Constitution

of

The Australian Democrats

PREAMBLE

The Australian Democrats is a political party that seeks to re-establish political ethics in modern politics, fostering integrity, statesmanship and genuine leadership to provide a meaningful and effective political conscience for the nation.

The Australian Democrats seeks to enforce the social contract that should exist between elected politicians and their electorate by genuinely listening to and seeking to represent the needs of the community, by rejecting the 'Party First' culture that is endemic in contemporary politics, and by encouraging ordinary people to take up their democratic responsibilities by engaging with political processes, both within our Party and without.

1 Name

The name of the Party is Australian Democrats. The Party was established in 1977 and amalgamated with the Country Minded Party in 2018.

2 Purposes

(1) The primary purposes of the Party are:

(a) To be registered with the Australian Electoral Commission as an eligible political party under the Commonwealth Electoral Act;

(b) To endorse candidates for Senate and House of Representative elections, State Parliaments and local governments;

(c) To develop and promote policies that are consistent with the Party's principles and objectives; and

(d) To be an alternative, competitive political force that holds politicians, parties and government to account and drives effective, nonpartisan outcomes.

3 Objectives

(1) The objectives and principles of the Party are:

(a) To act honestly and ethically, being genuinely accountable and acting in the best interests of the public;

(b) To determine positions and act according to evidence, merit and best

practice, not partisan ideology nor vested interest;

(c) To uphold principles of freedom, self-determination, personal responsibility, democracy, fairness and human rights;

(d) To uphold principles of equal opportunity, equal access to work, education, health, housing and other services;

(e) To foster a culture of stewardship, acting proactively for future generations, and leaving our country better than we found it;

(f) To accept the scientific method as the best tool to understand the world around us, particularly in the preservation of our climate and environment;

(g) To preserve Australia's natural resources and agricultural landscapes;

(h) To recognise and support the contribution that rural and regional communities make to the social, economic and environmental wellbeing of the nation;

(i) To recognise the Aboriginal and Torres Strait Islander peoples and cultures and support their spiritual and physical connection to country;

(j) To be inclusive and respect diversity of opinion, religion, culture, ethnicity, race, ability, age, sexuality and gender without discrimination or prejudice;

(k) To expect and pursue excellence and efficiency in the delivery of government services at all levels;

(l) To foster a sustainable economy, and to be open to the need for Government intervention where markets fail;

(m) To observe the separation of powers, the independence of the parliament, the executive of government and the judiciary and to maintain clear separation of church and state;

(n) To value the insights and experience of members, and engage with them democratically in Party decision-making; and

(o) To adhere to honest, just, respectful and collaborative behaviour both within, and when representing, the Party.

(2) The Party will:

(a) Act honestly, ethically and in good conscience;

(b) Be inquiring, open to ideas and committed to finding solutions;

(c) Be determined in honouring the social contract and trust that must exist between the public and any person or party that seeks or holds public office;

(d) Formulate policies according to and in keeping with the principles outlined in this Constitution, with genuine member participation as facilitated through the National Executive; and

(e) Faithfully enforce the intention of this Constitution and ensure it evolves over time to reflect the needs of the Party and the community it serves.

4 Definitions

(1) The defined terms used in this constitution are found in Schedule 1.

PART 2—POWERS OF PARTY

5 Powers of Party

(1) Unless precluded by law, the Party has power to do all things incidental or conducive to achieve its purposes.

(2) Without limiting subrule (1), the Party may—

(a) acquire, hold and dispose of real or personal property;

(b) open and operate accounts with financial institutions;

(c) invest its money in any security in which trust monies may lawfully be invested;

(d) raise and borrow money on any terms and in any manner as it thinks fit;

(e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;

(f) appoint agents to transact business on its behalf; and

(g) enter into any other contract it considers necessary or desirable.

(3) The Party may only exercise its powers and use its income and assets (including any surplus) for its purposes.

PART 3— Organisational Structure

Division 1—Powers of National Executive

6 Structure

(1) The Party shall consist of a National Executive and subordinate bodies approved by the National Executive.

7 Role and powers of the National Executive

(1) The business of the Party must be managed by or under the direction of National Executive.

(2) The National Executive may exercise all the powers of the Party except those powers that these Rules require to be exercised by general meetings of the members of the Party.

(3) The National Executive must perform its functions in the pursuit of the purposes, objectives, and in the interests of the Party as a whole, having regard to its position as a political party under the Commonwealth Electoral Act.

(4) The business and affairs that may be managed by the National Executive include, without limitation:

(a) selection and nomination of candidates for election to Federal, State and Territory Parliaments and Local Government including replacements to fill casual vacancies;
(b) the processes by which policy and election platforms are determined;
(c) the conduct of election campaigns;
(d) authorisation of members to speak on behalf of the Party;
(e) promotion of the Party, its principles, policies and good reputation;
(f) the conduct of national conference of the Party;
(g) all matters arising under the Commonwealth Electoral Act, and all dealings with the Australian Electoral Commission, involving the Party;
(h) control of Party funds including income from membership fees and other sources;
(i) the giving of instructions for, and conduct of, legal proceedings

involving the Party;

(j) engagement of advisers, consultants, contractors and service providers for the purposes of the Party; and

(k) purchase, acquisition, lease, hire, sale and disposal of goods, consumables, services, facilities and equipment for use by the Party.

(5) The National Executive may—

(a) appoint and remove staff;

(b) make, repeal and amend such by-laws as are from time to time considered necessary for the wellbeing of the Party;

(c) establish permanent or ad hoc subcommittees consisting of members with terms of reference it considers appropriate; and

(d) appoint members to particular roles including but not limited to - Membership Officer, Returning Officer, Party Agent, Registered Officer.

8 Delegation

(1) The National Executive may delegate to a member of the National Executive, a subcommittee or staff, any of its powers and functions other than—

(a) this power of delegation; or

(b) a duty imposed on the National Executive by the Commonwealth Electoral Act or any other law.

(2) The delegation must be in writing and may be subject to the conditions and limitations the National Executive considers appropriate.

(3) The National Executive may, in writing, revoke a delegation wholly or in part.

Division 2—Composition of National Executive and duties of members

9 Composition of National Executive

(1) The Party National Executive shall consist of no less than six (6) and no more than fifteen (15) members, who will have voting rights:

(a) One (1) National President; and
(b) Three (3) National Vice-Presidents; and
(c) One (1) National Secretary; and
(d) One (1) National Treasurer; and
(e) One (1) representative of the Federal Parliamentary Party (if any); and
(f) One (1) representative of each established State or Territory Party Division or committee as established under this Constitution.

(2) No member may fill more than one of the National President, National Vice-President, National Secretary or National Treasurer positions.

(3) The National Secretary must ordinarily reside in Australia.

(4) The National Executive may grant positions on the National Executive for representatives from other Subordinate Bodies such as Special Advocacy groups. These shall be non-voting, unless determined otherwise at an Annual General Meeting.

(5) The National Executive must appoint the National Treasurer as a voting office bearer.

(6) National Executive may appoint other office bearers as non-voting members of National Executive.

(7) National Executive will appoint a Party Agent and a Registered officer pursuant to the Commonwealth Electoral Act 1918 or any legislation that may replace it from time to time.

10 Subordinate bodies

(1) The National Executive may approve the establishment of subordinate bodies of the Party.

(2) Subordinate bodies may be formed for the purposes of:

(a) State organisation, to be known as the "[State] Division";
(b) Branch organisation, to be known as the "[Town or District] Branch";
(c) Specialist Advocacy, to be known as the "[Demographic] Democrats" eg Young Democrats, Country Democrats, etc.

(3) The National Executive may delegate to subordinate bodies certain powers including the power to:

(a) Select and/or recommend candidates for elections;
(b) Operate a bank account;
(c) Raise and accept donations;
(d) Formulate policies specific to the relevant demographic or region of the subordinate body;
(e) Coordinate and conduct an electoral campaign relevant to their local jurisdiction; and
(f) Recommend to the National Executive the appointment of a Registered Officer for the region.

(4) Each such subordinate body shall operate subject to this Constitution and within the powers delegated to it.

(5) The National Executive may withdraw a delegation, in whole or part, at any time provided that the withdrawal is:
(a) communicated in writing; and
(b) not unreasonable or capricious.

11 General Duties

(1) As soon as practicable after being elected or appointed to the National Executive, each National Executive member must become familiar with these Rules.

(2) The National Executive is collectively responsible for ensuring that the Party complies with the legislation relevant to the operation of a political party and that individual members of the National Executive comply with these Rules.

(3) National Executive members must exercise their powers and discharge their duties—

(a) with reasonable care and diligence;

(b) in good faith in the best interests of the Party; and

(c) for a proper purpose.

(4) National Executive members and former National Executive members must not make improper use of—

(a) their position; or

(b) information acquired by virtue of holding their position—so as to gain an advantage for themselves or any other person or to cause detriment to the Party.

(5) In addition to any duties imposed by these Rules, a National Executive member must perform any other duties imposed from time to time by resolution at a general meeting.

12 National President and National Vice-President

(1) The National President is the Senior Executive Officer of the Party and "ex officio" member of all committees.

(2) One (1) of the National Vice-President shall perform the duties of the National President during the President's absence or at the President's request and be an "ex officio" member of all committees.

(3) The National President or, in the National President's absence, one (1) of the National Vice-Presidents shall be the Chairperson for any general meetings and for any National Executive meetings.

(4) If the National President and both of the National Vice-Presidents are absent, or are unable to preside, the Chairperson of the meeting shall be—

(a) in the case of a general meeting—a member elected by the other members present; or

(b) in the case of a National Executive meeting—a National Executive member elected by the other National Executive members present.

13 National Secretary

(1) The National Secretary shall—

(a) Ensure the maintenance of the register of members;

(b) keep custody of the common seal (if any) of the Party and, except for the financial records referred to in rule 61(3), all books, documents and securities of the Party in accordance with these rules;

(c) subject to the relevant legislation and these Rules, provide members with access to the minutes of general meetings and other books and documents;

(d) have overall responsibility for correspondence in connection with the Party;

(e) record all appointments of office-bearers and members of the National Executive;

(f) ensure that minutes are taken of all proceedings at National Executive meetings and general meetings of the Party including the National Conference;

(g) present such minutes to the subsequent corresponding meeting for approval as a true and accurate record and retained as its principal record; and

(h) perform any other duty or function imposed on the National Secretary by these Rules.

14 National Treasurer

(1) The National Treasurer has overall responsibility for the care of the Party's finances and shall—

(a) ensure the income and property of the party is used solely in promotion of the purposes, principles and objectives of the Party;

(b) receive all monies paid to or received by the Party and issue receipts for those monies in the name of the Party;

(c) ensure that all monies received are paid into the account of the Party within 5 working days after receipt;

(d) make any payments authorised by the National Executive or by a general meeting of the Party from the Party's funds; and

(e) ensure payments are authorised by at least two (2) National Executive members and made.

(2) The National Treasurer shall—

(a) Ensure that correct accounts are kept showing the financial affairs of the Party, including full details of receipts and expenditure;

(b) Ensure the maintenance of an accurate and current register of Party assets;

(c) Present to each meeting of the National Executive a statement of income and expenditure for the period since the prior meeting;

(d) Present each year, to the approved, (if any) the annual financial statements of the National Executive of the Party for auditing;

(e) Present at the Annual General Meeting balance sheet and a profit and loss account covering the financial year immediately preceding the Annual General Meeting, duly audited if required by the National Executive;

(f) Ensure the Party complies with such financial reporting obligations as are required by law; and

(g) coordinate the preparation of the financial statements of the Party and their certification by the National Executive prior to their submission to the annual general meeting of the Party.

(3) The National Treasurer must ensure that at least one other National Executive member has access to the accounts and financial records of the Party.

15 Other appointments

(1) The National Executive shall elect from the Party's Ordinary Members a National Registered Officer to-

(a) undertake such functions as are required by legislation;

(b) be subject to the direction of the National Executive as to the nomination of candidates for elected office.

Division 3—Election of National Executive members and tenure of office

16 Who is eligible to be a National Executive member

(1) A member is eligible to be elected or appointed as a National Executive member if the member—

(a) is 18 years or over; and

(b) is entitled to vote at a general meeting.

17 Term of office

(1) Members of National Executive are appointed for terms of two (2) years.

(2) A National Executive member may be re-elected.

(3) Where possible, a National Executive member may not serve in the same position on the National Executive for any more than two consecutive terms unless otherwise agreed to by a majority of members voting at an Annual General Meeting.

18 Removal from office

(1) A General Meeting of the Party may—

(a) by Special Resolution remove a National Executive member from office; and

(b) elect an eligible member of the Party to fill the vacant position in

accordance with this Division.

(2) A member who is the subject of a proposed Special Resolution under subrule (1)(a) may make representations in writing to the National Secretary or National President of the Party (not exceeding a reasonable length) and may request that the representations be provided to the members of the Party.

(3) The National Secretary or the National President may give a copy of the representations to each member of the Party or, if they are not so given, the member may require that they be read out at the meeting at which the special resolution is to be proposed.

19 Nominations

(1) Prior to the election of each position, the Chairperson of the meeting must call for nominations to fill that position.

(2) An eligible member of the Party may—

(a) nominate themselves; or
(b) with the member's consent, be nominated by another member.

(3) A member who is nominated for a position and fails to be elected to that position may be nominated for any other position for which an election is yet to be held.

20 Elections to the National Executive

(1) At the first Annual General Meeting and every alternate Annual General Meeting thereafter, separate elections must be held for each of the following positions—

(a) National President;
(b) Two National Vice-Presidents; and
(c) National Secretary.

(2) If only one member is nominated for any position, the Chairperson of the meeting must declare the member elected to the position.

(3) Upon election, the new National President may take over as Chairperson of the meeting.

(4) Divisional representatives will be elected by their own Divisions in time for the Annual General Meeting.

(5) Any positions on the National Executive for representatives from other Subordinate Bodies, such as Special Advocacy groups, shall be elected by the relevant groups.

21 Ballot

(1) If a ballot is required for the election for a position at the Annual General Meeting, the Chairperson of the meeting must appoint a member to act as returning officer to conduct the ballot.

(2) The returning officer must not be a member nominated for the position.

(3) Before the ballot is taken, each candidate may make a short speech in support of their election.

(4) The election must be by secret ballot.

(5) The Returning Officer must conduct the secret ballot in a way that:

(a) Ensures the anonymity of the participants in the vote;

(b) Ensures that each member who is eligible to vote has one vote;

(c) Ensures that members who are ineligible to vote do not vote;

(d) Allows for a vote to be recorded by proxy; and

(e) Allows for the vote to be counted and, if necessary, recounted.

(6) The Returning Officer must declare elected the candidate or, in the case of an election for more than one position, the candidates who received the most votes.

(7) If the Returning Officer is unable to declare the result of an election under subrule (6) because two (2) or more candidates received the same number of votes, the returning officer must—

(a) conduct a further election for the position in accordance with subrules (4) to (6) to decide which of those candidates is to be elected; or

(b) with the agreement of those candidates, decide by lot which of them is to be elected.

22 Vacation of office

(1) A National Executive member may resign from the National Executive by written notice addressed to the National Executive.

(2) A person ceases to be a National Executive member if he or she—

(a) ceases to be a member of the Party; or

(b) fails to attend three (3) consecutive National Executive meetings (other than special or urgent National Executive meetings) without leave of absence under rule 33; or

(c) is convicted of an offence that renders them ineligible to remain a member or another offence that includes an element of dishonesty.

23 Filling casual vacancies

(1) The National Executive may appoint an eligible member of the Party to fill a position on the National Executive that—

(a) has become vacant under rule 22; or

(b) was not filled by election at the last annual general meeting.

(2) If the position of National Secretary becomes vacant, the National Executive must appoint a member to the position within 14 days after the vacancy arises.

(3) The National Executive may continue to act despite any vacancy in its membership.

Division 4—Meetings of National Executive

24 Meetings of National Executive

(1) The National Executive must meet:

(a) at least four (4) times in each year at dates, times and places determined by the National Executive;

(b) Within fourteen (14) days of the receipt by the National Secretary of a requisition by a majority of members of the National Executive; and

(c) The date, time and place of the first National Executive meeting must be determined by the members of the National Executive as soon as practicable after the annual general meeting of the Party at which the members of the National Executive were elected.

25 Notice of meetings

(1) Notice of each National Executive meeting must be given to each National Executive member no later than seven (7) days before the date of the meeting.

(2) Notice may be given of more than one National Executive meeting at the same time.

(3) The notice must state the date, time and place of the meeting.

(4) If a special National Executive meeting is convened, the notice must include the general nature of the business to be conducted.

(5) The only business that may be conducted at the meeting is the business for which the meeting is convened.

26 Urgent meetings

(1) In cases of urgency, a meeting can be held without notice being given in accordance with rule 25 provided that as much notice as practicable is given to each National Executive member by the quickest means practicable.

(2) Any resolution made at the meeting must be passed by an absolute majority of the National Executive.

(3) The only business that may be conducted at an urgent meeting is the business for which the meeting is convened.

27 Procedure and order of business

(1) The procedure to be followed at a meeting of a National Executive must be determined from time to time by the National Executive.

(2) The order of business may be determined by the members present at the meeting.

28 Use of technology

(1) A National Executive member who is not physically present at a National Executive meeting may participate in the meeting by the use of technology that allows that National Executive member and the National Executive members present at the meeting to clearly and simultaneously communicate with each other.

(2) For the purposes of this Part, a National Executive member participating in a National Executive meeting as permitted under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

29 Quorum

(1) No business may be conducted at a National Executive meeting unless a quorum is present.

(2) The quorum for a National Executive meeting is the presence (in person or as allowed under rule 28 of a majority of the National Executive members holding office, one of whom must be the National President or one of the National Vice-Presidents.

(3) If a quorum is not present within 30 minutes after the notified commencement time of a National Executive meeting—

(a) in the case of a special National Executive —the meeting lapses;

(b) in any other case—the meeting must be adjourned to a date no later than fourteen (14) days after the adjournment and notice of the time, date and place to which the National Executive is adjourned must be given in accordance with rule 25.

30 Voting

(1) On any question arising at a National Executive meeting, each National Executive member present at the meeting has one vote.

(2) A motion is carried if a majority of National Executive members present at the meeting vote in favour of the motion.

(3) Subrule (2) does not apply to any motion or question which is required by these Rules to be passed by an absolute majority of the National Executive.

(4) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.

(5) Voting by proxy is permitted.

31 Conflict of interest

(1) A National Executive member who has a material personal interest in a matter being considered at a National Executive meeting must disclose the nature and extent of that interest to the National Executive.

(2) The member—

(a) must not be present while the matter is being considered at the meeting; and

(b) must not vote on the matter.

(3) This rule does not apply to a material personal interest—

(a) that exists only because the member belongs to a class of persons for whose benefit the Party is established; or

(b) that the member has in common with all, or a substantial proportion of, the members of the Party.

32 Minutes of meeting

(1) The National Executive must ensure that minutes are taken and kept of each National Executive meeting.

(2) The minutes must record the following—

(a) the names of the members in attendance at the meeting;

(b) the business considered at the meeting;

(c) any resolution on which a vote is taken and the result of the vote; and

(d) any material personal interest disclosed under rule 31.

33 Leave of absence

(1) The National Executive may grant a National Executive member leave of absence from National Executive meetings for a period not exceeding three (3) months.

(2) The National Executive must not grant leave of absence retrospectively unless it is satisfied that it was not feasible for the National Executive member to seek the leave in advance.

PART 5—MEMBERS, DISCIPLINARY PROCEDURES AND GRIEVANCES

Division 1—Membership

34 Membership Categories

(1) There shall be two categories of members:

(a) Ordinary members (who may vote): Individuals who have applied for and been accepted as members and have paid any current membership fees;

(b) Affiliate members (who may not vote): Individuals who support the

registration of the Party who do not qualify as Ordinary members;

(2) Subject to this Constitution the National Executive may create categories of Ordinary and Affiliate membership.

35 Ordinary Membership

(1) Ordinary membership of the Party is open to any person who:

(a) has not been expressly excluded from membership;

(b) has not been convicted of a disqualifying electoral offence within ten (10) years before the person applies to become a member; and

(c) who agrees to comply with this Constitution.

(2) A person may not become a member or remain a member of the Party, while at the same time holding membership of another political party, unless with the approval of the National Executive.

(3) Ordinary membership shall include membership of both the Federal party and any subordinate bodies to which the applicant is, by virtue of a person's location, interest or entitlement, to belong.

(4) Ordinary members shall be entitled to vote on Party matters. Ordinary members shall have one vote each.

(5) The National Executive may impose a probationary membership period for new members, during which they will not be eligible to vote on party business. If imposed the probationary period will not exceed the lesser period of:

(a) eight weeks; or,

(b) at the conclusion of the next General Meeting.

36 Affiliate Membership

(1) Affiliate membership of the Party is open to individuals who:

(a) are not relied upon by another political party for registration;

(b) may not wish to pay a subscription; and

(c) are willing to formally support the registration of the Party.

(2) Affiliate members shall not be entitled to vote on Party matters but may participate in processes of the Party in a manner determined by the National Executive.

37 Application for membership

(1) To apply to become a member of the Party, a person must make application in the manner determined by the National Executive from time to time and compliant with any regulation.

(2) Without limiting the forgoing, the application must confirm that the applicant:

(a) wishes to become a member of the Party; and

(b) supports the purposes and objectives of the Party; and

(c) agrees to comply with these Rules.

(3) The application—

(a) may be in whatever format the National Executive approve provided it is compliant with relevant regulations; and

(b) may be accompanied by the joining fee.

38 Consideration of application

(1) As soon as practicable after an application for membership is received, National Executive must decide by resolution whether to accept or reject the application.

(2) National Executive must notify the applicant in writing of its decision as soon as practicable after the decision is made.

(3) If National Executive rejects the application, it must return any money accompanying the application to the applicant.

(4) No reason need be given for the rejection of an application.

39 New membership

(1) An application is deemed to be approved by the National Executive if it is not rejected pursuant to rule 38—

(a) the resolution to accept the membership must be recorded in the minutes of the National Executive meeting; and

(b) the National Secretary must, as soon as practicable, after the approval or deemed approval of membership enter the name and address of the new member, and the date of becoming a member, in the register of members.

(2) A person becomes a member of the Party and, subject to rule 38 is entitled to exercise their rights of membership from the date, whichever is the later, on which—

(a) the National Executive approves the person's membership including a probationary membership; or

(b) the person pays the joining fee.

40 Annual subscription and fee on joining

(1) At each Annual General Meeting, the Party must determine the amount of the annual subscription (if any) for the following year.

(2) The National Executive may determine that any new member who joins after the start of a financial year must, for that financial year, pay a fee equal to—

(a) the full annual subscription; or

(b) a pro rata annual subscription based on the remaining part of the financial year; or

(c) a fixed amount determined from time to time by the Party.

(3) The rights of a member (including the right to vote) who has not paid the annual subscription within a period of three (3) months after the due date are suspended until the subscription is paid.

41 Membership

(1) Members are individual, natural persons.

(2) Subject to this Constitution, the National Executive may create other categories of membership provided these members do not have voting entitlements.

42 General rights of members

(1) A member of the Party who is entitled to vote has the right—

(a) to receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules;

(b) to submit items of business for consideration at a general meeting; and

(c) to attend and be heard at general meetings;

(d) to vote at a general meeting;

(e) to have access to the minutes of general meetings and other documents of the Party as provided for in these rules; and

(f) to be involved in Party policy development.

(2) A member is entitled to vote if—

(a) the member is a member;

(b) not another category of member that is not so entitled;

(c) more than the probationary period (if imposed) has passed since that person became a member of the Party; and

(d) the member's membership rights are not suspended for any reason.

(3) Other categories of members, if any, must not vote but may have other rights as determined by the National Executive or by resolution at a general meeting.

(4) The liability of a member of the party –

(a) 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 the party.

(b) who is a member of the Party's governing bodies shall be the same as for ordinary members.

43 Rights not transferable

(1) The rights of a member are not transferable and end when membership ceases.

44 Ceasing membership

(1) The membership of a person ceases on resignation, expulsion or death.

(2) If a person ceases to be a member of the Party, the National Secretary must, as soon as practicable, enter the date the person ceased to be a member in the register of members.

45 Resigning as a member

(1) A member may resign by notice in writing given to the Party.

(2) A member is taken to have resigned if—

(a) the member's annual subscription is more than six (6) months in arrears; or

(b) where no annual subscription is payable—the National Secretary has made a written request to the member to confirm that they wish to remain a member; and

(c) the member has not, within three (3) months after receiving that request, confirmed in writing that person wishes to remain a member.

46 Register of members

(1) The National Secretary shall ensure the maintenance of a register of members that includes—

(a) for each current member—

(i) the member's name;

(ii) the address for notice last given by the member;

(iii) the date of becoming a member;

(iv) if the member is an individual, parliamentary or an affiliate member, a note to that effect;

(v) any other information determined by the National Executive; and

(b) for each former member, the date of ceasing to be a member.

Division 2—Disciplinary action

47 Grounds for taking disciplinary action

(1) The Party may take disciplinary action against a member in accordance with this Division if it is determined that the member—

(a) has failed to comply with these Rules; or

(b) refuses to support the purposes or objectives of the Party; or

(c) has engaged in conduct prejudicial to the Party.

(2) In the event that the party takes disciplinary action against a member, it shall follow the rules set out in Schedule 2 to this constitution.

PART 6—GENERAL MEETINGS OF THE PARTY

48 Annual General Meetings

(1) The National Executive must convene an Annual General Meeting of the Party to be held within five (5) months after the end of each financial year.

(2) The National Executive may determine the date, time and place of the annual general meeting.

(3) The ordinary business of the annual general meeting is as follows—

(a) to confirm the minutes of the previous annual general meeting and of any special general meeting held since then;

(b) to receive and consider—

(i) the annual reports of the National President and the National Secretary on the activities of the Party during the preceding financial year; and

(ii) the financial statements of the Party for the preceding financial year submitted by the National Treasurer

(c) to elect the members of the National Executive as and if vacancies fall

due;

(d) to appoint an auditor if required;

(e) to adjust membership fees, if required; and

(f) consideration of, and ratification or rejection, of by-laws and procedures adopted by the National Executive.

(4) The Annual General Meeting may also conduct any other business of which notice has been given in accordance with these Rules.

(5) The National Executive may determine that a national conference is held that precedes or follows an Annual General Meeting.

(6) Annual General Meetings shall be open to observers unless closed (entirely or for certain sessions) by decision of the National Executive or resolution of the meeting.

49 Special general meetings

(1) Any General Meeting of the Party, other than an Annual General Meeting or a Disciplinary Appeal Meeting, is a Special General Meeting.

(2) The National Executive may convene a Special General Meeting whenever it thinks fit.

(3) No business other than that set out in the notice under rule 51 may be conducted at the meeting.

(4) General business may be considered at the meeting if it is included as an item for consideration in the notice under rule 51 and the majority of members at the meeting agree.

50 Special General Meeting held at request of members

(1) The National Executive must convene a Special General Meeting if a request to do so is made in accordance with subrule (2) by at least 25% of the total number of voting members or one hundred (100) voting members, whichever is the lesser.

(2) A request for a Special General Meeting must—

(a) be in writing; and

(b) state the business to be considered at the meeting and any resolutions to be proposed; and

(c) include the names and signatures of the members requesting the meeting; and

(d) to be lodged with the National Secretary.

(3) If the National Executive does not convene a Special General Meeting within eight (8) weeks of the date on which the request is made, the members making the request (or any of them) may convene the Special General Meeting.

(4) A Special General Meeting convened by members under subrule (3)—

(a) must be held within three (3) months after the date on which the original request was made; and

(b) may only consider the business stated in that request.

(5) The Party must reimburse all reasonable expenses incurred by the members convening a Special General Meeting under subrule (3).

51 Notice of general meetings

(1) The National Secretary (or, in the case of a Special General Meeting convened under rule 50(3), the members convening the meeting) must give to each member of the Party—

(a) at least 21 days' notice of a general meeting if a special resolution is to be proposed at the meeting; or

(b) at least 14 days' notice of a general meeting in any other case.

(2) The notice must—

(a) specify the date, time and place of the meeting; and

(b) indicate the general nature of each item of business to be considered at the meeting; and

(c) if a special resolution is to be proposed—

(i) state in full the proposed resolution; and

(ii) state the intention to propose the resolution as a special resolution;

(d) comply with rule 52(5).

(3) This rule does not apply to a Disciplinary Appeal Meeting.

52 Proxies

(1) A member may appoint another member as proxy to vote and speak on that person's behalf at a general meeting other than at a disciplinary appeal meeting.

(2) The appointment of a proxy must be in writing and signed by the member making the appointment (including electronic signature) ("a valid proxy").

(3) The member appointing the proxy must give specific directions as to how the proxy is to vote on their behalf for special resolutions, otherwise the proxy shall be invalid and shall not be accepted; a proxy cannot be given in relation to general business arising.

(4) If the National Executive has approved a form for the appointment of a proxy, then the approved form must be used.

(5) Notice of a general meeting given to a member under rule 51 must—

(a) state that the member may appoint another member as a proxy for the meeting; and

(b) include a copy of any form that the National Executive has approved for the appointment of a proxy.

(6) A form appointing a proxy must be given to the Chairperson of the meeting before or at the commencement of the meeting.

(7) A form appointing a proxy sent by post or electronically is of no effect unless it is received by the Party no later than 24 hours before the commencement of the meeting.

53 Use of technology

(1) A member not physically present at a general meeting may be permitted to participate in the meeting by the use of technology that allows that member and the members present at the meeting to clearly and simultaneously communicate with each other.

(2) For the purposes of this Part, a member participating in a general meeting as permitted under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

54 Quorum at general meetings

(1) No business may be conducted at a general meeting unless a quorum of members is present.

(2) The quorum for a General Meeting or Special General Meeting is the presence (physically, by proxy or as allowed under rule 53) of 10% of the members entitled to vote.

(3) The quorum for an Annual General Meeting is the presence (physically, by proxy or as allowed under rule 53) of the lesser of 20 members who are entitled to vote or 10% of the members entitled to vote.

(4) If a quorum is not present within 30 minutes after the notified commencement time of a General Meeting—

(a) in the case of a meeting convened by, or at the request of, members under rule 50—the meeting must be dissolved;

(b) If a meeting convened by, or at the request of, members is dissolved

under 54(4)(a), the business that was to have been considered at the meeting is taken to have been dealt with. If members wish to have the business reconsidered at another special meeting, the members must make a new request under rule 52.

(c) in any other case—

(i) the meeting must be adjourned to a date not more than twenty-one (21) days after the adjournment; and

(ii) notice of the date, time and place to which the meeting is adjourned must be given at the meeting and confirmed by written notice given to all members as soon as practicable after the meeting.

(5) If a quorum is not present within 30 minutes after the time to which a general meeting has been adjourned under subrule (4)(c), the members present at the meeting (if not fewer than three (3)) may proceed with the business of the meeting as if a quorum were present.

55 Adjournment of general meeting

(1) The Chairperson of a general meeting at which a quorum is present may, with the consent of a majority of members present at the meeting, adjourn the meeting to another time at the same place or at another place.

(2) Without limiting subrule (1), a meeting may be adjourned—

(a) if there is insufficient time to deal with the business at hand; or

(b) to give the members more time to consider an item of business.

Example

The members may wish to have more time to examine the financial statements submitted by the National Executive at an Annual General Meeting.

(3) No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.

(4) Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for fourteen (14) days or more, in which case notice of the meeting must be given in accordance with rule 51.

56 Voting at general meetings

(1) On any question arising at a general meeting—

(a) subject to subrule (3), each member who is entitled to vote has one vote; and

(b) members may vote personally or by proxy; and

(c) except in the case of a special resolution, the question must be decided on a majority of votes.

(2) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.

(3) If the question is whether or not to confirm the minutes of a previous meeting, only members who were present at that meeting may vote.

(4) This rule does not apply to a vote at a disciplinary appeal meeting conducted under rules set out in Schedule 2.

57 Special resolutions

(1) A Special Resolution is passed if not less than Seventy (70) percent of the members voting at a general meeting (whether in person or by proxy) vote in favour of the resolution.

(2) a special resolution is required—

(a) to remove a National Executive member from office; and

(b) to alter these Rules, including changing the name or any of the purposes of the Party.

58 Determining whether resolution carried

(1) Subject to subsection (3), the Chairperson of a General Meeting may, on the basis of a show of hands, verbal or electronic confirmation, declare that a resolution has been—

(a) carried; or

(b) carried unanimously; or

(c) carried by a particular majority; or

(d) lost—

(2) An entry to the effect outlined in 58(1) in the minutes of the meeting is conclusive proof of that fact.

(3) If a poll (where votes are cast in writing) is demanded by three (3) or more members on any question—

(a) the poll must be taken at the meeting in the manner determined by the Chairperson of the meeting; and

(b) the Chairperson must declare the result of the resolution on the basis of the poll.

(4) A poll demanded on the election of the Chairperson or on a question of an adjournment must be taken immediately.

(5) A poll demanded on any other question must be taken before the close of the meeting at a time determined by the Chairperson.

59 Minutes of general meeting

(1) The National Executive must ensure that minutes are taken and kept of each general meeting.

(2) The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.

(3) In addition, the minutes of each annual general meeting must include—

(a) the names of the members attending the meeting;

(b) proxy forms given to the Chairperson of the meeting under rule 52(6);

(c) the financial statements submitted to the members in accordance with rule 48(3)(b)(ii);

(d) the certificate signed by two National Executive members certifying that the financial statements give a true and fair view of the financial position and performance of the Party;

(e) any audited accounts and auditor's report or report of a review accompanying the financial statements that are required pursuant to any law; and

(f) any conflicts of interest arising from the business.

PART 6—FINANCIAL MATTERS

60 Source of funds

(1) The funds of the Party may be derived from joining fees, annual subscriptions, donations, fund-raising activities, grants, interest and any other sources approved by the National Executive.

61 Management of funds

(1) The Party must have an account with a financial institution from which all expenditure of the Party is made and into which all of the Party's revenue is deposited, other than as provided for subordinate bodies.

(2) Subject to any restrictions imposed by a general meeting of the Party, the National Executive may approve expenditure on behalf of the Party.

(3) The National Executive may authorise the National Treasurer to expend funds on behalf of the Party, including by electronic funds transfer, up to a specified limit and for a specified purpose, without requiring approval from the National Executive for each item on which the funds are expended.

(4) All cheques, electronic bank transfers, drafts, bills of exchange, promissory notes and other negotiable instruments must be authorised by two (2) National Executive members.

(5) All funds of the Party must be deposited into the financial account of the Party no later than five (5) working days after receipt.

(6) With the approval of the National Executive, the National Treasurer may maintain a cash float provided that all monies paid from or paid into the float is accurately recorded at the time of the transaction.

62 Financial statements

(1) For each financial year, the National Executive must ensure that financial statements of the Party are prepared including—

(a) if required, the review or auditing of the financial statements;

(b) the certification of the financial statements by the National Executive;

(c) the submission of the financial statements to the annual general meeting of the Party; and

(d) Financial disclosure returns to the Australian Electoral Commission in accordance with Electoral Act.

PART 7—PARLIAMENTARIANS

63 Leadership

(1) Following each election, those candidates who have been elected to Federal and State Parliaments or Local Government will elect leaders in those jurisdictions where they number more than one.

64 Levy

(1) Members who are elected to Parliament will pay a levy to the Party, as determined and agreed with the National Executive.

65 Common seal

(1) The Party may have a common seal.

(2) If the Party has a common seal—

(a) the name of the Party must appear in legible characters on the common seal;

(b) a document may only be sealed with the common seal by the authority of the National Executive and the sealing must be witnessed

by the signatures of two National Executive members; and

(c) the common seal must be kept in the custody of the National Secretary.

66 Registered address

(1) The party shall have a registered address for the purposes of the relevant legislation:

(a) the address determined from time to time by resolution of the National Executive; or

(b) if the National Executive has not determined an address to be the registered address—the postal address of the National Secretary.

67 Notice requirements

(1) Any notice required to be given to a member or a National Executive member under these Rules may be given—

(a) by handing the notice to the member personally; or

(b) by sending it by post to the member at the address recorded for the member on the register of members; or

(c) by email or facsimile transmission.

(2) Any notice required to be given to the Party or the National Executive may be given—

(a) by handing the notice to a member of the National Executive; or

(b) by sending the notice by post to the registered address; or

(c) by leaving the notice at the registered address; or

(d) if the National Executive determines that it is appropriate in the circumstances—

(i) by email to the email address of the Party or the National Secretary; or

(ii) by facsimile transmission to the facsimile number of the Party.

68 Custody and inspection of books and records

(1) Members may, on request, inspect free of charge—

(a) the minutes of General Meetings;

(b) subject to 68(2), the financial records, books, securities and any other

relevant documents of the Party, including minutes of National Executive meetings.

(2) The National Executive may refuse to permit a member to inspect records of the Party that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Party.

(3) The National Executive must on request make copies of these rules available to members and applicants for membership free of charge.

(4) Subject to subrule (2), a member may make a copy of any of the other records of the Party referred to in this rule and the Party may charge a reasonable fee for provision of a copy of such a record.

(5) For purposes of this rule—Relevant Documents means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Party and includes the following—

(a) its membership records;

(b) its financial statements;

(c) its financial records; and

(d) records and documents relating to transactions, dealings, business or property of the Party.

69 Winding up and cancellation

(1) The Party may be wound up voluntarily by special resolution.

(2) In the event of the winding up of the Party, the surplus assets of the Party must not be distributed to any members or former members of the Party.

(3) Subject to any relevant legislation or court order, the surplus assets must be given to a body that has similar purposes to the Party and which is not carried on for the profit or gain of its individual members.

(4) The body to which the surplus assets are to be given must be decided by special resolution.

70 Alteration of Rules

(1) These Rules may only be altered by Special Resolution of a General Meeting of the Party.

Schedule 1 – Definitions

In this Constitution —

absolute majority*, of the National Executive, means a majority of the National Executive members currently holding office and entitled to vote at the time (as distinct from a majority of National Executive members present at a National Executive meeting);*

candidate *means a Member who is endorsed by the Party as a candidate for election to Parliament*

Chairperson*, of a general meeting or National Executive meeting, means the person chairing the meeting as required under rule 46;*

disciplinary appeal meeting *means a meeting of the members of the Party convened under rule 23(3);*

disciplinary meeting *means a meeting of the National Executive convened for the purposes of rule 22;*

disciplinary subcommittee *means the subcommittee appointed under rule 20;*

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

financial year *means each period of 12 months ending on 30 June;*

general meeting *means a general meeting of the members of the Party convened in accordance with Part 4 and includes an annual general meeting, a special general meeting and a disciplinary appeal meeting;*

Material Personal Interest *means an actual or potential benefit or detriment that would reasonably be expected to impair the objectivity of the person's judgment when participating in the action to be taken.*

member *means a member of the Party who is entitled to vote at a general meeting;*

National Executive *means the National Executive having management of the business of the Party;*

National Executive meeting *means a meeting of the National Executive held in accordance with this Constitution;*

National Executive member *means a member of the National Executive elected or appointed pursuant to these rules;*

Office Bearer *means a person selected by the National Executive to assist with the performance of a particular task such as a Communications Officer, Campaign Manager, Social Media Coordinator etc;*

Ordinary Member of National Executive *means a person who has been nominated by the National Executive to become a voting member of the National Executive and ratified by the general membership by ballot;*

Ordinary Member *means an Ordinary Member of the party as described in this Constitution;*

Party *means the Australian Democrats political party;*

Party Agent *as defined in the Commonwealth Electoral Act 2018;*

Parliamentary member *means a member who is a member of the Parliament of the Commonwealth or of a State or Territory Parliament;*

Registered Officer *as defined in the Commonwealth Electoral Act 2018;*

Rule *means a rule, regulation or by-law made by the National Executive under this Constitution;*

Special Resolution *means a resolution requiring the approval of not less than 70 percent of the members voting at a general meeting (whether in person or by proxy) vote in favour of the resolution.*

Schedule 2 Disciplinary Procedures

1 Disciplinary subcommittee

(1) If the National Executive is satisfied that there are sufficient grounds for taking disciplinary action against a member, the National Executive must appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the member.

(2) The members of the disciplinary subcommittee—

(a) may be National Executive members, members of the Party or anyone else; but

(b) must not be biased against, or in favour of, the member concerned.

2 Notice to member

(1) Before disciplinary action is taken against a member, the National Secretary must give written notice to the member—

(b) stating that the Party proposes to take disciplinary action against the member; and

(c) stating the grounds for the proposed disciplinary action; and

(d) specifying the date, place and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action (the *disciplinary meeting*); and

(e) advising the member that he or she may do one or both of the following—

(i) attend the disciplinary meeting and address the disciplinary subcommittee at that meeting;

(ii) give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting; and

(f) setting out the member's appeal rights under rule 4.

(2) The notice must be given no earlier than twenty-eight (28) days, and no later than fourteen (14) days, before the disciplinary meeting is held.

3 Decision of subcommittee

(1) At the disciplinary meeting, the disciplinary subcommittee must—

(a) give the member an opportunity to be heard; and

(b) consider any written statement submitted by the member.

(2) After complying with subrule (1), the disciplinary subcommittee may—

(a) take no further action against the member; or

(b) subject to subrule (3)—

(i) reprimand the member; or

(ii) suspend the membership rights of the member for a specified period; or

(iii) expel the member from the Party.

(3) The disciplinary subcommittee may not fine the member.

(4) The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this rule takes effect immediately after the vote is passed.

4 Appeal rights

(1) A person whose membership rights have been suspended or who has been expelled from the Party under rule 3 may give notice to the effect that he or she wishes to appeal against the suspension or expulsion.

(2) The notice must be in writing and given—

(a) to the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken; or

(b) to the National Secretary not later than 48 hours after the vote.

(3) If a person has given notice under subrule (2), a disciplinary appeal meeting must be convened by the National Executive as soon as practicable, but in any event not later than twenty-one (21) days, after the notice is received.

(4) Notice of the disciplinary appeal meeting must be given to each member of the Party who is entitled to vote as soon as practicable and must—

(a) specify the date, time and place of the meeting; and

(b) state—

(i) the name of the person against whom the disciplinary action has been taken; and

(ii) the grounds for taking that action; and

(iii) that at the disciplinary appeal meeting the members present must vote on whether the decision to suspend or expel the person should be upheld or revoked.

5 Conduct of disciplinary appeal meeting

(1) At a disciplinary appeal meeting—

(a) no business other than the question of the appeal may be conducted; and

(b) the National Executive must state the grounds for suspending or expelling the member and the reasons for taking that action; and

(c) the person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.

(2) After complying with subrule (1), the members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.

(3) A member may not vote by proxy at the meeting.

(4) The decision is upheld if not less than three quarters of the members voting at the meeting vote in favour of the decision.

Schedule 3—Grievance procedure

1 Application

(1) The grievance procedure set out in this schedule applies to disputes under these Rules between—

(a) a member and another member;

(b) a member and the National Executive;

(c) a member and the Party.

(2) A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.

2 Parties must attempt to resolve the dispute

(1) The parties to a dispute must attempt to resolve the dispute between themselves within fourteen (14) days of the dispute coming to the attention of each party.

3 Appointment of mediator

(1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 2, the parties must within ten (10) days—

(a) notify the National Executive of the dispute; and

(b) agree to or request the appointment of a mediator; and

(c) attempt in good faith to settle the dispute by mediation.

(2) The mediator must be—

(a) a person chosen by agreement between the parties; or

(b) in the absence of agreement—

(i) if the dispute is between a member and another member—a person appointed by the National Executive; or

(ii) if the dispute is between a member and the National Executive of the Party—a CEO or delegate of the Law Society or Legal Institute in the jurisdiction in which the person who is the respondent to the grievance ordinarily resides shall appoint a mediator if a mediator cannot be agreed.

(3) A mediator appointed by the National Executive may be a member or former member of the Party but in any case must not be a person who—

(a) has a personal interest in the dispute; or

(b) is biased in favour of or against any party.

4 Mediation process

(1) The mediator to the dispute, in conducting the mediation, must—

(a) give each party every opportunity to be heard; and

(b) allow due consideration by all parties of any written statement submitted by any party; and

(c) ensure that natural justice is accorded to the parties throughout the mediation process.

(2) The mediator must not determine the dispute.

5 Failure to resolve dispute by mediation

(1) If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the law.