



# **The Constitution of Australian Progressives**

**Version 2018.04.30**

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## ***Part 1 - Preliminary***

### **1. Name and Organisational Objectives**

- 1) The name of the organisation shall be “Australian Progressives”, and the abbreviated name shall be “The Progressives” (hereafter, the Party).
- 2) **Foundation and aims**

The Australian Progressives' is founded to work towards a fairer Australia. The Party aims to move the Australian political economic landscape towards a more engaged, empowered and ethical democracy, beholden to evidence and founded on empathy and equality. This will be achieved through a concerted grassroots, nation-wide activism, and election of Australian Progressives members to each level of government. Our efforts will be supported by the engagement of pre-eminent thinkers and community leaders whose interests are tied to the balance of fairness of opportunity and outcome.
- 3) **Organisational Objectives:**

To provide a political platform, and progressive policies, and endorse candidates to contest elections in Australian Parliaments of the Australian people.

  - a) Members of the Australian Progressives serving in Parliaments as elected representatives will work to implement progressive policies and ideals into law.

### **2. Definitions**

- 1) In this constitution:

***Accountability Officer*** means Chief Accountability Officer or Deputy Accountability Officer.

***Code of Ethics*** means the Code of Ethics and Required Conduct, as amended from time to time by the Executive.

***Endorsed procedure*** means any process agreed upon by the Executive as required in this Constitution.

***The Executive*** means the National Executive.

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

***Operations Committee*** means the Executive Operations Committee.

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

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

***The Party*** means *Australian Progressives*.

***Public officer*** means the designated party agent as required by the *Commonwealth Electoral Act 1918*.

**Secretary** means:

- i) The person holding office under this Constitution as secretary of Australian Progressives, or
- ii) If no such person holds that office - the public officer of Australian Progressives, or
- iii) The National Interim Steering Committee secretary.

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

**Special general meeting** means a general meeting of Australian Progressives other than a general meeting called by the National Executive.

**State** means an Australian State or Territory, not including overseas territories.

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

**Written** includes printed or electronic communication media.

- 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 *Interpretations Act 1987*.
- 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.
- 5) To avoid doubt, this Constitution includes all parts 1 to 11.

### 3. Values of the Australian Progressives

- 1) The Australian Progressives value:
  - a) giving members a voice in governance and policies, and opportunity to engage in party management bodies; and
  - b) Upholding the following values:
    - i) Ethics: transparency and integrity in dealings and behaviour;
    - ii) Empathy: compassion towards all persons and peoples;
    - iii) Equality: engender equality and diversity in representation and opportunity;
    - iv) Evidence: provide for evidence-based positions on issues;
    - v) Engagement: use a variety of new and old media to speak to a wider audience;
    - vi) Empowerment: encourage active civic participation for all Australians; and
    - vii) Economic Justice.

## 4. Change of name, objects and Constitution

- 1) An application to the Electoral Commission for registration of a change in the Party' name, objects or constitution in accordance to be made by the appointed Party Agent, or Secretary.
- 2) Proposed changes must be communicated to all members.
- 3) A vote on 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) For votes for changes described in this section only, proposed changes are adopted if a special majority of 55% of those who vote is reached.
- 5) All members of Australian Progressives are eligible to cast a single vote.
- 6) The Secretary may make non-substantial changes to the Constitution including as spelling corrections, clarifications, update references to internal policy documents, and formatting changes without the need for a membership vote.

## 5. Composition

1. The Party is composed of:
  - a. the National Executive
  - b. the Executive Operations Committee
  - c. State Executives
  - d. Community Hubs

## 6. Branding

- 1) All parties bound by this Constitution must use approved branding of the Party, as determined from time to time by the Executive, during Party activities.
- 2) Under no circumstances are alternate logos, colour schemes or branding to be used on any Party materials without the approval of the Executive or delegate.
  - a) The Executive may, from time to time, consider and approve alternative Party branding for use by members or affiliate organisations
  - b) The Executive, or delegate, is to maintain a library of approved brands, logos, and designs for use in Party materials.
- 3) For the purposes of intellectual property and copyright laws, the Party is the sole owner of all designs, logos, images, and other materials developed by members for use in party activities.
  - a) Usage rights of all Intellectual Property is at the discretion of the Executive, Secretary, or delegate.

## 7. Legal status

1. The Constitution and all actions done in compliance with it will not bring about any legal relationship, rights, duties or outcome of any kind, or be enforceable by law, or be the subject of legal proceedings.
  - a. All disputes within the Party shall be resolved in accordance with the Constitution and endorsed procedure.

## ***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,
  - b) the person is over the age of 16,
  - c) the person is not a member of another political party, unless approved by the Secretary on a case-by-case basis.
- 2) With the exception of Life members, membership is for twelve (12) months, renewable.
  - a) Financial membership and Associate membership are renewed automatically unless otherwise voided.
- 3) All members of Australian Progressives are bound by this Constitution and the Code of Ethics.
- 4) The Secretary, or delegate, must maintain a register of all members in accordance with the *Commonwealth Electoral Act 1918*.

### **2. Financial members**

1. Financial members are ordinary members.
2. Financial members are on, or eligible to be on, the Federal, and/or a State Electoral Roll.
3. Financial members are over the age of 18.

### **3. Associate membership**

1. Associate membership of the Party is open to people who are ineligible to vote in a federal or state election but have a legitimate interest in Australian politics.
  - a. Associate members are not entitled to vote in elections, or at general meetings of the Party.
  - b. The Executive may, from time to time, determine or vary the rights of Associate Members through procedure, unless otherwise defined.
2. An associate member may be an organisation.
  - a. An associate member that is an organisation may nominate up to two (2) office-bearers of that organisation to observe general meetings.
3. Associate members are not financial members.

### **4. Life members**

1. Life Membership may be conferred by the Executive in accordance with this section.
2. Life Members receive
  - a. Annual renewed membership without fees of any kind.
  - b. Exemptions from fees or charges to the National Conference
3. Nominations for Life Membership may be made by any three members of the party to the Executive for consideration.
4. The Executive is to maintain a list of criteria for life membership that includes:
  - a. a length of active service



- b. nomination requirements
- 5. Life membership is to be conferred to recipients at the next National Conference.
- 6. For the purposes of member powers, Life members are Financial members.

## **5. Application for membership**

1. Prospective members may apply for membership to the Party in the appropriate class using the approved form.
2. An application for membership is to be made to the Secretary, or delegate, in the prescribed manner
  - a. The Secretary, or delegate, will advise the applicant of their decision in line with approved processes.
3. The Executive may, from time to time, approve, or vary the process for application.
4. An application for membership constitutes consent to be bound by this Constitution.

## **6. Fees**

- 1) The Executive may, from time to time, set or vary a membership fee.
  - a) Any variation to membership fees must be notified to members no less than three months before commencement of new fees.
- 2) The Executive shall review membership fees at least once every three years.
- 3) Financial members who do not pay required membership fees within 3 months of their membership renewal date will be relegated to Associate members.

## **5. Member powers and obligations**

- 1) Financial members are permitted to vote where outlined in this Constitution.
- 2) Members must not, when representing the Party in any capacity, act in a manner contrary to the platform or values of the Party.
- 3) Members who are found guilty of corruption by any Australian judicial body must immediately resign their membership to the Party, including any attendant Parliamentary and/or Party position they hold.
  - a) If the matter is under judicial appeal the matter will be put to the Executive for decision or disciplinary action.
- 4) If a member is found guilty of corruption by a non-judicial body, the Executive, or delegate, is required to consider expulsion of the member and to publish reasons for their decision on the party website if the member is not expelled.
- 5) Members must abide by this Constitution and the Code of Ethics.

## **7. 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 the Party.
  - d) fails to pay the annual membership fee under Part 2, Section 6, within 3 months after the fee is due, unless the Secretary, or delegate, provides and exemption.

- 2) A member of the Party may resign their membership by giving the Secretary, or their delegate, written notice.
- 3) Members of the Party found to be a member, be it financial or otherwise, of another party may be expelled, without right of appeal, from the Party, at the discretion of the Secretary or the Executive.

## **8. Membership entitlements not transferable**

- 1) Any right, privilege or obligation which a person has by virtue of membership to the Australian Progressives is nontransferable.

## **9. Members' liabilities**

- 1) The liability of a member of the Party to contribute towards the payment of the debts and liabilities of the Party or the costs, charges and expenses of the winding up of the Party is limited to the amount, if any, unpaid by the member in respect of membership of Australian Progressives as required by Part 2, Section 6.

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

### **1. Composition and Membership of National Executive**

- 1) The National Executive is to consist of:
  - a) A minimum of 4 and a maximum of 8 Executive members with voting rights, and the Party President.
    - i) The Party Secretary, AEC Registered Officer, and Party Treasurer will sit as non-voting members at Executive meetings.
    - ii) non-voting members are appointed by elected Executive members.
  - b) The Executive must aim to have at least 30% of its membership identifying as male, and 30% of its membership identifying as female.
- 2) The Executive may, by resolution, open up further national representative positions provided that it does not take the number of people on the executive above 9 outside of the following periods:
  - a) During elections for Executive representatives
  - b) During State or Federal elections where the Party has nominated candidates.

### **2. Election of General Members of the National Executive**

- 1) Each Executive member is elected through direct election by Party members as per endorsed procedure.
- 2) Nominations of candidates for election of the National Executive must:
  - a) be made in writing
  - b) be signed by 2 financial members, and
  - c) include written consent of the member candidate.
- 3) General Members of the National Executive will be elected for a term not longer than 2 years.
- 4) In the event of an election of the full National Executive, elected members will be numbered based on the order in which they are elected. Those even numbered Members (2, 4, 6) will serve a term not longer than 1 year.
- 5) The Date and Time for the election of National Executive will follow endorsed procedure.

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

- 1) Subject to this Constitution and as required by the *Commonwealth Electoral Act 1918*, and any resolution passed by the Party in general meeting, the Executive:
  - a) is to manage the affairs of the Party, and
  - b) provide a clear vision and strategy for the party, and
  - c) may establish any position or role, and appoint members as required to fulfill any function they deem necessary for the proper running of the Party.

- d) may create internal procedure regarding any matter empowered by this Constitution or not handled by this Constitution
  - e) holds other powers indicated elsewhere in this Constitution, and
  - f) may exercise all such functions as may be exercised by the Party, other than those functions that are required by this Constitution to be exercised by another body or agent of the Party.
- 2) The Executive may invite guests to observe or present on a specified issue for discussion at a National Executive meeting.
    - a) Guests are not eligible to vote on issues before the Executive.
  - 3) An Executive member may hold an additional position outside the Executive within the Party where this does not pose a conflict of interest, as determined by the Secretary.
  - 4) An Executive member may appoint a Party member as proxy to fulfill their responsibilities, with the ordinary consent of the remaining Executive.
  - 5) The Executive is to establish and maintain a “Code of Ethics and Required Conduct”
  - 6) The Executive may, at any point in their term, by a resolution of two-thirds majority vote, dissolve and seek an immediate election for all electable positions.

## **4. Delegation of powers**

- 1) The Executive may, by instrument in writing, delegate to one or more committees (consisting of such member(s) of the Party as the Executive thinks fit) the exercise of such of the functions of the 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 Executive by the Act or by any other law.
- 2) The Executive may, by instrument in writing, revoke wholly or in part any delegation under this clause.
- 3) Committees must exercise their delegation in accordance with the instrument of delegation.
- 4) The Executive may continue to exercise any function delegated under this Clause.
- 5) When a Committee is acting under its Delegation, it shall have the same effect as if it were done by the Executive.
- 6) The Executive is to maintain a register of Delegations for all applicable responsibilities in the Constitution, and review the register at least every 2 years.
- 7) The Executive has the power to establish and/or recognise state, territory, local or other structures, and to determine procedure regarding them.

## **5. The President**

- 1) The President is the leader of the organisational side of the Party.
- 2) The President may serve a term up to 3 years, before another election for the President must be held.
- 3) The President sits as chair in Executive meetings where they are in attendance, or must appoint a proxy in their absence.
  - a) The President must appoint a proxy Chair where there is a perceived Conflict of Interest for any decision they are called to make.

- 4) The President should seek to ensure the decisions are reached by consensus, wherever possible.
- 5) Other roles required by the President may be defined in procedure.

## **6. The Executive Operations Committee**

1. The Executive Operations Committee is a standing committee appointed by the Executive to support day to day operations of the Party.
2. The Executive is to maintain a Terms of Reference for the Operations Committee, including reporting requirements and sitting terms.
3. The Secretary is the appointed Chair of the Operations Committee.

## **7. State Executive**

1. The Executive shall establish an Endorsed procedure for State branches of the Party to be established.
2. A State branch shall be governed by a State Executive, consisting of:
  - a. A State President, and
  - b. A State Secretary, and
  - c. A State Treasurer, and
  - d. any other position the State Executive requires.
3. The Executive is to assist with the creation of a State Constitution, and a Memorandum of Understanding, governing the State branch.
4. The State branch shall operate with autonomy within the prescribed authority of the State branch Constitution and Memorandum of Understanding.

## **8. Consultation with members on procedure**

- 1) When changing or making policies under Part 3, Section 3), sub-section 1) item d, the Executive will:
  - a) advise members of the reasons for the procedure or its changes; and
  - b) make available the draft procedure for comment for a minimum of 30 days; and
  - c) approve the procedure taking account of comments and advising generally the reasons for its decision.
- 2) In an emergency where the Executive deems time is of the essence, it may make a draft procedure and declare it in force from the date it advises members under Part 3, Section 3 section 1) subsection a).
  - a) The Executive must state its reasons for the Emergency procedure.
  - b) The Executive has 90 days to complete the process under Part 3 Section 8, sub-section 1) otherwise the procedure reverts to its previous version or becomes null and void.

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

- 1) The Executive may, by resolution passed with a two-thirds majority vote, remove any member of the Executive before the expiration of that member's term of office and,
  - a) For a General Executive, by resolution, nominate, with full adherence to Disclosure procedure, and appoint another person to hold the office until the expiration of the term of office of the member so removed or,

- b) For the President, trigger a Special Election for the President of the Party.
- 2) If a member of the Executive who is being removed wishes to dispute the motion to remove, the dispute resolution process applies.
  - a) For the duration of the dispute resolution this member will be suspended from the Executive.
  - b) During this process, the Executive position will be held as absent-by-leave, without an appointed proxy.
  - c) The Operations Committee must appoint an Accountability Officer to review any decision to remove an Executive member(s) under this Clause. Where the decision to remove a member is found to be malicious, unethical, not in good faith, or fraudulent, the Accountability Officer will initiate an immediate election for the full Executive, including the President.
  - d) If a Member of the Executive has their Party membership suspended through disciplinary processes they are automatically suspended from the Executive for the period of suspension.
- 3) A Member of the Executive may resign their position on the Executive by providing 4 weeks notice of their resignation, in writing, to the Secretary
- 4) Members of the Executive who leave office under this Section are excluded from nomination for membership of the Executive for a period not longer than 1 full term after the end of their term, except with special leave of the Secretary.
- 5) An Executive member is removed from office if they:
  - a) are no longer a member; or
  - b) are expelled for disciplinary reasons; or
  - c) become incapacitated as defined by law, or
  - d) are absent without prior consent of the Executive from 3 consecutive meetings of the Executive, or
  - e) are convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months, or
  - f) become an insolvent under administration within the meaning of the *Corporations Act 2001* (Cwlth), or
  - g) are prohibited from being a director of a company under the *Corporations Act 2001* (Cwlth).
- 6) A member removed from the Executive under this Section creates a Casual Vacancy.

## 8. Casual vacancies

- 1) In the event of a casual vacancy occurring in the Executive for any reason, the National Executive must:
  - a) For a General Executive,
    - i) By resolution, appoint another person to hold the office until the expiration of the term of office of the member so removed or,
    - ii) in the case of suspension; by resolution, appoint another person to hold the office until the term of suspension is complete.
  - b) For the President, trigger a Special Election for the President of the Party.

## 9. National Executive meetings and quorum

- 1) The Executive shall meet at least 4 times in each period of 12 months at such time as the Executive may determine.
- 2) The Executive is required to convene within 1 month of the declaration of the results of an Executive Election or Special Presidential Election,
  - a) This meeting shall include an item to transfer any Executive powers or responsibilities to the Executive-Elect or the President-Elect, if required by this Constitution or Endorsed procedure.
- 3) Any meeting, except those defined under Part 3, Section 9, Clause 2, may only be convened with approval of a quorum of the Executive.
- 4) Meetings should be convened with 10 calendar days notice, unless defined as an Urgent Meeting of the National Executive. Notice should be provided in writing by the Secretary.
- 5) An Urgent Meeting of the Executive may be called to:
  - a) To discuss and agree on a course of action for imminent issue that requires a rapid response, and
  - b) Cannot wait for standard timeframes to apply, and
  - c) Cannot be dealt with Out-of-session.
  - d) For the purposes of an Urgent Meeting of the Executive, all reasonable attempts should be made to confirm receipt of notification of the meeting.
- 6) Notice of a meeting given under Part 3, Section 9 must outline the general nature of the business to be transacted at the meeting. A final agenda must be distributed to all parties within 1 hour of the start of the meeting.
- 7) Quorum is to be determined by the number of current voting positions on the Executive. If the number is odd, quorum is set at 50% rounded up to the nearest whole number. If the number is even, quorum is set at 50% plus one.
- 8) Where consensus cannot be reached on a decision before the Executive, the President holds the deciding vote.
  - a) The President must only vote to extend debate on the present matter, or if impossible, vote to support the Status Quo.
- 9) No business is to be transacted by the National Executive unless a quorum is present.
  - a) Where the Executive falls below the required membership for quorum, it may transact business to
    - i) Bring the National Executive to quorum, or
    - ii) Enact such matters as required to ensure AEC registration.

## 11. Voting and decisions

- 1) Decisions arising at a meeting of the Executive or any Committee appointed by the Executive shall be determined by consensus.
  - a) Where consensus cannot be reached, a simple majority vote of members present shall occur.
- 2) Any act or thing done or suffered, or purporting to have been done or suffered, by the Executive or by a Committee appointed by the Executive, is valid and effectual

despite any defect that may afterwards be discovered in the appointment or qualification of any member of the Executive, Delegate, or Committee.



## **Part 4 - Party Officials**

### **1. Secretary**

- 1) The Secretary of Australian Progressives must, as soon as practicable after being appointed as secretary, lodge notice with the Registered Officer of their 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 Executive present at a Executive meeting or a general meeting, and
  - c) all proceedings at 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 must perform any other duties required by law, government bodies or this Constitution.
- 6) The Secretary may delegate the responsibilities in clause 4 and 5, to the extent allowed by the law.
- 7) The Secretary may appoint Accountability officers.
- 8) The Secretary is appointed by the Executive and may be removed by a  $\frac{2}{3}$  majority vote of the Executive and the endorsement of the Party President.

### **2. Treasurer**

- 1) It is the duty of the Treasurer of the Party to ensure:
  - a) All financial matters for the Party are compliant with relevant Australian laws, including:
    - i) All monies due to the Party is collected and received and that all payments required by the Party are made,
    - ii) Records of financial affairs of the Party, including full details of all receipts and expenditure connected with the activities of the Party, and
    - iii) Submissions of financial returns are complied with, and
    - iv) That relevant records are kept for the required periods of time, and
    - v) That disclosure returns are lodged with the Australian Electoral Commission
- 2) The Treasurer will be responsible for the prudent management of all funds:
  - a) 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 Executive determines.
  - b) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the Executive or employees of Australian Progressives, being members or employees authorised to do so by the Executive.

- 3) The Treasurer is appointed by the Executive and may be removed by a  $\frac{2}{3}$  majority vote of the Executive.
- 4) Unless otherwise provided by this Constitution, the Treasurer must keep in their custody or under their control all records, books and other documents relating to the Party finances.

### **3. Accountability Officers**

1. The Executive, or delegate may, from time to time, appoint Accountability Officers to discharge the powers outlined in Part 5.

## ***Part 5 - Disputes and Discipline***

### **1. Resolution of disputes and discipline of members**

- 1) The Executive, Secretary, or delegate, may appoint an Accountability Officer, and any number of Deputy Accountability Officers, from time to time, in order to:
  - a) Investigate complaints of breaches against the Constitution, Code of Ethics, or other Terms as Endorsed from time to time.
  - b) Maintain and monitor constitutional order: and,
  - c) Ensure the protection of whistleblowers and witnesses, to the extent permissible by just law; and
  - d) Recommend any amendments to Endorsed procedures for Discipline and Dispute Resolution; and
  - e) Other relevant internal procedure and matters determined by the Executive.
- 2) Where not covered by this Constitution, the Executive will maintain procedure for Resolution of disputes and Discipline of Members.
- 3) Except where specified in this Constitution, all members have the right to appeal decisions made through the Resolution of Disputes mechanism to the Executive.

### **2. Accountability Officers**

1. The Executive, or Delegate, shall inform members an Accountability officer has been appointed, and the general nature of the investigation to be undertaken, within 7 days of the appointment.
2. An Accountability Officer shall not hold any other appointed, or elected position in the Party.
3. Any effort by any member to obstruct or induce influence over an Accountability Officer in the performance of their duties is in breach of this Constitution and may be held in contempt.
4. Accountability Officers 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.
5. In the event of a conflict between decisions of the Accountability Officer and a deputy Accountability Officer, the decision of the Accountability Officer will take precedence.
6. A member appointed as an Accountability Officer must disclose, prior to commencing an investigation, or immediately after they become aware of, any potential Conflict of Interest and resign the appointment.
7. If no members are willing or able to perform their role the role of Accountability Officer, then all such powers shall fall to the Executive.
8. Accountability Officers shall be removed by one of the following methods:
  - a. Their own resignation, or
  - b. By decision of the Executive, or Delegate, upon recommendation by another Accountability Officer, or
  - c. Resolution of the dispute.
9. Members should be informed of the reasons for removal within 30 days.

### **3. Duties of Accountability officers**

10. The Accountability Officer shall investigate any received disputes under their authority using the following:
  - a. Appoint deputy Accountability officers to assist in an investigation, or
    - i. a deputy Accountability officer cannot further deputise their authority.
  - b. Designate a member or members to mediate disputes between individuals, groups or bodies within the Party;
  - c. Attend any meeting of any body within the organisation that is directly relevant to the dispute;
  - d. Review any document or communication produced within the organisation that is directly relevant to the dispute at hand;
  - e. Request an interview with any member within the organisation directly relevant to the dispute;
  - f. Request a written statements, up to and including statutory declarations, from any member within the organisation directly pertaining to the dispute;
    - i. Refusal to provide a written statement upon request is not considered evidence against the relevant party or a breach against Section 4 of this Part.
  - g. Request records of digital communications or any data the Accountability Officer can not review without otherwise breaching rights, that are directly relevant to the dispute;
  - h. Request a walkthrough of any document or asset owned by the party that is directly relevant to the dispute, and
  - i. An Accountability officer shall provide a record of their decision and reasons for such to the Secretary.

### **3. Appeals**

- 1) A member of the Party may appeal any decision made by an Accountability officer regarding the member's behaviour to the Executive, or Secretary.
- 2) Unless constrained by Conflict of Interest, the Secretary shall request the Executive, or delegate, to review the decision, and any additional information the member in question may provide.

## **Part 6 - Hubs**

### **1. Composition of a Hub**

- 1) The Party's primary unit of membership participation will be the Local Community Hub (hub) which will be open to all financial members.
  - a) Hubs should primarily be of geographic nature, although special dispensation may be granted on application.
- 2) Hubs shall consist of;
  - a) the community hub officers, and
  - b) all other remaining local hub members.
- 3) Hubs may organise themselves as needed, so long as it is consistent with the values and constitution.
- 4) Hubs shall be governed by this Constitution, and a Hub Charter.
- 5) Hubs must also demonstrate that any variations to structure are consistent with this Constitution.

### **2. Application for a hub**

1. Hubs shall be established by application using the approved form.
  - a. Applications for the establishment of a Community Hub must be in writing and given approval by the National Executive, relevant State Executive, or delegate.
  - b. The Executive, or relevant State Executive is to maintain a criteria for approving a Community hub
2. If the Executive or State Executive rejects an application for the formation of a Community Hub, they must provide their reasons in writing.

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

- 1) Hubs shall:
  - 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 Executive in writing;
  - e) Actively engage in local communities and campaign on local, state and national issues that are relevant to their Hub and consistent with the Party Values and 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) Hubs members shall meet at least once every three (3) months and, if possible, once every month.

- 3) Hub Officers shall:
  - a) inform hub members of meeting details at least 7 calendar days before the meeting
  - b) Provide updates to the Secretary, or delegate, regarding membership changes.
- 4) Hubs, upon establishment, must vote in a Community Hub Charter that is consistent with this Constitution, and the Code of Ethics.
- 5) Hub officers shall provide to the Secretary, or delegated authority, annual details of:
  - a) Their activities;
  - b) Meeting times and venues; and
  - c) Any other information the Secretary requests.

### **3. Administration of Hubs**

- 1) A Hub shall at all times have an appointed Hub Officer, who shall be the contact for communications with the Executive.
- 2) A Hub may dissolve, move, reform, or otherwise reconstitute as per procedure.
- 3) The Executive reserves the right to directly administer any hubs found, or otherwise believed, to be in violation of the Constitution, Code of Ethics, or Hubs procedure.

### **4. Appeals**

- 1) Members may appeal against the formation, dissolution, or reconstitution, election proceedings, nominations or activities of a recognised Hub to the Executive, as per endorsed procedure.

## **Part 7 - General meetings**

### **1. General meetings**

- 1) The Executive may, at its discretion, call a General Meeting of the Membership of the Party.
  - a) The Executive must give at least 28 calendar days notice of the calling of a General Meeting of the Membership of the Party.
- 2) Members may attend meetings face to face, online or teleconference.
- 3) All General Meetings, Special or otherwise, must begin with a Welcome to/Acknowledgement of Country.

### **2. Special general meetings**

- 1) The Executive shall, on the receipt in writing by the Secretary, of a requisition from at least 5 per cent of the total number of members, or 250 ordinary members, whichever is higher, convene a Special general meeting of the Party.
- 2) Special General Meetings cannot be called during the following periods:
  - a) Between the 30th of November and the 15th of January, or
  - b) during the period of issued writs for an election in which the Party has candidates, or
  - c) during the election period of an Executive or the President of the Party.
- 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, or, fails to reach mutual agreement on a later date, 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.
  - a) In the event that this time frame would cause the Special General Meeting to occur between the dates specified in Clause 2, the Secretary should delay the meeting to at 14 calendar days after the exclusion period ends.
- 5) A special general meeting shall be conducted in the same manner as a General meeting with the exception of process outlined in this Section.

### **4. Notice**

- 1) The secretary must, at least 28 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 the Party, 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) 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.
- 4) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting, except by written petition of at least 5 percent of the total number of members, or 250 members, whichever is higher, submitted to the Party Secretary, or designated officer, at least One (1) hour before the commencement of the General Meeting.

## **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) The National Executive of the party, plus 25 members of the party being present (being members entitled under this constitution to vote at a general meeting) would constitute a quorum for the transaction of the business of a general meeting.
- 3) At Special General Meetings, where the National Executive has failed to convene a Special General Meeting, as stipulated in Part 8, Clause 3, Section 3, quorum will be ten percent of the total ordinary membership, or 500 ordinary members, whichever is higher.
- 4) 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.
- 5) 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 meeting will 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.
- 6) If at this third meeting, a quorum is still not present within half an hour after the time appointed for the commencement of the meeting, the meeting shall be dissolved, and the matter submitted to the National Executive for review.

## **6. Presiding member**

- 1) The President is to preside as chairperson at each general meeting of the Party. The president may delegate this responsibility in writing.



- 2) If the President is absent or unwilling to act, and has not delegated the role, 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 a 55% 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 the Party 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 the Party is to be determined by:
  - a) consensus, or
  - b) a show of hands, or
  - c) if on the motion of the chairperson or if 25 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 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.

## ***Part 8 - Elections and Voting***

### **1. Calling of Elections or Votes**

- 1) The Executive must appoint one member of the party to serve as the Returning Officer of the Party, who will be in charge of the organisation and conduct of elections, as well as the counting and announcement of election results.
- 2) On any question arising at a general meeting, or any election, special or otherwise, or any matter requiring a vote of the Party, a member has one vote only.
  - a) In the case where multiple methods of voting are available, members must elect to vote via only one method.
  - b) Voting via multiple methods is considered invalid and grounds for review with potential disciplinary outcomes.
  - c) If significant voter fraud is suspected, the vote will be declared void, and a revote called.
- 3) In the case of an equality of votes on any matter, aside from elections for any position, the President is to exercise a casting vote.
  - a) If the President is unable to exercise a casting vote for any reason, whether it be ethics, conflict of interests, or otherwise, the Party Secretary, or elected chairperson of a General Meeting, or another presiding member, or designated office bearer, in that order, may exercise a casting vote.
- 4) In the case of an equality of votes, after the distribution of preferences, for two or more candidates to any elected position, then a special election will be held between those candidates who had an equality of preferential votes, to the exclusion of all others.
- 5) A member is not entitled to vote at any general meeting of the Party unless all money due and payable by the member to the Party has been paid.

### **2. Proxy votes not permitted**

- 1) Proxy voting must not be undertaken at or in respect of a general meeting, or any ballot conducted by the Party, or any member or group of members belonging to the party, for any matter relating to the party unless otherwise permitted by this Constitution.

### **3. Postal Voting/Postal Ballot**

- 1) The Party may hold a postal ballot to determine any issue or proposal (other than an appeal under Part 2, clause 5 ("Resolution of disputes and discipline of members")).
- 2) A postal ballot is to be conducted in accordance with Schedule 3 to the Regulation.

### **4. Online Voting/Online Ballot**

- 1) The Party may hold an online vote to determine any issue or proposal, or election, including those not raised at a General Meeting.
- 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 or Hub leadership.

## **5. Voting**

- 1) All votes conducted within the party are subject to the relevant procedure.

## **6. Conduct of Candidates and Voters**

- 1) Any negative campaigning is strictly banned, with those found or suspected of engaging in negative campaigning against the spirit of the Party Objectives, Code of Ethics, or values will be referred to the Secretary for Dispute Resolution and potential Discipline.
- 2) All candidates must seek to espouse and uphold the following value: We are not running against each other, we are running together.
- 3) Offering inducements to members, other than the advancement of the Party, is strictly prohibited.
- 4) This code of conduct will be provided to all candidates ahead of nomination, with agreement being a requisite to being eligible for nomination.

## **Part 9 - Miscellaneous**

### **1. Service of notices**

1. For the purpose of this Constitution, a notice may be served on or given to a person:
  - a. a) by delivering it to the person personally, or
  - b. b) by sending it by pre-paid post to the address of the person, or
  - c. c) by sending it by 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.

### **2. Financial**

1. The Party and its subsidiaries may engage in activities that generate a profit.
2. The financial year of Australian Progressives is:
  - a. a) the period of time commencing on the date of incorporation of the Organisation and ending on the following 30 June, and
  - b. b) each period of 12 months after the expiration of the previous financial year of the Organisation, commencing on 1 July and ending on the following 30 June.
3. The Executive, or delegate, holds an obligation to ensure all donations are ethically sourced, including ensuring that donations are not given for the purpose of influencing party procedure or electoral platform. Such donations must either be rejected or redirected to another charitable cause.

### **3. 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.

### **4. Dissolution**

- 1) A Special General Meeting must be held to move a motion to dissolve the Party via a ballot of members.
- 2) The Party 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, on the winding-up or dissolution of the Party, 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,
  - b) 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
  - c) whose constitution prohibits the distribution of its income and property among its members to an extent at least as great as is imposed by the Constitution of Australian Progressives.
  - d) 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.
- 5) In default of a distribution under Part 10 clause 4 ("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.

## ***Part 10 - Administration during Elections***

### **1. Definition**

- 1) Ordinary business of the Party is suspended during federal elections.
- 2) Ordinary business of the Party is suspended in States where the the Party is contesting a State election.
  - a) State Executive must stipulate in Endorsed procedure, the number of electorates for a local government election at which ordinary Party business is suspended.
- 3) Ordinary business of the Party is suspended for Hubs where the Hub is captured by a local government election.

### **2. Members**

1. A member who nominates for preselection agrees to support the preselected candidate.
2. Members cannot contest seats where another member has been endorsed by the Party.
  - a. Members who nominate against an endorsed candidate without approval from the Executive are deemed to have resigned their membership to the Party.
  - b. Members who campaign against an endorsed electoral candidate for Parliament without the prior approval of the Executive or relevant State Executive for their campaign will have their membership immediately suspended. An Accountability Officer will be appointed to oversee review.

### **3. Campaign Management**

1. The Executive, or delegate, shall appoint a Campaign Manager to oversee the election campaign.
2. The Executive, or delegate, shall appoint a campaign team to assist the Campaign Manager.

## ***Part 11 - National Interim Steering Committee***

### **1. 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 commence by the end of December, 2019.
- 3) The National Interim Steering Committee will transition out over the term of the First Elected Executive, in order to maintain continuity, and ensure stability.
- 4) Sunset clause: Upon dissolution of the National Interim Steering Committee, all clauses referring to it shall be automatically removed from this Constitution, or altered to reflect its dissolution.
- 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, in consultation with the party membership 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) bring the Organisation into disrepute; or
    - ii) breach the Organisation's values, Code of Ethics 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, Code of Ethics or objectives.
- 11) The Steering Committee shall also have all other powers assigned to the National Executive in this Constitution.

## **2. 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.

## **3. 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.

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

- 1) The Steering Committee may delegate to one or more sub-committees (consisting of such member(s) 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, unless with the consent of the Steering Committee, 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 is subject to any and all conditions and limitations as specified by the Steering Committee.
- 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.