

Constitution of the Voluntary Euthanasia Party (NSW) (as amended by special resolution on 11 November 2018)

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Note: highlighted in green are sections that reference the Associations Incorporation Regulation 2010 exactly.

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PART I - PRELIMINARY

1. Definitions

(1) In this constitution, unless some other meaning is clearly intended:

committee or executive means the ~~State or Territory~~ executive of the party described in Part III, although these terms may be used interchangeably.

elected public office means an elected position in a state, territorial or federal parliament or other institutional authority.

federal committee or executive means the Federal Committee or Executive of the [federal Voluntary Euthanasia Party](#) established under the constitution of that party

federal party means the [federal Voluntary Euthanasia Party](#).

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financial year means the year ending on 30 June.

majority means more than half of the persons voting.

member means a person who is enrolled as a member of the party or association.

ordinary committee member means a member of the executive who is not an office-bearer of the association. ~~as mentioned in section Part III (2)(1)(b).~~

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party means this association, although these terms together with VEP(NSW) and state party, may be used interchangeably.

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

present (at meetings) means in person or via phone, internet, or other electronic means.

secretary or state secretary means the person holding office under this constitution as secretary of the association or, if no such person holds that office, the public officer of the association.

signed means by signature including electronic signature or authorisation.

the Act means the Associations Incorporation Act (NSW) 2009.

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the regulation means the *Associations Incorporation Regulation 2010*.

the Electoral Act means the ~~Electoral Act~~ [Parliamentary Electorates and Elections Act](#) (NSW) ~~2017-1912~~ and any related regulation.

the Electoral Funding Act means the [Electoral Funding Act \(NSW\) 2018](#) and any related regulation.

(2) In this constitution:

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(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.

2. Application of Interpretation Act (NSW) 1987 ~~Legislation Review Act (NSW) 1987~~

1. The provisions of the Interpretation Act (NSW) 1987 ~~Legislation Review Act (NSW) 1987~~ applies to this constitution in the same way as it would if they were an instrument made under the Act.

3. Party Name

4. The name of the association is the **Voluntary Euthanasia Party (NSW)**, which is abbreviated to “*VEP(NSW)*” in this constitution.

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4. Purpose

4. The purpose of the Party is to promote dignity, respect and care for all Australians, particularly by promoting legislative schemes and policies that allow for voluntary euthanasia. It will do so by nominating and endorsing candidates for elected public office at state level in New South Wales and by conducting other related activities that promote its purpose.

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5. Other governance documents

- (1) This constitution sets out the principles for the working of the state party and all other governance documents are subordinate to it, with the exception of the Constitution of the federal Voluntary Euthanasia Party.
- (2) This constitution is subordinate to the Constitution of the federal Voluntary Euthanasia Party.

PART II - MEMBERSHIP

1. Membership qualifications

~~(1) A person is qualified to be a member if:~~

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~~(a) Deleted~~

~~(b) The person is a member of the Voluntary Euthanasia Party and a resident of NSW; or~~

~~(c) the person —~~

~~i. Is on the Commonwealth Electoral Roll; and~~

~~Applies to join as per Part II (2) and (3) of this constitut~~

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A natural person aged 18 years or older and resident in New South Wales is eligible to be a member of VEP(NSW) if:

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ii-(a) the person is on the Commonwealth Electoral Roll and applies to join under section 2 of this part; or

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~~(d)~~(b) In the case of an unincorporated body that is registered as the association when and if it incorporates - a member of that unincorporated body immediately before the registration of the association.

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2. Application for membership

- (1) Eligible people ~~may apply for membership of VEP(NSW) under (1) above, join the state and federal party simultaneously~~ by:
- (a) completing an application form indicating their name and address as it is on the Commonwealth Electoral Roll, ~~or State Electoral Roll~~, their date of birth, and, optionally, their phone number and email address and indicating their willingness to submit to the terms of this constitution;
 - (b) providing payment of any membership fee that has been set by the party; and
 - (c) depositing the application form and any fee with the secretary, either by post or by electronic means.

~~(2)~~ Application for membership of VEP(NSW) also constitutes an application for membership of the federal party.

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- ~~(2)~~(3) A person ~~Members~~ who ~~has have~~ been refused membership ~~or expelled~~ by the federal Voluntary Euthanasia Party will not be entitled to apply for membership of VEP(NSW). ~~this association or any state branch.~~

3. Processing of membership

- ~~(1)~~ The state secretary has the discretion to accept and process incomplete application forms.
- ~~(1)~~(2) The state secretary must, ~~on payment by the applicant of the amounts mentioned in section 7 of this Part, within the period mentioned in that subsection, or, if no fee is payable,~~ upon approval by the committee, enter the applicant's name in the register of members, at which point the applicant becomes a member of the association.
- ~~(2)~~(3) ~~Applications for membership must be approved by the committee~~ ~~The committee must approve new applicants at each- at the next~~ executive meeting, ~~and will and the committee may~~ refuse to accept an application for membership on the negative votes of any two or more committee members.
- ~~(3)~~(4) The secretary must inform within 14 days, any applicant who has their ~~membership~~ application refused by the committee, but there is no requirement to document reasons for that refusal.

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4. Membership entitlements not transferable

- ~~4.~~ A right, privilege or obligation that a person has because of being a member of the association—
- (a) cannot be transferred or transmitted to another person; and
 - (b) terminates on cessation of the person's membership.

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5. Cessation of membership

- ~~4.~~ A person ceases to be a member of the association if the person—
- (a) dies; or

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- (b) resigns from membership of the association; or
- (c) is expelled from the association; or
- (d) fails to pay the required fees (if any) renew membership of the association.

6. Resignation of membership

(1) A member ~~may is not entitled to~~ resign from membership of the association by 7 days written notice to the state secretary.

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(2) After receiving a notice of resignation, the secretary must update the register of members and record the date the person ceased to be a member of VEP(NSW).

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~~(1) except in accordance with this section.~~

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~~(a) A member who has paid all amounts payable by the member to the association may resign from membership of the association by first giving notice (of not less than 1 month or, if the committee has determined a shorter period, that shorter period) in writing to the secretary of the member's intention to resign and, at the end of the period of notice, the member ceases to be a member.~~

~~(b) If a person ceases to be a member, the state secretary must make an appropriate entry in the register of members recording the date the member ceased to be a member.~~

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7. Fee and subscriptions

(1) The entrance fee and annual membership fee to the Party may be any amount determined by resolution of the committee and; that amount may be zero.

~~(1)(2) As at 11 November 2018, no entrance fee or annual membership fees apply but the committee may resolve to impose fees and determine the amount and terms of payment.~~

~~(2) The annual membership fee is payable —~~

- ~~a. except as provided by paragraph (b) — before 1 July in each calendar year; or~~
- ~~b. if a person becomes a member on or after 1 July in any calendar year — before 1 July in each succeeding calendar year.~~

~~(3) If a member has paid an annual membership fee to the Voluntary Euthanasia Party, they may on application under subsection (2) become a member of this association, without any membership or other fee being payable.~~

8. Members' liabilities

~~4. The liability of a member to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the association is limited to the amount (if any) unpaid by the member in relation to membership of the association as required by Part II sections 2 and 7.~~

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9. Disciplining of state members

~~4. Any member of the Voluntary Euthanasia Party (NSW) can be subject to disciplinary action by the Federal Executive as outlined in the federal party's constitution.~~

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10. Right of appeal of disciplined member

4. -Any member of the Voluntary Euthanasia Party (NSW) may appeal against disciplinary action by the mechanism outlined in the federal [party's](#) constitution.

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11. Resolution of disputes

- (1) A dispute between a member and another member (in their capacity as members) of the association, or a dispute between a member or members and the association, are to be referred to a community justice centre for mediation under the Community Justice Centres Act 1983.
- (2) If a dispute is not resolved by mediation within 3 months of the referral to a community justice centre, the dispute is to be referred to arbitration.
- (3) The Commercial Arbitration Act 1984 applies to any such dispute referred to arbitration.

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12. Disciplining of members

- (1) A complaint may be made to the committee by any person that a member of the association:
 - (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 the association.
- (2) The committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- (3) If the committee decides to deal with the complaint, the committee:
 - (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 committee in connection with the complaint, and
 - (c) must take into consideration any submissions made by the member in connection with the complaint.
- (4) The committee may, by resolution, expel the member from the association or suspend the member from membership of the association 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.
- (5) If the committee 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 committee for having taken that action and of the member's right of appeal under clause [13 of this part](#)¹².
- (6) 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 the association confirms the resolution under clause [13 of this part](#)¹², whichever is the later.

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13. Right of appeal of disciplined member

- (1) A member may appeal to the association in general meeting against a resolution of the committee under clause [124 of this part](#), within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (2) 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.
- (3) On receipt of a notice from a member under [subclause 13\(1\) of this part](#), the secretary must notify the committee which is to convene a general meeting of the association to be held within 28 days after the date on which the secretary received the notice.
- (4) At a general meeting of the association convened under [subclause 13\(3\) of this part](#):
 - (a) no business other than the question of the appeal is to be transacted, and
 - (b) the committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
 - (c) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (5) The appeal is to be determined by a simple majority of votes cast by members of the association.

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14. Register of members

- (1) [The secretary must establish and maintain a register of members of the association \(whether in written or electronic form\) specifying the name and postal, residential or email address of each person who is a member of the association together with the date on which the person became a member.](#)
- (2) [The register of members must be kept in New South Wales:](#)
 - (a) [at the main premises of the association, or](#)
 - (b) [if the association has no premises, at the association's official address.](#)
- (3) [The register of members must be open for inspection, free of charge, by any member of the association at any reasonable hour.](#)
- (4) [A member of the association may obtain a copy of any part of the register on payment of a fee of not more than \\$1 for each page copied.](#)
- (5) [If a member requests that any information contained on the register about the member \(other than the member's name\) not be available for inspection, that information must not be made available for inspection.](#)
- (6) [A member must not use information about a person obtained from the register to contact or send material to the person, other than for:](#)
 - (a) [the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to the association or other material relating to the association and its purpose, or](#)
 - (b) [any other purpose necessary to comply with a requirement of the Act or the Regulation.](#)
- (7) [If the register of members is kept in electronic form:](#)

(a) it must be convertible into hard copy, and

(5) (b) the requirements in clauses 14(2) and (3) of this part apply as if a reference to the register of members is a reference to a current hard copy of the register of members.

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PART III - THE EXECUTIVE

1. Powers of the state executive

- (4) The state executive, subject to the Act, this constitution and to any resolution passed by the association in general meeting —
- (a) controls and manages the affairs of the VEP(NSW) and state level matters in New South Wales;
 - (b) may exercise all functions that may be exercised by the association other than those functions that are required by this constitution to be exercised by the association in general meeting; and
 - (c) has power to perform all acts and do all things that appear to the committee to be necessary or desirable for the proper management of the affairs of the association.

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2. Constitution and membership

- (1) The executive consists of —
 - (a) the office-bearers of the association; and
 - (b) 3 ordinary committee members;
 - (b) each of whom must be elected under section 2(3) or appointed in accordance with subsection 2(4) of this part; and
 - (c) ~~deleted~~
 - (2) The office-bearers of the association are:—
 - (a) the state convenor;
 - (b) the state deputy-convenor;
 - (c) the state treasurer;
 - (d) the state secretary; and
 - (e) the state media officer.
 - (3) Each member of the committee holds office, subject to this constitution, until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.
 - (4) If there is a vacancy in the membership of the committee, the committee may appoint a member of the association to fill the vacancy and the member so appointed holds office, subject to this constitution, until the conclusion of the next annual general meeting after the date of their appointment.
- (4)(5) There is no maximum number of consecutive terms for which a committee member may hold office.

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3. Election of the state executive

- (1) Nominations of candidates for election as office-bearers of the party or as ordinary committee members:
 - (a) must be made in writing, signed by 2 members of the association, and accompanied by the written consent of the candidate (which may be endorsed on the nomination form); and
 - (b) must be given to the secretary of the association not less than 7 days before the date fixed for the annual general meeting at which the election is to take place.
- (2) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are taken to be elected and further nominations may be received at the annual general meeting.
- (3) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the people nominated are taken to be elected.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot must be held.
- (6) The ballot for the election of office-bearers and ordinary committee members must be conducted at the annual general meeting in the way the committee may direct.
- ~~(7) A member may hold more than one position on the executive but not so the executive comprises fewer than three people. A committee member may hold up to 2 offices but only if the committee comprises at least 3 people.~~

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4. State Convenor

4. The convenor must:
 - (a) chair and preside over all meetings of the party ~~referred to in this constitution~~;
 - (b) be the public-spokesperson of the party; and
 - (c) be a signatory to the state party's main bank account.

5. State Deputy-Convenor

4. The deputy-convenor must:
 - (a) chair and preside over a meeting of the party in the absence of the cConvenor; and
 - (b) represent the party as public-spokesperson, as required.

6. State Secretary

- (1) The secretary of the party must, as soon as practicable after being appointed as secretary, notify the association of his or her address.
- (2) The secretary must keep minutes of:
 - (a) all elections and appointments of office-bearers and ordinary committee members;
 - (b) the names of members of the committee present at a committee meeting or a general meeting; and

- (c) all proceedings at committee meetings and general meetings of the association, as they relate to the State Committee
- (3) Minutes of proceedings at a meeting must be signed by the person presiding at the meeting or by the person presiding at the next succeeding meeting.
- (4) The secretary must -
 - (a) be the secretary for the purposes of the Electoral Act;
 - (b) be the registered officer for the purposes of the Electoral Act;
 - (c) be responsible for all communication and decisions relating to all Australian political entities
 - (d) be a signatory to the state party's main bank account;
 - (e) be responsible for the day-to-day administration of the party and conduct of correspondence; and
 - (f) represent the party as public-spokesperson, as required.

7. State Treasurer

- 4. The treasurer of the association must:—
 - (a) collect and receive all amounts owing to the association and make all payments authorised by the association;
 - (b) keep correct accounts and books showing the financial affairs of the association with full details of all receipts and expenditure connected with the activities of the association;
 - (c) be a signatory to the state party's main bank account;
 - (d) be the party agent for the purposes of the Electoral Act; and
 - (e) represent the party as public-spokesperson, as required.

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87a. Media officer

- 4. The media officer of the association must:—
 - (a) Maintain the party's state web pages;
 - (b) Maintain the party's state social media presence; and
 - (c) Issue party press releases relevant to NSW.

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98. Vacancies

- 4. For this constitution, a casual vacancy in the office of a member of the committee happens if the member—
 - (a) dies;
 - (b) ceases to be a member of the association;
 - (c) resigns the office;
 - (d) is removed from office under section 10 of this part 9 (Removal of committee members);
 - (e) becomes bankrupt or personally insolvent;
 - (f) suffers from mental or physical incapacity;
 - (g) is disqualified from office under the Act; or
 - (h) ~~is subject to a disqualification order under the Act; or~~

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- (i) is absent without the consent of the committee from 3 consecutive all meetings of the committee ~~held during a period of 6 months~~.

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109. Removal of committee members

4. The association in general meeting may by resolution, subject to the Act, remove any member of the committee from the office of member of the committee before the end of the member's term of office.

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1011. Committee meetings and quorum

- (1) The committee must meet at least 3 times in each calendar year at any place and time that the committee may decide.
- (2) Additional meetings of the committee may be called by any member of the committee.
- (3) Oral or written notice of a meeting of the committee must be given by the secretary to each member of the committee at least 48 hours (or any other period that may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under ~~subsection 11(3) of this part~~ must specify the general nature of the business to be transacted at the meeting and no business other than that business may be transacted at the meeting, except business that the committee members present at the meeting unanimously agree to treat as urgent business.
- (5) Any 3 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (6) No business may be transacted by the committee unless a quorum is present and, if within half an hour after the time appointed for the meeting a quorum is not present, the meeting stands adjourned to the same place and at the same hour of the same day in the following week or such other time that the committee members unanimously agree to.
- (7) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting, the meeting is dissolved.
- (8) At meetings of the committee, if the ~~sState c~~Convener and the ~~sState Deputy~~deputy-~~Convener-convenor~~ are absent, or unwilling to act, — 1 of the remaining members of the committee may be chosen by the members present to preside.

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112. Voting and decisions

- (1) Questions arising at a meeting of the committee are decided by a majority of the votes of members of the committee present at the meeting.
- (2) Each member present at a meeting of the committee (including the person presiding at the meeting) is entitled to 1 vote but, if the votes on any question are equal, the person presiding may exercise a second or casting vote.

13. Use of technology at committee meetings

- (1) A committee meeting may be held at 2 or more venues using any technology approved by the committee that gives each of the committee's members a reasonable

opportunity to participate.

(2) A committee member who participates in a committee meeting using that technology is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

12. State Foundation Executive

- ~~1. At the commencement of VEP(NSW) there will be a State Foundation Executive, exercising all powers of the Executive as set out in this Constitution in Part III with exception of the application of Part III (9).~~
- ~~2. The members of the State Foundation Executive, as appointed upon registration of the Party, shall remain in office until the first annual general meeting.~~
- ~~3. The State Foundation Executive will consist of at least the positions set out in Part III section (2)(2).~~
- ~~4. The State Foundation Executive shall adopt this constitution at its first meeting by vote with a majority prevailing, thus signalling the commencement of the party.~~

PART IV - MEETINGS

1. Annual general meetings — holding of

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- (1) With the exception of the first annual general meeting of the association, the association must, at least once in each calendar year and between the months of ~~October~~ June and December, call an annual general meeting of its members.
- (2) The association must hold its first annual general meeting:—
 - (a) within 24 months after its incorporation under the Act; and
 - (b) within 5 months after the end of the first full financial year of the association.

~~(3) deleted~~

2. Annual general meetings—calling of and business at

- (1) The annual general meeting of the association must, subject to the Act, be called on the date and at the place and time that the committee considers appropriate.
- (2) In addition to any other business that may be transacted at an annual general meeting, the business of an annual general meeting is:—
 - (a) to confirm the minutes of the last annual general meeting and of any general meeting held since that meeting;
 - (b) to receive from the committee reports on the activities of the association during the last financial year;
 - (c) to elect members of the committee, including office-bearers; and
 - (d) to receive and consider the statement of accounts and the reports that are required to be
~~(e)~~(e) submitted to members under the Act or which are required under the
Electoral Act, section 48.
- (3) An annual general meeting must be specified as such in the notice calling it in accordance with section 24 of the Act ~~(Notice).~~

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- (4) An annual general meeting must be conducted in accordance with the provisions of this part.

3. General meetings—calling of

- (1) The committee may, whenever it considers appropriate, call a general meeting of the association.
- (2) The committee must, on the requisition in **writing of not less than 25%** of the total number of members, call a general meeting of the association.
- (3) A requisition of members for a general meeting:—
- (a) must state the purpose or purposes of the meeting;
 - (b) must be signed by the members making the requisition;
 - (c) must be lodged with the secretary; and
 - (d) may consist of several documents in a similar form, each signed by 1 or more of the members making the requisition.
- (4) If the committee fails to call a general meeting within 1 month after the date when a requisition of members for the meeting is lodged with the secretary, any 1 or more of the members who made the requisition may call a general meeting to be held not later than 3 months after that date.
- (5) A general meeting called by a member or members mentioned in subsection 3(3) of this part must be called as nearly as is practicable in the same way as general meetings are called by the committee and any member who thereby incurs expense is entitled to be reimbursed by the association for any reasonable expense so incurred.
- (6) For the purposes of section 3 of this part:
- (a) a requisition may be in electronic form, and
 - (b) a signature may be transmitted, and a requisition may be lodged, by electronic means.

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4. Notice

- (1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 14 days before the date fixed for the holding of the general meeting, sent by prepaid post or by email or other appropriate electronic means to each member at the member's address or email or other electronic address as appropriate appearing in the register of members, a notice 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 association, the secretary must, at least **21 days** before the date fixed for the holding of the general meeting, send notice to each member in the way provided in subsection 4(1) of this part specifying, in addition to the matter required under that subsection, the intention to propose the resolution as a special resolution (to be passed in accordance with section 39 of the Act).
- (3) No business other than that specified in the notice calling a general meeting may be transacted at the meeting except, for an annual general meeting, business that may be transacted under section {2} of this part.

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- (4) A member desiring to bring any business before a general meeting may give written notice 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. General meetings—procedure and quorum

- (1) No item of business may 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) Five members present **in person**, (who are 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 30 minutes after the appointed time for the start of a general meeting a quorum is not present, the meeting
 - (a) if called on the requisition of members, is dissolved, and
 - (b) in any other case, stands adjourned to the same day in the following week at the same time and (unless another place is specified at the time of 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 30 minutes after the time appointed for the start of the meeting, the members present (being not less than 3) constitute a quorum.

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6. Presiding member

- (1) The Convenor, or in the absence of the Convenor, the Deputy-convenor, presides at each general meeting of the association.
- (2) In the absence of the Convenor and the Deputy-convenor, the members present must elect 1 of their number to preside at the meeting.

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7. Adjournment

- (1) The person presiding at 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 may 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 association 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 **subsections 7(1) and (2) of this part**, 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.

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8. Making of decisions and voting

1. A question arising at a general meeting of the association is to be decided by:
 - a. ~~on~~ a show of hands (or corresponding method determined by the committee if the meeting is held using technology); or
 - b. if on the motion of the chairperson or if 3 or more members present at the meeting in person or by proxy decide that the question should be determined by a written ballot, a written ballot.
4. and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the person presiding 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 the association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
2. ~~At a general meeting of the association, a poll may be demanded by the person presiding or by not less than 3 members present in person or by proxy at the meeting.~~
- 3-2. If the poll is demanded at a general meeting, the poll must be taken:
 - a. immediately if the poll relates to the election of the person to preside at the meeting or to the question of an adjournment; or
 - b. in any other case, — in the way and at the time before the close of the meeting that the person presiding directs, and the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.
- 4-3. Subject to ~~subsection 8(43) of this part~~, on any question arising at a general meeting, a member has 1 vote only.
- 5-4. All votes must be given personally or by proxy but no member may hold more than 5 proxies (other than where that member is presiding at the meeting and holds proxies in that capacity).
- 6-5. If the votes on a question at a general meeting are equal, the person presiding is entitled to exercise a second or casting vote.
6. A member and any proxy is not entitled to vote at any general meeting of the association unless all money due and payable by the member or proxy to the association has been paid, other than the amount of the annual subscription payable for the then current year (if any).
7. If the question is to be determined by a written ballot, the ballot is to be conducted in accordance with the directions of the person presiding at the meeting.

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9. Appointment of proxies

1. A member may appoint as a proxy for a general meeting either:
 - (a) the person presiding at the meeting; or
 - (b) another named member of the association.
2. The proxy appointment must be in writing substantially in the form attached as Annexure A and must be delivered to the Secretary *****

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~~4. Each member is entitled to appoint another member as proxy by notice given to the secretary no later than two hours before the time of the meeting for which the proxy is appointed.~~

10. Postal ballots

- ~~1. The association may hold a postal or electronic ballot (as the committee determines) to determine any issue or proposal (other than an appeal under clause 10 or 13 of part II).~~
- ~~2. A postal ballot is to be conducted in accordance with Schedule 3 to the Regulation.~~

11. Special resolutions

~~A special resolution may only be passed by the association in accordance with section 39 of the Act.~~

12. Use of technology at general meetings

- ~~(1) A general meeting may be held at 2 or more venues using any technology approved by the committee that gives each of the association's members a reasonable opportunity to participate.~~
- ~~(2) A member of an association who participates in a general meeting using that technology is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.~~

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PART V - FINANCE AND ADMINISTRATION

1. Funds - purpose

~~4. The party is a not for profit organisation. Subject to the Act and the Regulation, the association must apply its funds and assets solely in pursuance of the objects of the association and must not conduct its affairs so as to provide a pecuniary gain for any of its executive or members.~~

2. Funds — source

- ~~1. The funds of the association must be derived from entrance and annual membership fees paid by members (if any), donations and fundraising and, subject to any resolution passed by the association in general meeting and subject to the Act, the Electoral Act and the Electoral Funding Act, any other sources that the committee decides.~~
- ~~2. Donations and other funds received by the association must be reported in accordance with relevant commonwealth, state and territory law by the Treasurer. These reports must be made available to the federal Treasurer on request.~~
- ~~3. All money received by the association must be deposited as soon as practicable and without deduction to the credit of the association's bank account.~~

- The association must, as soon as practicable after receiving any money, issue an appropriate receipt.

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3. Funds - management

- Subject to any resolution passed by the association in general meeting and the Electoral Act and the Electoral Funding Act, the funds of the association must be used for the objects of the association in the way that the committee decides.
- All party expenditure must be authorised according to the procedures dictated by the committee, which may limit the total spending that can be approved by a single signatory and require dual signatories or majority approval of the executive for specific expenditure items or amounts.

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4. ~~Deleted~~ Insurance

The association may effect and maintain insurance,

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5. Custody of books

Except as otherwise provided by this constitution, all records, books and other documents relating to the association must be kept in New South Wales:

- at the main premises of the association, in the custody of the public officer or a member of the association (as the committee determines); or
- if the association has no premises, at the association's official address, in the custody of the public officer.

- ~~Subject to the Act, the regulation and this constitution, the secretary must keep in his or her custody or under his or her control all records, books, and other documents relating to the association.~~

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6. Inspection of books

- The following documents must be open to inspection, free of charge, by a member of the association at any reasonable hour:

- records, books and other financial documents of the association;
- this constitution; and
- minutes of all committee meetings and general meetings of the association.

- A member of the association may obtain a copy of any of the documents referred to in clause 6(1) on payment of a fee of not more than \$1 for each page copied.
- Despite clauses 6(1) and (2), the committee may refuse to permit a member of the association to inspect or obtain a copy of records of the association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the association.

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- ~~The records, books and other documents of the association must be open to inspection at a place in NSW, free of charge, by a member of the association at any reasonable hour on provision of reasonable written notice.~~

7. Service of notice

(1) For this constitution, the association may serve a notice on a member by delivering it to the member personally or sending it by post to the member at the member's address or to the member's email address shown in the register of members.

(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

4. (c) in the case of a notice sent by email 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.

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8. Surplus property

4.(1) In a winding up of the association, the surplus property of the association is to be distributed in accordance with a special resolution of the association which must be in compliance with any applicable laws or regulations.

2.(2) Any such distribution shall be to an organisation with comparable aims to the association and whose constitution contains a similar provision to this provision.

PART VI - NOMINATION OF CANDIDATES FOR ELECTED PUBLIC OFFICE

1. Limitation of nomination without approval

No member may stand as an endorsed candidate for election to a state parliament, local government or other institution without the dual approval of the committee and the executive of the federal party.

2. Selection of electorates and candidates

- (1) The committee has the final authority to decide whether the party stands candidates in specific state electorates or the upper house. This includes by-elections.
- (2) The committee may endorse candidates at any time up to the close of nominations.
- (3) The committee can withdraw endorsement at any time up to the election date.
- (4) The committee's decision is final.

3. Obligations relating to candidates

- (1) Preselected candidates and elected representatives must promote the policies and purposes of the party.
- (2) Endorsing of a candidate does not indicate a commitment by the party to expend any monies, inter alia for filing fees, advertising, or staff, related to the candidate.

PART VII - CHANGES TO PARTY STRUCTURE

1. Amendment of the constitution

This constitution may be amended by ~~a special resolution motion or series of motions~~ at an annual general meeting or a ~~special~~ general meeting, ~~subsequent to the first annual general meeting~~, provided that:

- ~~(a) The special resolution is passed in accordance with section 39 of the Act~~~~The text of the proposed amendment(s) has been circulated to all members one month before the holding of the meeting; and~~
- ~~(b)~~(a) ~~The motion or motions receive a majority of two-thirds of the members present and voting; and~~
- ~~(c)~~(b) No two series of amendments to this constitution can be considered within a six-month period.

2. Winding up

- (1) The party may be dissolved by a vote of three-quarters of members present and voting at an ~~a~~Annual ~~General general Meeting-meeting~~ or ~~Special General general Meetingmeeting~~
- (2) The notice requirement for a motion to dissolve the party is six months.
- (3) If the party is to be dissolved and upon winding up there remains, after satisfaction of all debts and liabilities, any property whatsoever, this must not be paid to or distributed among the members of the party but must be given or transferred to some other institution or institutions with objectives similar to those of the party.

Annexure A

Proxy Form
Appoint a Proxy to Vote on Your Behalf

I, being a member of the Voluntary Euthanasia Party (NSW) appointed by hereby appoint:

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<u>Select option by ticking the box below</u>		<u>Person to act as Proxy *</u>
	<u>Option 1</u>	<u>The person presiding at the meeting OR</u>
	<u>Option 2</u>	<u>.....insert name of proxy which must be another member of VEP(NSW) entitled to vote at the meeting</u>

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as my proxy to act generally at the meeting on my behalf and to vote in accordance with the following directions (or if no directions have been given, and to the extent permitted by law, as the proxy sees fit) at the general meeting of Voluntary Euthanasia Party (NSW) at [location] on [date and time] and at any adjournment or postponement of that meeting.

<u>Items of Business – Voting Directions **</u>	<u>Vote (please select)</u>	
<u>[Special] Resolution</u>	<u>For</u>	<u>Against</u>
<u>[text of resolutions]</u>		

<u>Execution</u>	
<u>Name of Member (please print):</u>	
<u>Signature of Member:</u>	
<u>Date of execution:</u>	

PLEASE NOTE:

* If no proxy is nominated, the proxy will be taken to be held by the person presiding at the meeting

**If no voting directions are given, the person presiding over the meeting proposes to vote those proxies held by him or her in favour of the resolution.

Completed Proxy Forms must be provided to the Chair of the Meeting before the meeting is opened

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