



# **Constitution of Australian Progressives**

**Version 2016-05-17**

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## **Part 1 - Preliminary**

### MISSION STATEMENT

#### 1. Foundational Purpose:

We exist to promote the advancement of society through an accessible, accountable and democratic political process. Government's role is to facilitate the improvement of the human condition by providing the infrastructure, opportunity and administration citizens need to empower themselves and each other to generate pragmatic and sustainable solutions to local, national and global problems.

#### 2. Party values:

##### a. Ethics

- i. A moral compass to ensure our behaviour towards others stays within the boundaries of how we would like to be treated ourselves.

##### b. Empathy

- i. Being able to place ourselves in the shoes, and indeed the mindsets, of others and see a situation realistically from the perspective of those affected by it.

##### c. Equality

- i. Recognising that all human beings have the same fundamental rights and should be treated equally within society.

##### d. Evidence

- i. Being able to support a decision by referring to fact-based, peer-reviewed research and/or proven experiences at home or abroad.

##### e. Engagement

- i. Starting and supporting conversations and positive actions between citizens; asking people for their feelings and opinions, and consciously listening and acknowledging the diversity of answers.

##### f. Empowerment.

- i. Being able to give people a measure of control of what happens to them, and the knowledge that their voice will be heard.

## **1. Definitions**

#### 1. In this constitution:

**Extraordinary decision** means any decision that must be made in accordance with specific procedures defined by the constitution to deal with a defined circumstance.

**Ordinary decision** means any decision that is not an extraordinary decision

**written** includes electronic communication or physical/paper media.

**significant contribution** means having acted in an appointed or elected role, or being an active contributor to an approved team or project.

**ordinary party member** means a member of the party who is not an office-bearer of Australian Progressives.

**public officer** means the designated party agent

**secretary** means:

- a. The person holding office under this constitution as secretary of Australian Progressives, or
- b. if no such person holds that office - the public officer of Australian Progressives or
- c. The Interim steering committee secretary.

**special general meeting** means a general meeting of Australian Progressives other than an annual general meeting.

**Steering Committee** means the National Interim Steering Committee.

**the Act** means the *Associations Incorporation Act 2009*.

**the Regulation** means the *Associations Incorporation Regulation 2010*.

**Organisation, party** means *Australian Progressives*.

2. In this constitution:
  - a. A reference to a function includes a reference to a power, authority and duty, and
  - b. A reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.
3. The provisions of the [Interpretation Act 1987](#) apply to and in respect of this constitution in the same manner as those provisions would so apply if this constitution were an instrument made under the Act.
4. This constitution is applicable in so far that it is compliant with all state and federal laws; this constitution will be amended subject to future changes in state and federal law.

## 2. Name and Organisational Objectives

1. The name of the organisation shall be “Australian Progressives”, and the abbreviated name shall be “The Progressives”.
2. Organisational Objectives: To develop a political platform, process and progressive policies and endorse candidates to contest elections, including the House of Representatives and Senate. Once elected, members of parliament will work to implement progressive policies and ideals into law.

### **3. National Interim Steering Committee – functions and powers**

1. During its formative stages, a National Interim Steering Committee shall be established as an interim decision-making body of Australian Progressives before the holding of the first National Executive Election.
2. Elections of the first National Executive must take place within 18 months of the date of registration at the Australian Electoral Commission (17th of February, 2015).
3. The Steering Committee will dissolve upon election of the first National Executive.
4. Sunset clause: Upon dissolution of the Steering Committee, all clauses referring to it shall be automatically removed from this Constitution
5. The Steering Committee shall be responsible for the growth and development of Australian Progressives during the Interim period.
6. The Steering Committee may change any aspect of the organisation, including the constitution, at its discretion during its existence through ordinary decision-making procedures.
7. If the Steering Committee cannot reach ordinary decisions by consensus then it will make ordinary decisions by simple majority votes.
8. Should votes be deadlocked then Steering Committee should defer for later consideration, pending obtaining more information, alternative solutions, or further consultation.
9. During the interim period, the Steering Committee may expel ordinary members.
  - a. The expulsion may only be carried out with with a 2/3 majority vote of the Steering Committee.
  - b. The expulsion motion should stipulate the period for which the person cannot rejoin as a member.
  - c. The member may be expelled if they:
    - i. brings the Organisation into disrepute; or
    - ii. breach the Organisation's values and objectives.
10. The Steering Committee may also ban particular non-members from joining the organisation.
  - a. The ban may only be carried out with a 2/3 majority vote of the Steering Committee.
  - b. The ban motion should stipulate the reason for the ban and the period of time for which the person is banned.
  - c. A non-member may be banned from joining if:
    - i. their membership is likely to bring the Organisation into disrepute; and/or

- ii. they have demonstrated behaviour strongly inconsistent with the Organisation's values and objectives.
11. The Steering Committee shall also have all other powers assigned to the National Executive in this Constitution.

#### **4. National Interim Steering Committee - composition**

1. The minimum number of members of the Steering Committee must be three.
2. An up-to-date register of members of the Steering Committee shall be maintained by the Secretary.
3. The Steering Committee may reconstitute itself as it sees fit.
4. Each Steering Committee Member may nominate a temporary or permanent replacement, to be confirmed via a majority vote of the Steering Committee.
5. The Steering Committee shall be chaired by one chairperson; this chair role may rotate as the Steering Committee sees fit.
6. The Steering Committee shall also select a Treasurer and a Party Agent; the Treasurer should not also be a member of the Steering Committee; the Treasurer shall hold all responsibilities of the National Executive Treasurer during the interim period.
7. The Secretary is responsible for convening National Executive elections as soon as reasonably practicable. If no election is held within 18 months of the date of registration, then the Steering Committee shall be automatically dissolved. In the event of dissolution, the Secretary is responsible for organising immediate National Executive elections.

#### **5. National Interim Steering Committee – expulsion of members**

1. Members of the Steering Committee may be expelled if the member:
  - a. fails to perform their duties; or
  - b. brings the Organisation into disrepute; or
  - c. breaches the Organisation's values and objectives.
2. A decision to expel a member of the Steering Committee shall be determined by 2/3 majority of the Steering Committee.
3. An expulsion will not take effect until the next meeting after a 14 day period has passed, during which the member has a right to address the Committee's concerns.

#### **6. Delegation by National Interim Steering Committee to sub-committee**

1. The Steering Committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of Australian Progressives as the Steering Committee thinks fit) the exercise of such of the

functions of the Steering Committee as are specified in the instrument, other than:

- a. this power of delegation, and
  - b. a function which is a duty imposed on the Steering Committee by the Act or by any other law.
2. A function the exercise of which has been delegated to a sub-committee under this clause may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
  3. A delegation under this clause may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.
  4. Despite any delegation under this clause, the National Interim Steering Committee may continue to exercise any function delegated.
  5. Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this clause has the same force and effect as it would have if it had been done or suffered by the National Interim Steering Committee.
  6. The National Interim Steering Committee may, by instrument in writing, revoke wholly or in part any delegation under this clause.
  7. A sub-committee may meet and adjourn as it thinks proper.

## **7. Secretary**

1. The secretary of Australian Progressives must, as soon as practicable after being appointed as secretary, lodge notice with Australian Progressives of his or her address.
2. It is the duty of the secretary to keep minutes of:
  - a. all appointments of office-bearers and members of the National Interim Steering Committee, and
  - b. the names of members of the National Interim Steering Committee present at a National Interim Steering Committee meeting or a general meeting, and
  - c. all proceedings at National Interim Steering Committee meetings and general meetings.
3. Minutes of proceedings at a meeting must be adopted at the following meeting by ordinary decision-making procedure.
4. The Secretary must maintain register of current members.
5. The Secretary holds other powers ascribed to the role elsewhere in this Constitution.

## **8. Treasurer**

- 1) It is the duty of the treasurer of Australian Progressives to ensure:
  - a) that all money due to Australian Progressives is collected and received and that all payments authorised by Australian Progressives are made, and



- b) that correct books and accounts are kept showing the financial affairs of Australian Progressives, including full details of all receipts and expenditure connected with the activities of Australian Progressives.

## **Part 2 - Membership**

### **1. Membership generally**

1. A person is eligible to be a member of Australian Progressives if:
  - a. the person is a natural person, and
  - b. the person is over the age of 16 and approved for membership of Australian Progressives in accordance with [Part 2, clause 2](#) (“[Application for membership](#)”).
2. A person is taken to be a member of Australian Progressives if the person was one of the individuals on whose behalf an application for registration of Australian Progressives under [section 6 \(1\) \(a\) of the Act](#) was made.
3. A person is not eligible for membership if they are a member of another Australian political party and/or is not prepared to comply with this constitution.
4. All members of the Australian Progressives are automatically bound by the Party’s Code of Ethics and Required Conduct.
5. Associate membership of the Party is open to people who are not currently on the electoral roll but have a legitimate interest in Australian politics, such as non-citizen permanent residents of Australia and people below the age required to register on the electoral roll.
  - a. The rights of Associate members, including participation in voting, is to be determined by internal policy as determined by the National Executive.
6. The standard period of a membership will be 12 months, renewable annually.
  - a. Discounted multi-year memberships may be offered at the discretion of the Executive.
  - b. Associate members and other members for whom there is no fee must also renew their membership to indicate ongoing interest in the party, they must not be renewed automatically without their consent.
  - c. If membership is free, membership will be ongoing and not require annual renewal.
6. The Executive may confer Life Membership on outstanding members of the party, entitling them to indefinitely renewed membership without fees of any kind. Nominations for Life Membership may be made by any member of the party to the Executive for consideration but requires a unanimous vote of the Executive to be accepted. The Executive may also withdraw life membership from a member, but must state their reasons for doing so.

## 2. Application for membership

- 1) In the Interim Period all applications will be accepted automatically, as long as the applicant is not a member of another political party. The secretary may reject applications on a discretionary basis, for reasons including, but not limited to, any disciplinary actions taken against the applicant.
- 2) After the interim period as soon as practicable after receiving a nomination for membership, the secretary must refer the application to the National Executive (or relevant subcommittee) which is to determine whether to approve or to reject the nomination.
- 3) As soon as practicable after the National Executive (or relevant subcommittee) makes that determination, the secretary must:
  - a) notify the applicant, in writing, that the committee approved or rejected the Application (whichever is applicable), and
  - b) if the committee rejected the application, include the reasons for the rejection in writing, and
  - c) if the committee approved the application, request the applicant to pay (within the period of 28 days after receipt by the nominee of the notification) the sum payable under this constitution by a member as entrance fee and annual subscription.
- 4) The secretary must, on payment by the applicant of the amounts referred to in [Part 2 clause 7 \("Fees"\)](#) within the period referred to in that provision, enter or cause to be entered the applicant's name in the register of members and, on the name being so entered, the applicant becomes a member of Australian Progressives.

## 3. Cessation of membership

- 1) A person ceases to be a member of Australian Progressives if the person:
  - a) dies, or
  - b) resigns membership, or
  - c) is expelled from Australian Progressives, or
  - d) fails to pay the annual membership fee under [Part 2, clause 7 \("Fees"\)](#), within 3 months after the fee is due, or
  - e) if the membership fee is set at zero, fails to renew their membership when requested.

## 4. Membership entitlements not transferable

- 1) A right, privilege or obligation which a person has by reason of being a member of Australian Progressives:
  - a) is not capable of being transferred or transmitted to another person, and
  - b) terminates on cessation of the person's membership.

## 5. Resignation of membership

- 1) A member of Australian Progressives may resign their membership by giving the Secretary written notice.
- 2) If a member of Australian Progressives ceases to be a member under [Part 2, clause 5 \(“Resignation of membership”\)](#) - (1) and in every other case where a member ceases to hold membership, the secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

## 6. Register of members

- 1) The National Secretary (or delegated representative) must maintain a party register in accordance with the requirements of the Commonwealth Electoral Act 1918.

## 7. Fees

- 1) The National Executive shall set a membership fee, which may be changed from time-to-time with three months notice and may be set at zero. The Membership fee will be zero, unless otherwise stated.
- 2) The National Executive shall set fees for new members prior to signing up and for renewal of membership prior to their renewal.
- 3) As part of membership sign-up or renewal fees an optional amount may be identified by the National Executive and collected for charity or charities.

## 8. Members’ liabilities

- 1) The liability of a member of Australian Progressives to contribute towards the payment of the debts and liabilities of Australian Progressives or the costs, charges and expenses of the winding up of Australian Progressives is limited to the amount, if any, unpaid by the member in respect of membership of Australian Progressives as required by [Part 2, clause 7 \(“Fees”\)](#).

## 9. Membership Obligations

- 1) A member who nominates for preselection for Parliament/council must support the Party-selected candidate.
- 2) If a member wishes to run as a candidate during an election where there is a currently endorsed Australian Progressives candidate must first resign their membership or gain prior approval from the National Executive. If approval was not sought then membership may be cancelled at the discretion of the National Executive.
- 3) A member who campaigns against an endorsed electoral candidate for Parliament automatically ceases to be a member of the Party unless prior approval for his/her campaign has been granted by the National Executive.

- 4) A member resigning from the Party will give written notice.
- 5) Members must not act in a manner contrary to the platform of the party; if it is believed that a member has done so, they may be referred to the National Executive for appropriate disciplinary action.
- 6) Members who are found guilty of corruption by any state or federal judicial body must immediately resign any electoral and/or party position they hold and resign from the party or face expulsion.
  - a) If the matter is under judicial appeal the matter will be put to the National Executive for a decision or disciplinary action.
- 7) If a member is found guilty of corruption by a non-judicial body, the National Executive is required to consider expulsion of the member and to publish reasons for their decision on the party website.

## 10. Resolution of disputes

- 1) In the event of a dispute between members, or between members and the organisation, the matter shall be referred to the lowest appropriate level of leadership; if the matter remains unresolved it will be referred to the appropriate level of Accountability Officer.
- 2) A formal dispute is not recognised unless the member indicates in writing that they are launching a formal dispute. They should do this by writing to their immediate manager, or the lowest appropriate level of leadership, or directly to an Accountability Officer.
- 3) A dispute is not recognised as a dispute under this constitution if the Chief Accountability Officer does not recognise it as one. The Chief Accountability Officer has the discretion to dismiss disputes that they consider frivolous or vexatious, but must document their reasons for doing so.
- 4) By commencing a formal dispute, the member agrees to mutual non-disparagement of the organisation and other members in a public space (e.g. email, social media). If one of the parties breaks the non-disparagement rule, there are no restrictions on the other parties or the organisation.
- 5) Prior to being handled by an Accountability Officer, a dispute may, with express consent of the disputing parties, be referred to a community justice centre for mediation under the [Community Justice Centres Act 1983](#).
- 6) In the event of a complaint by a non-member about a member or about the organisation, the Accountability Officer is empowered to investigate the matter directly.
- 7) Complaints made in a public forum will be referred directly to an Accountability Officer for investigation.
- 8) Matters referred to an Accountability Officer that remain unresolved will be referred to the Judiciary to make a determination. Determinations and disciplinary actions will be based on evidence and recommendations made to the Judiciary by the Accountability Officer.

## **11. Disciplining of members - Reserve Power**

- 1) If the Chief Accountability Officer role is not filled, or, if by determination of the Secretary the Chief Accountability Officer is unwilling or unable to fulfill their role, then all of the powers of all accountability officers shall fall to the National Executive. The National Executive holds the power of the accountability officers in reserve. This includes the power to discipline members. If the National Executive holds responsibility for the disciplining of members, the process indicated in this clause must be followed.
- 2) A complaint may be made to the National Executive by any person that a member of Australian Progressives:
  - a) has refused or neglected to comply with a provision or provisions of this constitution, or
  - b) has wilfully acted in a manner prejudicial to the interests of Australian Progressives.
- 3) The National Executive may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature, but must explain their reasons for doing this in writing to the complainant.
- 4) The National Executive by resolution has the right to suspend as a precaution and later rescind (if the member is in breach as considered in Clause 11.4) a Party member's access to social media, email addresses and member lists and withdraw rights to other Internet privileges and information if a member has or is considered likely to bring the Party into disrepute through such channels. The member may appeal but the first priority must be to protect the Party's name from damage.
- 5) The National Executive by resolution, has the right to immediately rescind and/or suspend all Positions and responsibilities held by a member who has is likely to have seriously violated the parties values and/or platform and/or ethics and/or state/territory/federal Law.
- 6) If the National Executive decides to deal with the complaint, the National Executive:
  - a) must cause notice of the complaint to be served on the member concerned, and
  - b) must give the member at least 14 days from the time the notice is served within which to make submissions to the National Executive in connection with the complaint, and
  - c) must take into consideration any submissions made by the member in connection with the complaint.
- 7) The National Executive may, by resolution, expel the member from Australian Progressives or suspend the member from membership of Australian Progressives if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.
- 8) If the National Executive expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the National Executive for having taken that action and of the member's right of appeal to the Chief Accountability Officer.

- 9) The expulsion or suspension does not take effect:
  - a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
  - b) if within that period the member exercises the right of appeal, unless and until Australian Progressives confirms the resolution under [Part 2, clause 12 \(“Right of appeal of disciplined member”\)](#), whichever is the latter.
- 10) The National Executive may, by resolution, expel the member from Australian Progressives or suspend the member from membership of Australian Progressives if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been established on the balance of probabilities and the expulsion or suspension is warranted in the circumstances.
- 11) The resolution must specify the length of time the member is suspended for, or, if expelled, the length of time or conditions required before the member may rejoin. Lifetime expulsion is permissible.
- 12) A member may appeal to Australian Progressives against a resolution of the National Executive under this section, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect
  - a) The secretary at their discretion may (if they believe there are justifiable reasons for doing so) create an independent panel to review and make recommendations for the resolution of the dispute.
  - b) The secretary may at their discretion proceed and enact the findings of the panel if there are justifiable reasons for doing so, or restart the process should the panel become dysfunctional and/or act outside their remit.
- 13) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.

### ***Part 3 - The National Executive***

#### **1. Powers of the National Executive**

- 1) Subject to the Act, the Regulation and this constitution and to any resolution passed by Australian Progressives in general meeting, the National Executive:
  - a) is to control and manage the affairs of Australian Progressives, and
  - b) provide a clear vision and strategy for the party, and
  - c) may appoint members to or remove from positions of the Operations Board & Administration Board, the CEO and any other role they deem is required for the proper running of the party,
  - d) holds other powers indicated elsewhere in this constitution, and
  - e) may exercise all such functions as may be exercised by Australian Progressives, other than those functions that are required by this constitution to be exercised by a general meeting of members of Australian Progressives, and

has power to perform all such acts and do all such things as appear to the National Executive to be necessary or desirable for the proper management of the affairs of Australian Progressives.

## **2. Composition and membership of National Executive**

- 1) The National Executive is to consist of:
  - a) A minimum of 5 representatives including the Party President.
  - b) The National Executive will consist of a maximum of 9 representatives.
  - c) Once a state or territory can independently demonstrate 100 or more members, it is guaranteed one of the positions on the National Executive as a 'state representative'. A state representative must, if possible, reside in that state. They may only come from another state if no candidates are available from that state.
  - d) Empty positions which are not guaranteed to a state representative or the President are called 'national representatives'.
  - e) The number of national representatives in the following year shall be determined by the National Executive prior to seeking nominations for positions. The number of national representatives may not take the number of positions on the National Executive below 5 or above 9.
  - f) A National Executive partway through its term may, by resolution, open up further national representative positions provided that it does not take the number of people on the executive above 9.
    - i) The election of national representatives whose position has been opened up in such a manner shall follow the online voting process as outlined in this constitution.
  - g) The National Executive should aim to have equal representation of female and male representatives.
- 2) The National Executive members are to be elected per [Part 3, clause 3](#) ("[Election of National Executive, State Council and Community Hub members](#)"),
- 3) At such time the National Executive increases the standing size of the National Executive, a special Election must be held per Part 3, Clause 3 to elect a representative.
- 4) At the National Executives discretion they may invite guests to participate in National Executive meetings. Guests do not have the power including voting rights of a National Executive member.
- 5) A National Executive member may hold an additional position outside the National Executive within the party:-

## **3. Election of National Executive**

- 1) Nominations of candidates for election of the National Executive:



- a) must be made in writing, signed by 2 members of Australian Progressives and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination), and
  - b) must be delivered to the secretary of Australian Progressives at least 7 days before the date fixed for the holding of the annual general meeting at which the election is to take place.
  - c) may only be made for one open position on the National Executive at a time. The Secretary shall appoint a Returning Officer to administer the election process of the National Executive.
- 2) Upon nominating for the National Executive, a candidate is bound by any volunteer agreements that Australian Progressives has in place for members of the National Executive.
  - 3) The ballot for the election of National Executive members is to be conducted up to one month prior to the annual general meeting in such usual and proper manner as the National Executive may direct.
    - a) A nominee must be endorsed by the membership. If more than two nominees are cast, there will be a staged vote. The number of nominees will be reduced to two by eliminating the nominees with the lowest vote percentages in the first stage. The nominee with greater than 50% of the counted vote will be elected as the winner in the second stage. A minimum of 10% of the membership must cast a vote in the ballot in each stage.
    - b) If no more than one person is nominated for election, the membership must still vote to endorse the nominee with a 66% (of those who vote) supermajority vote. A minimum of 10% of the total membership must cast a vote in the endorsement vote.
  - 4) If the required vote endorsement percentage is not reached or the number of required votes is not cast, a new round of nominations must occur and voting to be conducted again.
  - 5) If a nominee fails to be endorsed or no nominees for a particular position come forward, members who nominated for other positions can nominate to fill the vacancy.
  - 6) If still no member can be confirmed, the elected members of the National Executive, acting Secretary & acting CEO and 50 ordinary members must endorse a member by consent.
  - 7) A person nominated as a candidate for election as an office-bearer or as a National Executive member of the Australian Progressives must be an active member of Australian Progressives, as recognised by the Secretary. The Secretary may, after consulting the Elders Council (should an Elders Council not exist, then the Secretary has full discretion) reject nominations for positions if the nominated member has not made a significant contribution to the organisation.
  - 8) A person nominated as a candidate for election as an office-bearer or as an ordinary National Executive member of the Australian Progressives must have been a financial member for at least the preceding 3 months.

## 4. Secretary

- 1) The secretary of Australian Progressives must, as soon as practicable after being appointed as secretary, lodge notice with Australian Progressives of his or her address.
- 2) It is the duty of the secretary to keep minutes of:
  - a) all appointments of office-bearers and members of the National Executive, and
  - b) the names of members of the National Executive present at a National Executive meeting or a general meeting, and
  - c) all proceedings at National Executive meetings and general meetings.
- 3) Minutes of proceedings at a meeting must be adopted at the following meeting by ordinary decision-making procedure.
- 4) The Secretary must maintain a register of current members.
- 5) The Secretary may delegate these responsibilities.

## 5. Treasurer

- 1) It is the duty of the treasurer of Australian Progressives to ensure:
  - a) that all money due to Australian Progressives is collected and received and that all payments authorised by Australian Progressives are made, and
  - b) that correct books and accounts are kept showing the financial affairs of Australian Progressives, including full details of all receipts and expenditure connected with the activities of Australian Progressives.

## 6. Casual vacancies

- 1) In the event of a casual vacancy occurring in the membership of the National Executive, the National Executive may appoint a member of Australian Progressives to fill the vacancy and the member so appointed is to hold office, subject to this constitution, until the conclusion of the annual general meeting next following the date of the appointment.
- 2) A casual vacancy in the office of a member of the National Executive occurs if the member:
  - a) dies, or
  - b) ceases to be a member of Australian Progressives, or
  - c) becomes an insolvent under administration within the meaning of the [Corporations Act 2001](#) of the Commonwealth, or
  - d) resigns office by notice in writing given to the secretary, or
  - e) is removed from office under [Part 3, clause 7](#) (“[Removal of National Executive members](#)”), or
  - f) becomes incapacitated as defined by law, or
  - g) is absent without the consent of the National Executive from 3 consecutive meetings of the National Executive, or

- h) is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months, or
- i) is prohibited from being a director of a company under [Part 2D.6 \(Disqualification from managing corporations\)](#) of the [Corporations Act 2001](#) of the Commonwealth.

## **7. Removal of National Executive members**

- 1) Australian Progressives' National Executive may by resolution remove any member of the National Executive from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
- 2) If a member of the National Executive who is being removed wishes to dispute the motion to remove, the dispute resolution process applies.
- 3) If a National Executive member has their membership suspended through disciplinary processes, or is expelled for disciplinary reasons, they are automatically removed from the National Executive for the period of suspension, or permanently in the case of expulsion.

## **8. National Executive meetings and quorum**

- 1) The National Executive must meet at least 4 times in each period of 12 months at such time as the National Executive may determine.
- 2) Additional meetings of the National Executive may be convened by the president or by any member of the National Executive.
- 3) Oral or written notice of a meeting of the National Executive must be given by the secretary to each member of the National Executive at least 48 hours (or such other period as may be unanimously agreed on by the members of the National Executive) before the time appointed for the holding of the meeting.
- 4) Notice of a meeting given under [Part 3, clause 8 \("National Executive meetings and quorum"\)](#) - (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the National Executive members present at the meeting unanimously agree to treat as urgent business.
- 5) Quorum is to be determined by the number of current voting positions on the National Executive. If the number is odd, quorum is set at 50% rounded up to the nearest whole number of individuals (For example, if there are 7 positions, quorum is 4). If the number is even, quorum is set at 50% plus one (For example, if there are 8 positions, quorum is 5).
- 6) No business is to be transacted by the National Executive unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same place and at the same hour of the same day in the following week.

- 7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
- 8) At a meeting of the National Executive, if the president is absent or unwilling to act as chair, such one of the remaining members of the National Executive as may be chosen by the members present at the meeting is to preside.
- 9) Members may attend meetings face to face, online or teleconference.

## **9. Delegation by National Executive to sub-committee**

- 1) The National Executive may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of Australian Progressives as the National Executive thinks fit) the exercise of such of the functions of the National Executive as are specified in the instrument, other than:
  - a) this power of delegation, and
  - b) a function which is a duty imposed on the National Executive by the Act or by any other law.
- 2) A function the exercise of which has been delegated to a sub-committee under this clause may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- 3) A delegation under this clause may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.
- 4) Despite any delegation under this clause, the National Executive may continue to exercise any function delegated.
- 5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this clause has the same force and effect as it would have if it had been done or suffered by the National Executive.
- 6) The National Executive may, by instrument in writing, revoke wholly or in part any delegation under this clause.
- 7) A sub-committee may meet and adjourn as it thinks proper.

## **10. Voting and decisions**

- 1) Questions arising at a meeting of the National Executive or of any sub-committee appointed by the National Executive are to be determined by a majority of the votes of members of the National Executive or sub-committee present at the meeting.
- 2) Each member present at a meeting of the National Executive or of any sub-committee appointed by the National Executive (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- 3) Subject to [Part 3, clause 8 \(“National Executive meetings and quorum”\) - \(5\)](#), the National Executive may act despite any vacancy on the National Executive.

- 4) Any act or thing done or suffered, or purporting to have been done or suffered, by the National Executive or by a sub-committee appointed by the National Executive, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the National Executive or sub-committee.

## **Part 3B - Elders' Council**

### **1. Elders' Council**

- 1) The Party will establish an Elders' Council to provide advice, guidance and continuity to the organisation.
- 2) The Party executive shall work to establish this body from 1 February 2016 for a period of two years. During this period, the National Executive may directly appoint members of the Elders' Council by  $\frac{2}{3}$  majority vote.
- 3) The Elders' Council shall have a minimum of 3 members and a maximum of seven members. If it has less than 3 members who are willing and able to act in the capacity of the role, all the powers of the Elders' Council shall fall to the National Executive until the Elders' Council has at least 3 active members.
- 4) Any Party member who has made a substantial contribution to the Party or is a notable Progressive in the community and is committed to the Party's core values and goals may be nominated to the Elders' Council.
- 5) Any member may nominate someone to be on the Elders' Council, but the nomination must be submitted to the Secretary, have the support of 150 members and be accompanied by written reasons for the nomination.
- 6) The National Nominations must be ratified by vote of the National Executive.
- 7) No one serving in any active role (elected official, or appointed to an official responsibility) in the party, or currently elected to any parliament or council, may serve in the Elders' Council.
- 8) Members of the Elders' Council can only be removed by their own resignation or by a  $\frac{2}{3}$  majority of members that participate in a vote to remove.
- 9) A vote to remove a member of the Elders' Council can only be triggered by the Secretary receiving a petition for removal, listing the reasons for proposed removal and accompanied by 150 member signatures in favour of the removal.
- 10) The Elders' Council will hold a number of powers to protect and preserve the integrity of the party, including:
  - a) The power to nominate one of their member to assume executive power of the party while in transition or caretaker mode and special elections are being held.
  - b) The power to veto the nomination of any candidate for any political office, or Party Position if the Council is unanimously convinced that the individual does not represent the values the party represents and will bring the party into disrepute if allowed to continue as a candidate.
  - c) The power to veto any policy or project deemed to fundamentally violate the core values and principles the party was founded on and which are central to the party's being. Cautionary Note: *This is a power which should only be used sparingly, all policy being member voted*

*and National Executive approved passes through an extensive process. Over ruling member voted policy is an extreme measure.*

- d) The power to shorten any Judiciary sentence longer than 12 months, if, after 12 months of the sentence has passed, the Elders' Council feel the person (or people) has sufficiently demonstrated that they merit a shortening of the sentence.
  - e) Other reserve powers indicated elsewhere in this constitution.
- 11) During or following the use of any of the powers, the Elders' Council will ensure to communicate to the member base their actions, and why they felt those actions were necessary, in an effective and timely manner.
  - 12) The Elders' Council may delegate some or all of its powers at its discretion, and has the power to revoke that delegation at any time. The Elders' Council shall delegate where there is a potential conflict of interest.
  - 13) As a safeguard, the Elders Council will maintain super-administrative access to the party's IT resources, alongside the National Executive and any delegated authorities. If needed, the Elders' Council must provide party staff and volunteers access to these resources as per party needs in a timely manner.

### ***Part 3C - Discipline & Accountability***

#### **1. Chief Accountability Officer**

1. The Party will establish and maintain an elected Chief Accountability Officer (also referred here as Officer) to maintain constitutional order and Code of Ethics compliance within the Party.
  - a. The Party executive shall establish this role from 1 May 2016 for the period until National Elections of the National Executive are held. During this period, the role has the powers as stipulated in Section 16. The National Executive may review the powers in Section 16 and pass amendments to those powers until such time the National Executive elections are held. This sub-clause (Clause 1a) shall automatically be removed from this constitution upon the election of the New Executive and the powers as deemed in Section 16 will be instituted permanently unless amended in compliance as written in this constitution.
2. The Chief Accountability Officer being installed into this constitution makes any effort by any member to refute, obstruct or influence the Officer in the performance of their duties a breach of this constitution and may be held in contempt. The Officer can make a formal complaint recommending disciplinary action to the Judiciary. If a member or members of the National Executive are obfuscating and denying the

constitutional rights of the Officer, the Officer can seek approval from the Judiciary to suspend a member or members of the National Executive. The Judiciary are obliged to make a determination about the actions of the suspended Executive member/s.

3. The Chief Accountability Officer is obliged to protect whistleblowers and shall not reveal the names or identifying information of those requesting protection unless requested by law.
4. Any determination with legally binding consequences recommended by the National Accountability Officer, must first be approved by the Judiciary in order to take effect.
5. Any determination recommending organisational change recommended by the National Accountability Officer, must first be approved by the National Executive in order to take effect.
6. Any Party member who has made a substantial contribution to the Party; is committed to the Party's core values and goals and has been an ordinary member of the party for a minimum of 12 months may be nominated to the role of Chief Accountability Officer.
7. Any member excluding the National Executive may nominate someone to be elected to the role of Chief Accountability Officer, but the nomination must be submitted to the Secretary, have the demonstrated support of 10 members and be accompanied by written reasons for the nomination.
8. No member can nominate themselves for election to the position of Chief Accountability Officer.
9. No one serving in any active role (elected official, elected parliament member or appointed to an official responsibility) in the party, may serve as the Chief Accountability Officer concurrently. A member must first resign from their current position within the Party to be endorsed as the Chief Accountability Officer.
10. A nominee must be endorsed by the membership. If more than two nominees are cast, there will be a staged vote. The number of nominees will be reduced to two by eliminating the nominees with the lowest vote percentages in the first stage. The nominee with greater than 50% of the counted vote will be elected as the winner in the second stage. A minimum of 150 votes must be cast in the ballot in each stage.
11. If no more than one person is nominated for election, the membership must still vote to endorse the nominee with a 66% super majority vote. A minimum of 150 votes must be cast in the endorsement vote.
12. If the required vote endorsement percentage is not reached or the number of required votes is not cast, a new round of nominations must occur and voting to be

conducted again. If still no member can be confirmed, the Judiciary, National Executive and 50 ordinary members must endorse a member by consent.

13. The Chief Accountability Officer can only be removed by one of the following methods:
  - a) their own resignation
  - b) by the membership during the election of a Chief Accountability Officer
  - c) By ruling of the Judiciary, upon recommendation by another Accountability Officer, the National Executive, the Elders' Council or a petition to the Secretary with 150 member signatories
14. A vote to elect a Chief Accountability Officer must be held every two years, occurring three months preceding the required election of the National Executive.
15. A vote to remove the Chief Accountability Officer can only otherwise be triggered by the National Executive if no change to the National Executive results from a spill of the National Executive called by the Chief Accountability Officer, see Clause 16a.
16. The Chief Accountability Officer will hold a number of reserve powers to protect and preserve the integrity of the party, including:
  - a. The Chief Accountability Officer has the power to declare an act of emergency referendum, where it is deemed the National Executive has become: dysfunctional; acting outside the warrants of the Constitution; significantly breached the Code of Ethics; or deliberately or negligently broken the law. An act of Emergency referendum must first be approved by the Judiciary per the constitution. Once approved the Chief Accountability Officer can call a spill of the National Executive to test confidence. From this point the National Executive is suspended. A full membership wide election per the election procedures of the National Executive as written in this Constitution will then occur. The spill election must be held within 14 days during which time the Secretary & Treasurer take on emergency powers to administer the organisation. All National Executive voting rights, powers and asset access is suspended immediately. If no Election is called, the National Executive is reinstated with all previous access. If there is no change to the Executive following the spill or no Election is called, the Executive is installed for a minimum of six months without further spill motions permitted. The National



Executive then has the authority to call for a spill of the Chief Accountability Officer position to test membership confidence in the Officer.

- b. The Chief Accountability Officer may suspend any proposed vote and/or meeting of any body within the party for 48 hours, if it is deemed based on evidence found or received that the vote would bring the party into disrepute or violate the Constitution or Code of Ethics. Approval must be sought by a minimum of two members of the Judiciary. The full Judiciary must then assess the evidence and reach consent within the 48 hour suspension window to determine further suspension actions.
- c. The Chief Accountability Officer may call a meeting of any group or body within the organisation; if it is deemed that there is the potential for deadlock, inaction or untimely and deliberate non-delivery of responsibilities within the Party.
- d. The Chief Accountability Officer may make recommendations for the improvement of the functioning of the organisation.
- e. The Chief Accountability Officer will receive any dispute made with regards to an individual/individuals or body within the party or the party itself. The Officer may assign the dispute to be investigated by a State Accountability Officer or investigate the dispute under their own authority. The Officer is obliged to investigate a dispute under their authority by using the powers as stipulated here to reach a determination:
  - i. Designate a member or members to mediate disputes between individuals, groups or bodies within the Party;
  - ii. Attend any meeting of any body within the organisation tht is directly relevant to the dispute;
  - iii. Review any document produced within the organisation thats directly relevant to the dispute at hand;
  - iv. Request an interview with any member within the organisation directly relevant to the dispute;
  - v. Request a signed written statement from any member within the organisation directly pertaining to the dispute;

- vi. Review any email or chat log, directly relevant to the organisation's activities pertaining to the dispute;
- vii. Request images/screenshots of any data the Officer can not review without Administration rights that are directly relevant to the dispute;
- viii. Request a walkthrough of any document, asset owned by the party that is directly relevant to the dispute;

17. During the use of Clause 16a the Chief Accountability Officer will ensure to communicate to the party members the actions taken, and why those actions were necessary, in an effective and timely manner. The Chief Accountability Officer shall coordinate with the Secretary to organise and inform the membership about any proceeding votes.

18. The Chief Accountability Officer may appoint by their own judgement a Deputy Officer to assist them in the responsibilities of the role. The Deputy has no powers as written in Section 16, but can conduct investigations on behalf of the Officer with the Officer's oversight. The Officer must provide written consent for the Deputy to access documents and to conduct investigations on their behalf.

19. When there is a potential conflict of interest, the Chief Accountability Officer must delegate the task or case to another Accountability Officer, or if not possible, to the National Executive.

20. The National Executive shall hold all the powers of the Accountability Officers in reserve. That means that if no Accountability Officers are elected, or are unable or unwilling to perform their role (in the determination of the Secretary), then all their powers shall fall to the National Executive.

## **2. State Accountability Officer**

1. The Party will establish and maintain elected State Accountability Officers (also referred to here as State Officers) to maintain constitutional order and Code of Ethics compliance within the Party related to State matters on behalf of the Chief Accountability Officer. State Officers will hold the same investigatory powers of the Chief Officer by operating as their proxy. State Officers report directly to the Chief Officer.
2. The State Accountability Officers being installed into this constitution makes any effort by any member to refute, obstruct or influence the State Officer in the performance of their duties a breach of this constitution and may be held in contempt. The State Officer can make a formal complaint to the Chief Officer. The Chief Officer can then investigate the matter to reach cooperation or make a recommending disciplinary action to the Judiciary per Part 3C, Clause 2.

3. Cases will be assigned to State Officers by the Chief Officer.
4. State Accountability Officers will conduct investigations independently of any other Officer unless otherwise directed by the Chief Officer.
5. All matters related to an investigation can at no time be disclosed to other Officers without the direct consent of the Chief Officer. This is to maintain independence of Officers throughout the organisation while also maintaining the privacy of individuals, or in the case of sensitive matters where there is the potential for conflicts of interest or where other Officers are under investigation.
6. State Accountability Officers are obliged to protect whistleblowers and shall not reveal the names or identifying information of those requesting protection unless requested by law.
7. Any determination with legally binding consequences recommended by a State Accountability Officer, must first be approved by the Judiciary in order to take effect.
8. Any determination recommending organisational change recommended by a State Accountability Officer, must first be approved by the National Executive in order to take effect.
9. Any Party member who has made a substantial contribution to the Party; is committed to the Party's core values and goals and has been an ordinary member of the party for a minimum of 12 months may be nominated to the role of State Accountability Officer.
10. Any member excluding the National Executive or other Officer may nominate someone to be elected to the role of State Accountability Officer, but the nomination must be submitted to the Secretary, have the demonstrated support of 10 members and be accompanied by written reasons for the nomination.
11. No member can nominate themselves for election to the position of State Accountability Officer.
12. No one serving in any active role (elected official, elected parliament member or appointed to an official responsibility) in the party, may serve as a State Accountability Officer concurrently. A member must first resign from their current position within the Party to be endorsed as a State Accountability Officer.
13. A State Accountability Officer will be elected by the members of the corresponding State and no others.
14. The first State Accountability Officer for each state will become active when that State reaches a total membership of 1000 members.

15. Additional State Accountability Officers to a state will be activated and an election held, for every 2500 members after the initial 1000.
16. A nominee must be endorsed by the membership. If more than two nominees are cast, there will be a staged vote. The number of nominees will be reduced to two by eliminating the nominees with the lowest vote percentages in the first stage. The nominee with greater than 50% of the counted vote will be elected as the winner in the second stage. A minimum of 100 votes must be cast in the ballot in each stage.
17. If no more than one person is nominated for election, the membership must still vote to endorse the nominee with a 66% super majority vote. A minimum of 100 votes must be cast in the endorsement vote.
18. If the required vote endorsement percentage is not reached or the number of required votes is not cast, a new round of nominations must occur and voting to be conducted again. If still no member can be confirmed, the Judiciary, National Executive and 25 ordinary members of the respective State/Territory must endorse a member by consent.
19. A State Accountability Officer can only be removed by one of the following methods:
  - d) their own resignation
  - e) by the membership during the election of a State Accountability Officer
  - f) By ruling of the Judiciary, upon recommendation by another Accountability Officer, the National Executive, the Elders' Council or a petition to the Secretary with 150 member signatories
20. A vote to elect a State Accountability Officer must be held every two years.
21. The State Accountability Officer will hold a number of reserve powers to protect and preserve the integrity of the party, including:
  - a. The State Accountability Officer may suspend any proposed vote and/or meeting of any body within the party for 48 hours, if it is deemed based on evidence found or received that the vote would bring the party into disrepute or violate the Constitution or Code of Ethics. Approval must be sought by a minimum of two members of the Judiciary. The full Judiciary must then assess the evidence and reach consent within the 48 hour suspension window to determine further suspension actions.
  - b. The State Accountability Officer may call a meeting of any group or body within the organisation; if it is deemed that there is the potential for deadlock, inaction or untimely and deliberate non-delivery of responsibilities within the Party.

- c. The State Accountability Officer will investigate any complaint as directed to by the Chief Accountability Officer. The State Officer is obliged to investigate a complaint under their authority by using the powers as stipulated here to reach a determination:
- I. Designate a member or members to mediate disputes between individuals, groups or bodies within the Party;
  - II. Attend any meeting of any body within the organisation;
  - III. Review any document produced within the organisation;
  - IV. Request an interview with any member within the organisation;
  - V. Request a signed written statement from any member within the organisation;
  - VI. Review any email or chat log, relevant to the organisation's activities;
  - VII. Request images/screenshots of any data the Officer can not review without Administration rights;
  - VIII. Request a walkthrough of any document, asset owned by the party.

22. When there is a potential conflict of interest, a State Accountability Officer must delegate the task or case to another Accountability Officer, or if not possible, to the National Executive.

### **3. Judiciary**

1. The Party will establish and maintain elected Judiciary members (also referred here as Judicial members) from each state to provide an ongoing Jury system for making rulings with regards to disciplinary matters within the organisation.
2. The Judiciary will make rulings based on evidence, testimony and recommendations presented to them by either the Chief Accountability Officer or State Accountability Officers.
3. All rulings of the Judiciary are by consent and are final. If a reasonable amount of time has passed, and consent cannot be reached, then the Judiciary may make decisions by a  $\frac{2}{3}$  majority vote. If a majority vote is not reached, then the Judiciary may either request further evidence, or take no action on the matter at hand.
4. Where relevant, the Judiciary may determine the severity of a punishment it hands down.
5. The Judiciary may by consent, at their discretion allow for an appeal.

6. Two members of the Judiciary may rule that a vote or meeting of any body or group within the party be suspended at any time for a period of 48 hours if evidence is brought to them by the Chief Accountability Officer or a State Accountability Officer demonstrating a potential egregious breach of the Constitution, Code of Ethics or the Law. During the period of 48 hours the full Judiciary must make a consent based determination to discipline or suspend indefinitely a member/members that have breached the Constitution, Code of Ethics or is suspected of breaking the law. The Judiciary will then recommend to the Chief Accountability Officer to begin a formal and thorough investigation.
7. The Judiciary may authorise by a ruling of consent, based upon evidence and testimony presented to them by the Chief Accountability Officer, the dissolution of the National Executive and an Emergency referendum where it is deemed the National Executive has become: dysfunctional; acting outside the warrants of the Constitution; significantly breached the Code of Ethics; or deliberately or negligently broken the law.
8. If there is a potential conflict of interest, a member of the Judiciary must not rule in a particular matter where the potential conflict of interest is present.
9. The Judiciary will consist of no less than 4 members representing the following jurisdictions:
  - a. NSW/Australian Capital Territory
  - b. Victoria/Tasmania
  - c. South Australia/Western Australia
  - d. Queensland/Northern Territory
10. Judiciary members may be elected to represent a single State or Territory at the behest of the National Executive if both State or Territories covered under the jurisdiction have 500 or more members.
11. The Judiciary is not considered a full judiciary if it has less than 4 members. If the Judiciary is not a full judiciary, or does not have at least 4 members who are in a capacity to fulfil their role (as determined by the Secretary), all the judiciary's powers shall fall to the Elders' Council until there is a full Judiciary. The Elders' Council holds the Judiciary's power in reserve.
12. Any Party member who has made a substantial contribution to the Party; is committed to the Party's core values and goals and has been an ordinary member of

the party for a minimum of 12 months may be nominated to represent their State on the Judiciary.

13. Any member excluding the National Executive or, Chief Accountability Officer, State Accountability Officers or other Judiciary members may nominate someone to be elected to represent their state on the Judiciary
14. A nomination must be submitted to the Secretary, have the demonstrated support of 10 members and be accompanied by written reasons for the nomination.
15. No one serving in any active role (elected official, elected parliament member or appointed to an official responsibility) in the party, may serve on the Judiciary concurrently. A member must first resign from their current position within the Party to be endorsed as a Judicial member.
16. A Judicial member will be elected by the members of the state they represent and no others.
17. A nominee must be endorsed by the membership. If more than two nominees are cast, there will be a staged vote. The number of nominees will be reduced to two by eliminating the nominees with the lowest vote percentages in the first stage. The nominee with greater than 50% of the counted vote will be elected as the winner in the second stage. A minimum of 50 votes must be cast in the ballot in each stage.
18. If no more than one person is nominated for election, the membership must still vote to endorse the nominee with a 66% super majority vote. A minimum of 50 votes must be cast in the endorsement vote.
19. If the required vote endorsement percentage is not reached or the number of required votes is not cast, a new round of nominations must occur and voting to be conducted again. If still no member can be confirmed, the National Executive and 25 ordinary members of the respective State/Territory must endorse a member by consent.
20. A Judicial member can only be removed by one of the following methods:
  - g) their own resignation
  - h) by the membership during the election of a Judicial position
  - i) By consent or  $\frac{2}{3}$  majority vote of the Elders Council
21. A vote to elect a Judicial member for the respective State/Territory must be held every two years.

## **Part 4 - General meetings**

### **1. Annual general meetings - holding of**

- 1) Australian Progressives must hold its first annual general meeting within 18 months after its registration under the Act.
- 2) Members may attend meetings face to face, online or teleconference.

### **2. Annual general meetings - calling of and business at**

- 1) The annual general meeting of Australian Progressives is, subject to the Act and to Part 3, clause 10, to be convened on such date and at such place and time as the National Executive thinks fit.
- 2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:
  - a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting,
  - b) to receive from the National Executive reports on the activities of Australian Progressives during the last preceding financial year,
  - c) to elect office-bearers of Australian Progressives and ordinary National Executive members,
  - d) to receive and consider any financial statement or report required to be submitted to members under the Act.
- 3) An annual general meeting must be specified as such in the notice convening it.

### **3. Special general meetings - calling of**

- 1) The National Executive may, whenever it thinks fit, convene a special general meeting of Australian Progressives.
- 2) The National Executive must, on the requisition in writing of at least 5 per cent of the total number of members, convene a special general meeting of Australian Progressives.
- 3) A requisition of members for a special general meeting:
  - a) must state the purpose or purposes of the meeting, and
  - b) must be signed by the members making the requisition, and
  - c) must be lodged with the secretary, and
  - d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- 4) If the National Executive fails to convene a special general meeting to be held within 1 month after that date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.
- 5) A special general meeting convened by a member or members as referred to in [Part 4, clause 3 \(“Special general meetings - calling of”\)](#) - (4) must be



convened as nearly as is practicable in the same manner as general meetings are convened by the National Executive.

## 4. Notice

- 1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of Australian Progressives, the secretary must, at least 14 days before the date fixed for the holding of the general meeting, give a notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- 2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of Australian Progressives, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be given to each member specifying, in addition to the matter required under [Part 4, clause 4 \("Notice"\) - \(1\)](#), the intention to propose the resolution as a special resolution.
- 3) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under [Part 4, clause 2 \("Annual general meetings - calling of and business at"\) - \(2\)](#).
- 4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

## 5. Quorum for general meetings

- 1) No item of business is to be transacted at a general meeting unless a quorum of members entitled under this constitution to vote is present during the time the meeting is considering that item.
- 2) Twenty-five members present (being members entitled under this constitution to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- 3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:
  - a) if convened on the requisition of members, is to be dissolved, and
  - b) in any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- 4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being at least 3) are to constitute a quorum.

## **6. Presiding member**

- 1) The president or, in the president's absence, the vice-president, is to preside as chairperson at each general meeting of Australian Progressives.
- 2) If the president and the vice-president are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

## **7. Adjournment**

- 1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- 2) If a general meeting is adjourned for 14 days or more, the secretary must give written or oral notice of the adjourned meeting to each member of Australian Progressives stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- 3) Except as provided in the above subclauses [Part 4. 7 \("Adjournment"\) - \(1\)](#) and [\(2\)](#), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

## **8. Making of decisions**

- 1) A question arising at a general meeting of Australian Progressives is to be determined by either:
  - a) a show of hands, or
  - b) if on the motion of the chairperson or if 5 or more members present at the meeting decide that the question should be determined by a written ballot.
- 2) If the question is to be determined by a show of hands, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of Australian Progressives, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- 3) If the question is to be determined by a ballot, the ballot is to be conducted in accordance with the directions of the chairperson members shall cast their vote by written ballot or online

## **9. Special resolutions**

- 1) A special resolution may only be passed by Australian Progressives in accordance with section 39 of the Act.

## **10. Voting**

- 1) On any question arising at a general meeting of Australian Progressives a member has one vote only.
  - a) In the case where multiple methods of voting are available, members must elect to only vote via only one method
  - b) Voting via multiple methods is considered invalid and grounds for review with potential disciplinary outcomes.
- 2) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- 3) A member is not entitled to vote at any general meeting of Australian Progressives unless all money due and payable by the member to Australian Progressives has been paid.

## **11. Proxy votes not permitted**

- 1) Proxy voting must not be undertaken at or in respect of a general meeting.

*Note: Schedule 1 of the Act provides that an association's constitution is to address whether members of Australian Progressives are entitled to vote by proxy at general meetings.*

## **12. Postal Voting/Postal Ballot**

- 1) Australian Progressives may hold a postal ballot to determine any issue or proposal (other than an appeal under [Part 2, clause 12](#) ("Right of appeal of disciplined member")).
- 2) A postal ballot is to be conducted in accordance with Schedule 3 to the Regulation.

## **13. Online Voting/Online Ballot**

- 1) Australian Progressives may hold an online vote to determine any issue or proposal.
- 2) An online vote is to be conducted over a 14 day period with the voting to be closed by 5:00pm AEST or AEDT whichever is applicable on the 14<sup>th</sup> day of the vote.
- 3) For matters other than candidate or leadership nominations/selections/voting a shorter period of voting may be set at the discretion of the National Executive, State Council or Hub leadership.

## **Part 5 - Community Hubs**

### **1. Community Hubs of the party - Role and Composition**

1. The Party's primary unit of membership participation will be the Local Community Hub which will be open to all financial members, provided that, a person may be a member of only one (1) Local Community Hub.
  - a. Community Hub boundaries will be by federal electorate, with the National Executive reserving the right to redefine Community Hub boundaries as needed.
  - b. Community Hubs shall be established by application. Applications for the establishment of a Community Hub must be in writing and given approval by the National Executive or a delegated committee appointed by the National Executive.
    - i. Minimum hub membership should normally be 30 for the application to be successful, however the National Executive reserves the right to waive this requirement.
  - c. If the National Executive rejects an application for the formation of a Community Hub, they must provide their reasons in writing.
2. Local Community Hubs shall consist of;
  - a. the community hub officers, and
  - b. at least 3 ordinary committee members, each of whom is to be elected at the annual general meeting of the Community Hub in accordance with clause 10 "Voting".
3. Local Community Hubs may organise themselves as needed, so long as it is consistent with the values and constitutions. Hubs must also demonstrate that any variations to structure align with the rest of the party / national structure.

## **2. Community Hub Officers: Duties and Relationship with National Executive**

1. All Hub Officers must consistently communicate with and accept guidance from the National Executive.
2. All Hub Officers must fulfil all reporting requirements required by this constitution and by federal and state/territory law.
3. The National Executive can, with a 2/3 vote, veto the appointment of Hub Office-bearers.
4. A Hub Officer can be dismissed by the National Executive by a 2/3 vote, consistent with normal dispute resolution procedures, following a 3 month probationary period.
5. The President must, when available:
  - a. Preside at all meetings of the Party unit;
  - b. Enforce the Rules relevant to the Party unit; and
  - c. Be accountable to the National Executive to ensure the Hub's actions are consistent with the Party's values.
6. The Secretary must, when available:
  - a. Attend all meetings;
  - b. Keep accurate minutes;
  - c. Conduct correspondence;
  - d. Keep a register of names and addresses of all members of the Party unit;
  - e. Maintain a roll of all members at each meeting;
  - f. Send out notice of meetings to all members of the Party unit;
  - g. Within one (1) month of the meeting, send the National Executive Secretary (or delegated representative) a copy of the minutes; and
  - h. Notify the National Executive Secretary (or delegated representative) immediately of any change to the names or addresses of office bearers or the time and place of meetings.
7. The Treasurer must:
  - a. Keep a detailed and accurate record of the financial transactions of the Party unit;
  - b. Submit an annual financial report to the Party unit;
  - c. Complete the annual Disclosure Return form provided by the National Executive Secretary and return it to the Party Office by July 31 each year;
  - d. Ensure all cheques and withdrawal forms are signed and countersigned in accordance with the Rules;
  - e. Receive and bank the Party unit's money;
  - f. Maintain all the Party unit's accounts in the Party unit's name at a Community Hub of the bank or financial institution approved by the National Executive;
  - g. Pay all accounts the Party unit approves for payment;
  - h. Hold no more than \$250 for incidental expenses.

### **3. Duties of Local Community Hubs**

- 1) Local Community Hubs must:
  - a) Promote the objects and Platform of the Party;
  - b) Enrol and organise members;
  - c) Organise for local, state and Federal parliamentary elections;
  - d) Nominate Local, state and federal candidates to the National Executive in writing;
  - e) Actively engage in local communities and campaign on local, state and national issues that are relevant to their Community Hub and consistent with the Party platform as per Community Hub Charter.
    - i) Form networks and/or partnership and/or alliances with local organisations that adhere to our party platform and provide a positive benefit to our membership and/or campaigns.
    - ii) Maintain a Local Community Hub meeting attendance register as approved by the National Executive Secretary (or delegated representative), which shall be available at every Local Community Hub meeting, and which those members present must sign.
- 2) Local Community Hubs must meet at least once every three (3) months and, if possible, once every month.
- 3) All members of a Local Community Hub shall receive written notice of the date, time and place of a meeting prior to the day of the meeting. Notification in writing includes notification by e-mail.
- 4) Every twelve (12) months, the Local Community Hub must provide to the National Executive Secretary (or delegated representative) details of:
  - a) Their activities;
  - b) Meeting times and venues; and
  - c) Any other information the Administrative Secretary requests.
- 5) Hubs upon establishment must vote in a Community Hub charter that is consistent with both the party platform and meet the minimum requirements of Hub charters as set out by the National Council.

### **4. Finance**

- 1) Officers of the Local Community Hub must provide the National Executive Secretary (or delegated representative) and the Electorate Council with all records required as per [part 4, clause 15 \(“Duties of Community Hub Officers”\)](#) - (3).

### **5. Annual General Meetings**

- 1) The Local Community Hub shall hold its Annual General Meeting in August or September of each year or at another time approved by the National Executive Secretary (or delegated representative). The Local Community Hub secretary shall provide a list of all Local Community Hub members eligible to vote at the Annual General Meeting in accordance with [Part 4, clause 14](#)

[\("Community Hubs of the party - Role and Composition"\)](#) - (5) to the National Executive Secretary (or delegated representative) before the close of nominations for Local Community Hub positions.

- 2) Local Community Hub officers will hold office from the conclusion of the Annual General Meeting in the year elected until the next Annual General Meeting. Local Community Hub elections will be conducted according to Part 3, clause 3 ("Election of National Executive, State Council and Community Hub members").
- 3) Local Community Hubs delegates to Electorate Councils will hold office for one year from November 1 immediately following the Local Community Hub Annual General Meeting.
- 4) Once the Local Community Hub has called nominations for election of officers, the next meeting shall be the Annual General Meeting.
- 5) To vote at a Local Community Hub Annual General Meeting, a member must have attended at least one meeting of that Local Community Hub since August 1 of the previous year.
- 6) Members may attend meetings face to face, online or teleconference.

## ***Part 6 - Selection & Election***

### **1. Selection of Parliamentary Candidates**

- 1) Affirmative Action in Preselections
  - a) The equal representation of men and women in Parliament is a Party objective.
  - b) The base goal of the party is a 30% representation of men or women in a combination of preselected and elected seats both in federal and state parliament seats.

### **2. Legislative Council, Senate Legislative Council, Senate, Legislative Assembly and House of Representatives**

- 1) The preselection of Legislative Council, Senate Legislative Council, Senate, Legislative Assembly and House of Representatives Parliamentary candidates shall (where practicable) be determined by a ballot of all members of the Community Hub(s) alone.
- 2) The local members relevant Community Hub(s) of the Party who at the close of nominations are certified by the local Community Hub(s) to be financial members of the Community Hub(s) at the date of the opening of nominations and have been continuous financial members for at least twelve months and are registered to vote within the meaning of the state and federal electoral laws in the electorate for which the Parliamentary Candidate is being preselected shall remain be entitled to participate in a preselection while they remain a financial member of the Party.
- 3) One week prior to voting by members, the relevant Community Hub Secretary shall post and/or via electronic communication to each member a statement of not more than two A4 pages provided by each candidate at or prior to nomination.
- 4) Local members shall cast their vote by secret ballot at a place or online and at times nominated by National Executive, in the electorate for which the Parliamentary Candidate is being preselected.
- 5) National Executive may also provide an opportunity for local members to cast their ballot either at:
  - a) Party Office, or
  - b) The venue for the relevant Community Hub(s) which shall deal with the relevant preselection, at a time prior to the commencement of the relevant Community Hub(s) meeting, or
  - c) via paper ballot and/or via an online voting system.
- 6) In preselections for remote electorates, the National Executive may arrange for local members to vote by post, in lieu of a polling place.
- 7) In counting a preselection ballot in which the votes each vote shall have a value of a whole vote.



- 8) The counting of the vote shall be done in full view of the candidates by a representative appointed by the National Executive, should the vote be held online the candidates shall have access to view the numerical tallying of votes online for each candidate.
- 9) The appointed representative does not have the right to vote.

### **3. Timetable for Nominations**

- 1) The National Executive shall call nominations for all parliamentary seats including those with sitting Progressive members. On the close of nominations, National Executive may:
  - a) Decide that the Party will not contest a seat if it is financially unviable to do so or if there are no human resources available to do so;
  - b) Declare any person seeking preselection to be unsuitable as per [Part 4, clause 24 \(“Preselection Procedures”\) - \(3\)](#) or where a candidate’s preselection is as a result of branch stacking or where the candidate has failed to sufficiently show they will be able to act in line with the party’s platform or where it has been found that their election would not be in the best interest of the party and its membership;
  - c) Reopen nominations as per [Part 4, clause 24 \(“Preselection Procedures”\) - \(3\)](#);
  - d) If a person runs unopposed, they must still receive a 66% supermajority. If the person receives between 50% and 66%, a second vote may be run within a fortnight, but the candidate must still receive 66% in order to be endorsed.

### **4. Eligible Nominations**

- 1) A member who nominates for a seat must:
  - a) Complete and sign a prescribed nomination form provided by the National Executive;
  - b) Be a financial member of Australian Progressives for at least twelve (12) months before the nomination;
  - c) Be eligible under law to nominate as a candidate for the seat,
- 2) The National Executive may waive the twelve month eligibility [Part 4, clause 21 \(“Legislative Council, Senate Legislative Council, Senate, Legislative Assembly and House of Representatives”\) - \(2\)](#) criteria where it is deemed to be in the Party’s interests.

### **5. Preselection Procedures**

- 1) The name of the nominee or nominees shall be reported to the National Executive and any formally established local hub as soon as possible after the closing of nominations.

- 2) Where only one nomination is received for any seat, National Executive and any formally established Hub may require the nominee to appear before the National Executive.
  - a) A nominee required to appear in accordance [Part 4, clause 24 \(“Preselection Procedures”\)](#) shall be subject to the procedures specified for seats for which more than one (1) nomination has been received.
  - b) Where no request for the candidate to appear is received, National Executive and any formally established Hub may, by resolution:
    - i) Endorse the candidate; or
    - ii) Defer a decision on the endorsement for not more than fourteen (14) days; or
    - iii) Re-open nominations.
- 3) Where more than one nomination is received for any seat:
  - a) National Executive may decide, by majority decision, the procedure for dealing with the nominations received for any seat.
  - b) Material relevant to the seat to be contested, such as demographic material, may be made available to National Executive and the relevant local members by the relevant Community Hub Secretary(s) if the relevant Community Hub Committee(s) deems it desirable.
  - c) In the absence of any decision to the contrary by National Executive, the procedure for dealing with candidates shall be set out in policy.
  - d) At any stage prior to the conduct of the ballot, any member of the National Executive may move:
    - i. That nominations be re-opened; or
    - ii. That the seat shall not be contested; or
    - iii. That a decision on the endorsement be deferred.
  - e) At the conclusion of the procedures outlined in policy as stated in [Part 4, clause 23 \(“Eligible Nominations\) section 3 \(c\)](#), the relevant local members shall then vote to choose the candidate for endorsement. Ballot papers and/or online voting shall not be issued or opened to the relevant local members until the completion of the procedures as outlined in the relevant policy.
  - f) The successful candidate shall be automatically endorsed.
- 4) The National Executive may appoint candidates in any election, but they must provide an explanation to the membership why the circumstances warranted such a method.

## **6. Conduct of Preselections**

- 1) Relevant local members shall not be prevented from voting in any ballot for which they are candidates.
- 2) For federal preselections the election will be located at an agreed centralised location and/or teleconference and/or online and all relevant local members

shall participate in the vote and be notified as per [Part 4, clause 10 \(“Voting”\)](#) - (3).

- 3) The relevant Community Hub Secretary(s) and National Executive appointee shall establish a voters roll for each contested preselection. Any objections regarding the roll shall be determined by the Community Hub Committee and relevant local members immediately before the commencement of voting.
- 4) Preselections shall be conducted over a 14 day period with the voting to be closed by 5:00pm AEST or AEDT whichever is applicable on the 14<sup>th</sup> day of the vote.
- 5) The opening of the preselection process must be executed prior to any other formal proceedings to be conducted by the Community Hub on that day.
- 6) Where a preselection is called at a time when the Community Hub General Meeting is not scheduled to meet, the time of the preselection shall be determined by a prior Community Hub General meeting.

## **7. Parliamentary Leadership Elections**

- 1) The various states and the federal leadership of the party shall be elected by the relevant majority of the party membership that votes via a preferential voting system.
  - a) A Majority is 50% + 1.
  - b) Votes by secret ballot may be collected via a paper ballot and/or online vote, each relevant member may cast only 1 vote per leadership role.
  - c) The process for the election and campaigns of the aspirants to a parliamentary leadership position shall be set out in Parliamentary Leadership policy.
  - d) All preselected and elected state parliamentary representatives of the party shall be eligible to contest for their relevant state leadership.
  - e) All preselected and elected federal parliamentary representatives of the party shall be eligible to contest for the federal leadership.
  - f) If the appointed parliamentary leader failed to be elected and the party has elected parliamentary representatives, an immediate re-vote consisting of the elected representatives should be held unless the position is uncontested.
    - i) A re-vote shall be conducted over a 14 day period with the voting to be closed by 5:00pm AEST or AEDT whichever is applicable on the 14<sup>th</sup> day of the vote.
- 2) An elected leader of state or federal parliament must be removed from their leadership position if they fall subject to [Part 2 clause 9 \(“Membership Obligations”\)](#) sections (5) and/or (6).
  - a) an immediate re-vote consisting of the elected representatives should be held unless the position is uncontested.
    - i) A re-vote shall be conducted over a 14 day period with the voting to be closed by 5:00pm AEST or AEDT whichever is applicable on the 14<sup>th</sup> day of the vote.

## **Part 7 - Miscellaneous**

### **1. Insurance**

- 1) Australian Progressives may affect and maintain insurance.

### **2. Funds - source**

- 1) The funds of Australian Progressives are to be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by Australian Progressives in annual general meeting, such other sources as the membership determines.
- 2) All money received by Australian Progressives must be deposited as soon as practicable and without deduction to the credit of Australian Progressives' bank or other authorised deposit-taking institution account.
- 3) Australian Progressives must, as soon as practicable after receiving any money, issue an appropriate receipt.
- 4) The Australian Progressives will not accept donations at any time from any registered body, organisation, charity, not for profit, corporation, business or company. This shall not prevent Australian Progressives or its subsidiaries from engaging in activities which generate a profit.
- 5) All donations over \$100 must be recorded and maintained in a donation register.
- 6) All donations over \$1000 must be recorded and kept up to date for viewing on a publicly (non-member) accessible digital space. Approval must be granted by the person donating funds to display their name publicly. If approval is not granted, the donation can not be accepted.
- 7) The donation register will be available upon request by any Australian Progressives member. The register can be made available to a non-member upon written request and when deemed by the National Executive that it is in the public interest.
- 8) All funds raised for the party will be recorded in the register and administered by the Treasurer for use as the party deems fit.
- 9) Funds raised by a candidate expressly for their campaign shall be recorded in the register and allocated to the candidate for use on an as needs basis.
- 10) 90% of all funds raised by a candidate expressly for their campaign will be allocated specifically for use by that candidate for their campaign. Additional funds beyond what a candidate has directly raised will need to be requested in writing to the National campaign manager and released with their written approval by the treasurer.
- 11) 10% of all funds raised by a candidate expressly for their campaign will be donated toward central campaign finances for redistribution to other candidates, and central campaigning to be used and allocated as the National Campaign Manager determines appropriate.
- 12) Fundraising shall be coordinated by the National Fundraising Team and local Community Hub appointees.

### **3. Change of name, objects and constitution**

- 1) An application to the Director-General for registration of a change in Australian Progressives' name, objects or constitution in accordance with section 10 of the Act is to be made by the public officer or a committee member.
- 2) Proposed changes must be communicated to all members for a vote.
- 3) A vote on the proposed changes must take place as per [Part 4, clause 12 \("Postal Voting/Postal Ballot"\)](#) and/or [Part 4, clause 13 \("Online Voting/Online Ballot"\)](#).
- 4) Proposed changes are adopted if a special majority of 66% of those who vote is reached.
- 5) All members of Australian Progressives are eligible to vote once.
- 6) Voting by secret ballot may take place via a paper ballot and/or online vote.
- 7) The Secretary may make non-substantial changes to the Constitution such as spelling corrections, clarifications and formatting changes without the need for a membership vote.

### **4. Funds - management**

- 1) Subject to any resolution passed by Australian Progressives in general meeting, the funds of Australian Progressives are to be used in pursuance of the objects of Australian Progressives in such manner as National Executive determines.
- 2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the National Executive or employees of Australian Progressives, being members or employees authorised to do so by the National Executive.

### **5. Custody of books etc**

- 1) Except as otherwise provided by this constitution, the public officer must keep in his or her custody or under his or her control all records, books and other documents relating to Australian Progressives.

### **6. Inspection of books etc**

- 1) The following documents must be open to inspection, free of charge, by a member of Australian Progressives at any reasonable hour:
  - a) records, books and other financial documents of Australian Progressives,
  - b) this constitution,

- c) minutes of all committee meetings and general meetings of Australian Progressives.
- 2) A member of Australian Progressives may obtain a copy of any of the documents referred to in sub-clause (1) on payment of a fee of not more than \$1 for each page copied.

## **7. Service of notices**

- 1) For the purpose of this constitution, a notice may be served on or given to a person:
  - a) by delivering it to the person personally, or
  - b) by sending it by pre-paid post to the address of the person, or
  - c) by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.
- 2) For the purpose of this constitution, a notice is taken, unless the contrary is proved, to have been given or served:
  - a) in the case of a notice given or served personally, on the date on which it is received by the addressee, and
  - b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
  - c) in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent or, if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

## **8. Financial year**

- 1) The financial year of Australian Progressives is:
  - a) the period of time commencing on the date of incorporation of Australian Progressives and ending on the following 30 June, and
  - b) each period of 12 months after the expiration of the previous financial year of Australian Progressives, commencing on 1 July and ending on the following 30 June.

*Note: Schedule 1 of the Act provides that an association's constitution is to address Australian Progressives' financial year.*

## **9. Distribution of assets upon Winding Up**

- 1) If, on the winding-up or dissolution of Australian Progressives, there remains any property after satisfaction of all its debts and liabilities, that property shall not be paid to nor distributed amongst members but shall:

- a) If the laws in force in the relevant state or territory or federal law permit, be distributed to some organisation or organisations determined by the National Executive in consultation with the membership,
  - i) being an organisation or organisations which has or have objects that are the same, or that are in substance the same, as the objectives and values of Australian Progressives and
  - ii) whose constitution prohibits the distribution of its income and property among its members to an extent at least as great as is imposed by Australian Progressives.
- 2) Any electronic or other Intellectual Property should be donated or preserved if possible. If funds are available, the main website and other accounts should be made available for a period of two (2) years and provision made to archive any content deemed of historic interest.
- 3) In default of a distribution under [Part 5 clause 9 \(“Distribution of assets upon Winding up”\)](#) - (1), the property referred to in that sub-clause shall be distributed in accordance with an order or judgment of the Supreme Court of the relevant state or territory determining the manner in which the property is to be distributed.

## 10. Non-liability of Executive or Officers

- 1) No executive or officer of the organisation may be held personally liable, in a civil capacity, for actions carried out with the authority of the party.
- 2) This clause applies to the full interim period, the National Executive period, and to any successor entities.

## 11. Dissolution

- 1) A Special General Meeting or Annual General Meeting must be held to move a motion to dissolve the Australian Progressives via a ballot of members.
- 2) The Australian Progressives may be dissolved by a postal ballot and/or online ballot, where 75% of members elect to dissolve.
- 3) The dissolution is effective within 30 days of the results of the ballot being formally announced, or whatever date that ballot may specify.
- 4) If, after the election to dissolve, refer to [Part 5 clause 9 \(“Distribution of assets upon Winding up”\)](#).

## 12. Consistent branding

1. All parties bound by this Constitution must adhere to the branding of the Party, as determined by the National Executive. Local variants of the logo will be made available for use, and resources will be made available for

production of other materials. Under no circumstances are alternate logos, colour schemes or branding to be used on any printed or online material without the approval of the National Executive.

### **13. Partnerships and Unification**

1. Consistent with our progressive values, we believe in the potential for new and creative solutions that can arise out of the synergy of diverse perspectives. Consequently, we are open to various types of partnership, including but not limited to:
  - a. policy partnerships with other parties,
  - b. campaign partnerships,
  - c. organisational sponsorships, and
  - d. organisational mergers.
2. When determining whether to accept these offers, the national executive shall always ensure no partnership requires compromising the party's values or putting the party into disrepute.
3. Upon finalisation of a potential partnership or unification, the National Executive must provide ordinary members the opportunity to veto the relationship. A  $\frac{2}{3}$  majority vote of ordinary members is required to veto a relationship.
4. In mergers, the final outcome cannot compromise the constitution, conflict with the party values, displace the National Executive or do anything that tarnishes the brand.

### **14. Intellectual Property**

1. If any member, staff or volunteer should create or be given access to resources or works in order to perform a role or responsibility within the party, they renounce all intellectual property rights and interests in those works and resources. They agree that full intellectual property rights of these works or resources belongs to Australian Progressives.