election, but will be eligible for subsequent elections. These restrictions on eligibility for elections to national office can be waived if there is a consensus of delegates to the National Conference to do so.

28.5 Notwithstanding clause 28.3, in a year when a federal election is to be expected the change of office bearer duties may be delayed until such election has been held. Such an arrangement must be made with the agreements of both the resigning officer and the elected one.

28.6 Candidates for National Office will have consented in writing or in person to stand for such office.

28.7 If the Office Bearer is unable or refuses to act to fulfil their designated responsibilities, or without apology or leave fails to attend those meetings they have a duty under the bylaws to attend, or if the Office Bearer resigns from the position in writing or ceases to be a Member of the party, the National Council may declare the position vacant and appoint an interim Office Bearer for the period until the next Annual National Conference.

28.8 The Deputy Office Bearers are the Deputy National Convenor, the Deputy National Secretary and the Deputy National Treasurer.

28.9 The Deputy Office Bearers have the same rights and duties as the Official Office Bearers when substituting for them.

## **29 - The National Convenor**

The duties of the National Convenor comprise:

29.1 Perform the following tasks with regard to all National Council meetings and National Conferences:

29.1.1 In conjunction with the National Secretary, ensure that the appropriate notice of meeting, agenda and motions on notice are provided in good time.

29.1.2 Ensure that a facilitator is appointed for each meeting.

29.1.3 Ensure that the business of each meeting is properly addressed.

29.2 Present an Annual Report to the Annual National Conference.

29.3 Contact other available National Council Members to convene a quick response to urgent and pressing political matters. (Ref. clause 36 - Quick Decision Making)

29.4 Perform such other duties as the National Council may from time to time determine.

## **30 - The National Deputy Convenor**

The National Deputy Convenor is to be considered as an office bearer when acting as a replacement for the National Convenor.

The duties of the National Deputy Convenor comprise:

30.1 Whenever required and requested, assist the National Convenor with carrying out the duties described in sections 29.1 - 29.3.

30.2 Substitute for the National Convenor at Council meetings and Conferences if they cannot attend.

30.3 Perform such other duties as the National Council may from time to time determine.

## **31 - The National Secretary**

The duties of the National Secretary comprise:

31.1 In conjunction with the National Convenor, give notification of all meetings of National Council and National Conferences in good time.

31.2 Prepare the agenda of meetings, table correspondence and record the attendance of all persons present.

31.3 Ensure that minutes are kept of all meetings of the National Council and that an update of the minutes is sent to all State Secretaries within 28 days.

31.4 Maintain and update a draft agenda for the next National Council meeting and ensure that all State Parties are kept informed of this agenda.

31.5 Coordinate the correspondence of the National Council.

31.6 Maintain the Party Register. This duty can be delegated to the membership officer.

31.7 Keep custody, during the term of office, of all books, documents, records and registers of The Greens, except those which are the responsibility of the National Treasurer. The custody of all records is to be transferred in full to the incoming National Secretary when a change of office occurs.

31.8 Record the use of the Common Seal.

31.9 Perform such other duties as the National Council may from time to time determine.

## **32 - The National Deputy Secretary**

The National Deputy Secretary is to be considered as an office bearer when acting as a replacement for the National Secretary.

The duties of the National Deputy Secretary comprise:

32.1 Whenever required and requested, assist the National Secretary with carrying out the duties described in sections 31.1 - 31.8.

32.2 Substitute for the National Secretary at Council meetings and Conferences if they cannot attend.

32.3 Perform such other duties as the National Council may from time to time determine.

## **33 - The National Treasurer**

The duties of the National Treasurer comprise:

33.1 Responsibility for the receipt of all monies paid to the National organisation, the issuing of receipts and the deposit of those monies in accounts as determined from time to time by the National Council.

33.2 Responsibility for monies paid by The Greens with the authority of the National Council.

33.3 Ensure that all cheques are signed by at least two authorised Members.

33.4 Submit to the Annual National Conference the financial report, balance sheets and financial statement, and submit those particulars to each meeting of the National Council.

33.5 Keep custody of all securities, books and documents pertaining to the financial records of the National business of The Greens and ensuring that all records are transferred to the incoming National Treasurer when a change of office occurs.

33.6 Ensure that bookkeeping will be carried out by a skilled bookkeeper, paid if necessary, who is accountable to the National Treasurer.

33.7 Advise and assist State Parties in financial matters.

33.8 Perform such other duties as the National Council may from time to time determine.

## **34 - The National Deputy Treasurer**

The National Deputy Treasurer is to be considered as an office bearer when acting as a replacement for the National Treasurer.

The duties of the National Deputy Treasurer comprise:

34.1 Whenever required and requested, assist the National Treasurer with carrying out the duties described in sections 33.1 - 33.7.

34.2 Substitute for the National Treasurer at Council meetings and Conferences if they cannot attend.

34.3 Perform such other duties as the National Council may from time to time determine.

## **35 - Party Agent**

35.1 The National Council or the National Conference will select a person to act as a Party Agent as defined in the Commonwealth Electoral Act.



# **Chapter 4 - Procedures: Meetings and Decision Making**

## **36 - Decision Making in Meetings**

36.1 Decisions at all meetings of The Greens will be made primarily by consensus and a serious attempt at all times will be made towards achieving consensus. Sufficient time will be allowed for discussion of different views, including provision for non decision making meetings.

36.2 To ensure maximum participation in decision making, use should be made of small group discussion at all meetings of The Greens, where all those attending can participate freely.

36.3 Working Groups should be set up to work on particular issues and to assist in the decision making process in reference to these issues.

36.4 Except where this constitution requires a decision to be made by consensus only, if after a reasonable period of time, disagreement persists over a particular proposal, and a decision cannot be deferred, a procedural motion may be put that a vote be taken. A procedural motion will be deemed carried by a two-thirds majority.

36.5 If a procedural motion is carried to vote on a proposal, a vote will be taken. To change the status quo a vote on the proposal requires a two-thirds majority.

36.6 Voting will be conducted by a show of hands except in the case of contested elections, which will be determined by ballot. Voting of all delegates will be recorded. Delegates' abstentions will not count as votes.

36.7 All meetings of The Australian Greens are open to all members and invited members of the general public. At delegated meetings the degree of participation of non-delegates can be constrained as detailed elsewhere in this constitution as well as at the discretion of the meeting Facilitator\Convenor.

## **37 - Decision Making through Postal Ballots**

37.1 A national, state, electorate, regional or local meeting may decide to poll its Members through a postal ballot.

37.2 A national plebiscite is initiated by petition of 10% of the national membership, or petition of three State Councils, or decision by consensus or two-thirds majority vote of National Council or National Conference.

37.2.1 The petition or decision will specify the wording of the proposal to be put to the membership.

37.3 The national meeting or, if the plebiscite is initiated by petition, the national QDMG will:

37.3.1 appoint a Returning Officer to conduct the plebiscite;

37.3.2 initiate the process for selecting the authors of the opposing arguments, as described in the Bylaws;

37.3.3 determine a budget sufficient to cover postage, printing and other costs that are necessary to conduct the plebiscite properly.

37.4 The conducting of a national plebiscite will be according to the bylaws.

37.5 For the results of the plebiscite to be valid, the Returning Officer must receive ballot papers from at least 20% of the membership.

37.5.1 For a plebiscite to be passed it requires the support of at least two-thirds of the formal votes cast.

37.5.2 For an election type ballot, an appropriate preferential voting process is required.

37.5.3 For policy amendment, a 75% majority or greater is required as described in 45.3.

## **38 - Conflict Resolution**

38.1 Where conflict emerges in any group of The Greens it will be the responsibility of that group to initiate conflict resolution procedures. If this fails to resolve the conflict, it may be necessary to bring the issue to the attention of an arbitrating body.

## **39 - Quick Decision Making**

### **Functions and Powers of the Quick Decision Making Group:**

39.1 A Quick Decision Making Group will be established to make decisions for The Greens regarding any matter of such urgency that must be resolved before the next scheduled meeting of the National Council.

39.2 Decisions made by the Quick Decision Making Group will be consistent with The Charter and the policies of The Greens and will be made based on available information.

39.3 All decisions will have effect until the next meeting of the National Council and will be subject to ratification by that meeting.

### **Composition of the Quick Decision Making Group:**

39.4 The group will comprise the National Convenor, the National Secretary, the National Treasurer and one representative from each State and Territory Party. The national convenor is required to attempt to contact all members.

39.5 A quorum will be six decision making members, including at least 50% of the state/territory representatives.

## **Proceedings of the Quick Decision Making Group:**

39.6 Meetings of the Quick Decision Making Group will be initiated by the National Convenor only when essential.

39.7 In matters relating to particular regions or particular issues, the Quick Decision Making Group will consult where possible with members or bodies who may be directly affected by the decision.

39.8 Decisions of the Quick Decision Making Group will be consensus decisions only.

39.9 The Convenor of the Quick Decision Making Group will report decisions made by this group to the next meeting of the National Council. The National Council may decide to ratify the decision, take further actions or issue guidelines for future decision making. The Convenor will also report on attempts made to contact those members of the Quick Decision Making Group who were not contacted.

# **Chapter 5 - CANDIDATES AND REPRESENTATIVES**

## **40 - Endorsement**

40.1 Each constituent group will normally select public office candidates in Federal and State elections for seats that its electorate area covers.

40.2 Where there is no relevant constituent group, the State Council may select candidates for such seats.

40.3 The State Council, or its delegated selection committee, will select candidates for the Federal Senate and for Upper Houses wherein a state-wide electorate is involved.

40.4 The National Council may formulate guidelines to regulate the selection of candidates, but not to override a fair and democratic process.

40.5 All proposed candidates must be Members of The Greens.

## **41 - Greens in Public Office**

41.1 The actions and activities of all Members of The Greens in public office will be consistent with the Charter of The Greens.

41.2 An elected Member of Parliament will also adhere to the policies of The Greens:

41.2.1 except that where, in the opinion of the elected member, their duty to the constituents is in conflict with The Greens' national policy then elected Members may vote according to their duty to their constituents;

41.2.2 and where, the views of elected Members are in conflict with The Greens' policy, then the elected Member may vote according to their conscience.

41.3 When an elected Member recognises a conflict between either their conscience or their duty to the electorate and The Greens' national policy, then such an elected representative will furnish a statement accounting for this position to their electorate, the State Council of their home state and the National Council for their information.

41.4 When an elected Member votes against The Greens' national policy, then they will at the earliest opportunity furnish a statement to the National Council and the State Council of their home state accounting for the reason why they so voted.

41.5 Notwithstanding any provision which may imply the contrary, clause 41.2, 41.2.1, 41.2.2, 41.3 and 41.4 will not apply to The Greens NSW.

## **42 The 'Party Room' of the Federal Parliamentarians**

42.1 All Greens Federal parliamentarians will be members of the Greens 'Federal Party Room (subject to clause 42.3);

42.2 The Federal Party Room will follow in respect of decisions relating to expulsion the procedures for Decision-Making in Meetings set out in clauses 33.1-33.6 and for Conflict Resolution, set out in Clauses 35.1;

42.3 The Federal Party Room has the power to expel from the Party Room a parliamentarian whose actions are causing or are likely to cause severe damage to the party and may refer the matter to the relevant state/territory party to consider whether the person should be expelled or suspended from the party;

42.4 The decision to expel a member can be appealed by any member of the Federal Party Room or the expelled member or following a meeting of the Australian Greens Quick Decision Making Group. Following an appeal the Coordinating Group is required to review the decision about expulsion. Any appeal must be made within 7 days of the decision to expel and the review must be completed within 7 days.

42.5 If a Federal parliamentarian has been expelled from the Party Room, the relevant state party should make a determination within four weeks as to whether the state party should commence expulsion proceedings according to their constitution against the member.

## **43 - Direction of Preferences**

43.1 Direction of preferences for elections for single Member electorates, or for local government elections, will be made by the relevant constituent body. A dispute between constituent bodies will be resolved by State Council.

43.2 Direction of preferences for multi-member electorates, such as the Senate and some state Houses, will be decided by the State or Regional Council or its authorised campaign committee.

43.3 The State Council may delegate responsibility for allocation of preferences to the National Council or its authorised campaign committee.

# **Chapter 6 - Policy**

## **44 - Policy Frameworks**

44.1 Each policy of The Greens will have a policy framework as a preamble. These policy frameworks are not to be as broadly general as the Charter of The Greens but are to be sufficiently general to permit people's opinions to differ over the details of the policies.

## **45 - Formulation and Adoption of Policy**

45.1 Policies which concern only one Local Group, Electorate Branch or State Party may be decided by the relevant group. Copies of all policies adopted by Local Groups, Electorate Branches and State Parties will be forwarded immediately to the Secretaries of the State Parties and the national organisation.

45.2 National policies will be formulated with the maximum possible participation of the Members.

45.3 Policy frameworks will be adopted as official policy by the consensus of a National Conference. If consensus cannot be achieved and there is an urgency to make a decision then a vote can be taken and 75% is required for a decision. If there is not time to wait for National Conference, a Council meeting can make an interim ratification, valid until the next National Conference. If a quick decision is needed, the Quick Decision Making Group can make a decision that has to be ratified afterwards.

45.4 A petition supported by the signatures of not less than 10 per cent of the Members of the organisation, or supported by two State parties proposing an amended policy, will cause a policy to be reviewed.

# **Chapter 7 - Formal Matters**

## **46 - Funding**

46.1 Substantial funding of the Party and Parliamentary Candidates will be open to public inspection. Substantial funding will be money, goods, or services (other than voluntary labour) that are, in total or by themselves, above a specified value in any one year. The value of this funding will be specified in the by-laws and will be subject to inflation.

46.2 Memberships fees will be set and distributed as defined in Clause 13.

46.3 National newsletter and/or bulletin subscription fees will be set by the National Council.

46.4 The funds of the party shall be derived from annual membership fees, donations and such other sources as agreed to by the National Council or National Conference.

## **47 - Liability**

47.1 The Member Bodies of The Greens are not partners and none of them will be liable in any way for the acts or defaults of any of the other Member Bodies.

47.2 Members will not be liable to contribute towards the payment of the debts and liabilities of The Greens or the costs, charges or expenses incurred in winding up of the party.

## **48 - Indemnity**

48.1 Members of The Greens who act on behalf of The Greens with any written authority of a National Council, and who accept or incur any personal pecuniary liability, will be held indemnified against that personal liability in respect of such action.

## **49 - Property**

49.1 The property and income of The Greens will be applied solely towards promoting the principles and achieving the objectives of The Greens and no part of that property or income may be applied or otherwise distributed, directly or indirectly, except in good faith for that purpose.

## **50 - Public Officer and the Common Seal**

50.1 The National Conference will appoint a person who is resident in Australia to be the Public Officer of The Greens. If the office is vacated the National Council will fill the vacancy at its next meeting.

50.2 The Public Officer will not be an endorsed Member elected to Public Office, nor an Office-bearer of The Greens nor the Auditor.

50.3 The Greens will have a Common Seal on which the name of The Greens will appear in legible characters.

50.4 The Common Seal of The Greens will not be used without the express written authority of the National Council and every use of the Seal will be recorded by the National Secretary.

50.5 The Seal may only be affixed by the Public Officer and duly witnessed by an Office Bearer.

50.6 The Common Seal of The Greens will be kept in the custody of the Public Officer.

## **51 - Auditor**

51.1 Each year the National Council will appoint an Auditor.

51.2 The Auditor will not be a Member of The Greens.

51.3 The Auditor will be a qualified accountant.

51.4 The position of Auditor may be honorary or the meeting may determine the sum of an honorarium.

51.5 The Auditor will submit a written report to the National Treasurer for presentation at the Annual National Conference.

## **52 - Constitutional Interpretation**

52.1 The National Council will interpret the Constitution should a dispute arise over the meaning of any provision. National Conference may overturn an interpretation of the National Council.

## **53 - Constitutional Amendment and By-laws**

53.1 Following a consensus decision or at least a 75% majority vote of a National Council or National Conference to conduct a postal ballot of members on an amendment to this Constitution, an amendment will be carried if it is supported by at least two-thirds of the votes cast in a postal ballot provided that the total vote cast be at least 25 per cent of the full membership.

53.2 Subject to clause 15.2, the National Council has the power to make by-laws that clarify arrangements contained within this constitution. The National Council will keep a register of by-laws.

53.3 The National Council will alter or revoke by-laws at its discretion.

53.4 The National Conference is empowered to alter this Constitution. All alterations will be carried by consensus and should consensus be blocked then the proposed amendment will lapse. The proposed amendment may then be submitted to the membership for ballot as in clause 53.1.



## **54 - Dissolution**

54.1 The Greens will not be dissolved unless there is a consensus decision or at least a 75% majority vote of a National Council or National Conference to put a proposal to dissolve The Greens to a postal ballot of all members, and the proposal is then passed in a postal ballot of all members in which two-thirds or more of the votes cast favour the proposal, and the total number of votes cast is at least 25 per cent of the full membership.

54.1.1 Provided that the total number of votes cast is at least 25 per cent of the full membership, the dissolution of The Greens will be effective within 30 days after the result of the ballot, or whichever day is stipulated by the ballot.

54.2 If, when winding up The Greens, any property of The Greens remains after satisfaction of the debts and liabilities of The Greens and the costs, charges and expenses of winding up, the property of The Greens will be distributed to State and Territory Parties or otherwise, another organisation having similar aims and principles to The Greens.

End.