



**THE CONSTITUTION OF  
THE AUSTRALIAN GREENS – VICTORIA**

**THE CHARTER OF THE GREENS**

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# THE CONSTITUTION OF THE AUSTRALIAN GREENS - VICTORIA

## Chapter 1 — Objectives and Operation

### *1 The Australian Greens Victoria*

- 1.1 The body known as THE AUSTRALIAN GREENS – Victoria is:
- (a) the Victorian member body of the confederation of state-based political parties known as the ‘Australian Greens’;
  - (b) registered with the Australian Electoral Commission (the AEC) under the name of ‘Australian Greens’ and registered with the Victorian Electoral Commission (the VEC) under the name of ‘The Australian Greens – Victoria’;
  - (c) registered with the Registrar of Incorporated Associations under the name of ‘The Greens Victoria Inc.’; and
  - (d) abbreviated to ‘the AGV’ or ‘the Party’ for the purposes of this Constitution.
- 1.2 This Constitution identifies the principles and rules governing the conduct of the AGV affairs and defines the powers of the constituent groups and the roles of the positions defined within.
- 1.3 All other AGV documents are subordinate to this Constitution with the exception of the Charter.
- 1.4 The Constitution seeks to maximise opportunities for productive cooperation between AGV Members and to provide protection for individual AGV Members and constituent groups.
- 1.5 The Constitution requires the constituent groups of the AGV to:
- (a) agree to the Charter of the Greens, and to abide by this Constitution as well as to the National Constitution of the Australian Greens, and to the proper decisions of the National Organisation; and
  - (b) support affirmative action and practise participatory, democratic and accountable internal decision-making processes.
- 1.6 The Constitution further requires that the AGV and all its constituent groups have autonomy to make decisions relating to their own affairs, provided that these decisions remain compatible with the Constitution, the Charter and the agreed policy frameworks of the Greens.

### *2 The Charter of the Greens*

- 2.1 The Charter is the basic document of agreement which defines the principles and aims of the Australian Greens. As such, AGV Members and constituent groups should not publicly forward ideas at variance with the Charter without calling into question their continued membership of, and status within, the AGV.
- 2.2 To change the Charter, an amendment must be supported in a plebiscite by at least 75 per cent of eligible members of the Australian Greens nationwide. For the result of such a plebiscite to be valid, at least 51 per cent of members of the Australian Greens must have participated.

### **3 *Our Objectives***

3.1 The primary purposes of the Greens Party are:

- (a) to further a vision of the world characterised by peace, social justice, grassroots participatory democracy and ecological sustainability;
- (b) to make, publicise and strive to implement policies on national and global issues as described in the Charter;
- (c) to engage in education of both ourselves and the rest of the community, to raise awareness of the issues and concerns covered in the Charter;
- (d) to promote and assist other individuals, associations, organisations and community networks, working for the objectives of the Greens;
- (e) to promote the development of and participate and communicate with the Green political movement both nationally and globally;
- (f) to be a registered political party pursuant to the Commonwealth and Victorian Electoral Acts;
- (g) to seek the election or appointment to public office of people who are committed to the Charter, principles, policies and objectives of the Greens;
- (h) to encourage other political parties to adopt our policies and principles by electoral strategies and direction of voting preferences;
- (i) to coordinate mutual support and joint actions on behalf of Greens Party Members;
- (j) to carry out such tasks as the membership may from time to time delegate to the State body.

### **4 *National and State Greens Parties***

4.1 The Greens is a national confederation of State and territory parties. To facilitate smooth operations between the State and National Organisation, the State Constitution must remain broadly consistent and compatible with the National Constitution.

4.2 The Victorian National Delegates' Convenor is responsible for co-ordinating the work of Victorian delegates to National Council and National Conference of the Australian Greens. The Victorian National Delegates' Convenor must be and remain one of the AGV delegates to both the National Council and the National Conference. State Council will enact a bylaw prescribing how this position is filled.

### **5 *Affirmative Action***

5.1 The AGV is committed to equal opportunity principles and the principle of women, men and gender diverse people having equal status within society.

5.2 The AGV will initiate affirmative action, where appropriate, for underrepresented groups, in particular: (a) First Peoples; (b) women; and (c) gender-diverse people .

5.3 At no time will any AGV Member be discriminated against due to gender, age, race, ethnicity, class, religion, disability, sexuality, marital status, health status, or any other perceived or actual personal attribute.

## 6 *Definitions*

6.1 The following terms have the specific meanings given below when they appear written in italic type within the State Constitution.

**AGV** is the abbreviated term for the Australian Greens – Victoria, and is used along with the ‘Party’ throughout this Constitution to represent the body described in clause 1.1.

**AGV MEMBERS** are natural persons who have officially joined the AGV.

**AUSTRALIAN GREENS** is the national confederation of State and territory-based Greens parties, of which the AGV is a member party.

**BANK ACCOUNT** is any bank account, payment facility or other intermediary account with any external organisation designed for either the receipt, holding and/or payment of funds.

**BRANCH** a constituent group of the AGV based on one or more Local Government Areas (subject to Schedule 1), consisting of AGV Members registered to it by virtue of section 7 and/or clause 24.1(n).

**CHARTER** is the ‘Charter of the Greens’ which is the basic document of agreement which defines the principles and aims of the Greens.

**CONSTITUENT GROUPS** are those Party bodies (Branches, Regional Councils, State Council, State Executive, committees and working groups) which together make up the AGV.

**FINANCIAL YEAR** is the year ending on 30 June.

**GREENS** refers to any and/or all Greens parties, whether state or national.

**GREENS VICTORIA INC.** is the incorporated body through which the AGV conducts its business.

**NATIONAL CONSTITUTION** is the constitution of the Australian Greens.

**NATIONAL COUNCIL** The Greens organisation based on national representation according to the National Constitution.

**NATIONAL ORGANISATION** is the organisation based on national representation according to the National Constitution of the Australian Greens as it meets either as National Council or National Conference, or when it makes a decision by national plebiscite or by its defined policy-making processes.

**NATURAL PERSON** is a legal term meaning an individual human being, as opposed to a group, corporation or organisation.

**OFFICE BEARERS** refers to the three mandatory office bearer positions of the AGV, namely the Convenor, Secretary and Treasurer (these three positions are standard throughout the Greens organisations and the AGV’s constituent groups), and an Assistant State Secretary as defined in this Constitution.

**OPPRESSIVE CONDUCT** includes conduct that is unfairly prejudicial to, or unfairly discriminatory against, a Member (including in the Member’s capacity as a member of a committee); or contrary to the interests of the Members of the AGV; and includes a reference to engaging in conduct by refusing or failing to take action.

**OPTIONAL PREFERENTIAL SYSTEM (of voting)** is a system of voting where the voter’s choice of candidates in a ballot and their choice of order of preference is indicated by

placing the number one (1) next to the name of the most-preferred candidate and then numbering as many or as few further candidates as desired with consecutive higher integers to indicate the order of preference – e.g. 1 or 1, 2 or 1, 2, 3 etc.

**PROSCRIBED ORGANISATIONS** are other political parties or the subordinate bodies of other political parties. A list of these proscribed organisations will be decided upon and published by the National Council of the Australian Greens.

**PROPORTIONAL REPRESENTATION (PR) SYSTEM (of distributing votes)** is the method of counting votes where a quota is calculated to determine the number of votes required to elect a candidate. The State Council will formulate bylaws to establish an appropriate PR system for internal AGV elections.

**STATE CONSTITUTION or CONSTITUTION** is the Constitution of the AGV, i.e. this document.

**STANDING COMMITTEES** are committees established as such by or under this Constitution.

**STATE COUNCIL** is the governing body of the AGV, subject only to State Conference decisions and this Constitution, which coordinates organisational, administrative, financial, policy and electoral matters for Victoria as a whole.

**STATE EXECUTIVE or EXECUTIVE** means the State Executive described in Chapter 3.5.

6.2 In this Constitution:

- (a) *biased* means unable to bring an impartial and unprejudiced mind to the resolution of the question under consideration;
- (b) *insolvent under administration* has the same meaning as it has in the *Interpretation of Legislation Act 1984*;
- (c) *local councillor* has the same meaning as councillor has in the *Local Government Act 1989*;
- (d) *represented person* has the same meaning as it has in the *Guardianship and Administration Act 1986*.

## Chapter 2 — Members

### 7 *Application for Membership*

7.1 An ‘applicant’ for AGV membership is a natural person whose membership application and fee has been received by the AGV.

7.2 An individual may apply for AGV membership by paying the applicable membership fee and by completing and submitting the membership application form which will contain, but is not limited to, the following information:

- (a) the name of the applicant;
- (b) the residential address, including postcode, of the applicant;
- (c) the postal address of the applicant, as well as the phone, fax, email or other electronic contacts;

- (d) A declaration signed by the applicant that they agree to be bound by the Charter and constitutional rules of the Greens;
- (e) A declaration signed by the applicant that the applicant is not a member of any other political party or its subordinate bodies and will not join such organisations whilst remaining an AGV Member (see clause 7.5(c)).

7.3 The following bodies will have the power to admit an applicant as a Member:

- (a) A Branch covering the area where the Member resides;
- (b) The State Council or State Executive in respect of any application from an applicant where there is no relevant Branch; and
- (c) The State Council or State Executive in respect of any application from an applicant where the relevant Branch has been aware of but failed to consider an application for at least 35 days.

Provided that should the relevant Branch or the State Executive at any time resolve that any person's application should be deferred for further consideration, or rejected, then no body (other than the body which resolved to defer or reject the application) may later admit that person to membership and no admission to membership made in error shall be valid. This shall not limit State Council's right to admit a person to membership.

7.4 Each application will be processed according to any bylaws formulated by the State Council.

7.5 An applicant will be welcomed as a new AGV Member, provided that person:

- (a) has read and agreed to the Charter and agreed to abide by the constitutional rules of the AGV;
- (b) agrees to join the AGV and to be registered to a Branch (where one is established which covers the applicant) according to residential address;
- (c) is not a member of a proscribed organisation, and agrees to refrain from joining a proscribed organisation whilst remaining an AGV Member;
- (d) pays an annual membership fee;
- (e) complies, if applicable, with clause 56.16;
- (f) acknowledges and agrees that certain personal information collected by the AGV may be provided to State and Federal electoral authorities in accordance with legislative requirements;
- (g) acknowledges and agrees that their personal information may be passed on to the Australian Greens; and
- (h) is approved for membership by a Party body in accordance with 7.3.

7.6 Notwithstanding 7.1, 7.2 and 7.3, a person who is a financial member of a political party which is a member party of the Australian Greens other than the AGV (the 'other party') may, if they have moved to the State of Victoria or will imminently do so, request membership of the AGV. In such circumstances, the State Secretary or person appointed by the State Secretary may admit the person as a Member, provided that the information listed at 7.2(a) to (e), and any prescribed fee, has been provided either by the person or the other party, and provided that membership of the person to the other party ceases upon the person's admission to the AGV. Where any doubt

arises as to whether the admission of a person under this clause is appropriate, the matter may be referred to the State Executive for decision.

## **8 Membership Entitlements**

8.1 All AGV Members are entitled to the following benefits:

- (a) To be registered as members of the Australian Greens;
- (b) To participate in discussion, debate and decision-making in Greens meetings, according to the constitutional arrangements of the AGV;
- (c) To communicate with the entire State membership about matters pertaining to the Greens through the AGV's State publications, within reason and constrained by space, cost and time limitations: similar considerations apply to the publications of the Australian Greens;
- (d) To participate in local, State and national policy formation according to the constitutional rules and bylaws of the AGV;
- (e) to be eligible to be elected to and to hold a position as an office bearer, delegate or other position in a Branch, the AGV, or the Australian Greens, subject to any bylaws limiting this entitlement in specific circumstances (such as term limits preventing holding multiple positions, or holding positions in conjunction with public office, or like circumstances);
- (f) To be eligible to seek nomination for public office as a candidate for the Greens, subject to clause 56.13;
- (g) At any reasonable time, to inspect without charge the books, records and securities of the AGV;
- (h) Upon request, to receive a copy of the audited accounts of the previous year. Such a request is to be made in writing, and will be subject to a reasonable charge to cover printing and postage, but the requested copy must be provided within a reasonable time by the Greens; and
- (i) To receive a copy of the Charter, a copy of the State Constitution, and a copy of the National Constitution upon request.
- (j) Upon request, and within 14 days of the request, to receive minutes of general meetings of the AGV and any associated financial statements.

8.2 For any election or ballot, and subject to the terms of any bylaw prescribing otherwise, the persons deemed to be AGV Members will be only those persons who were AGV Members as at:

- (a) the date of the close of nominations in the case of a person standing for election;
- (b) the date of the close of voting in the case of a person casting the vote; or
- (c) such other date as may be set by the body calling the vote or by the returning officer, provided that the date is not later than the close of voting.

## **9 Membership Fees**

9.1 The State Council will develop bylaws for the regulation of membership fees.

9.2 Each AGV Member will pay membership fees directly to the AGV.



- 9.3 Membership fees will fall due annually and will be paid in advance for a period of 12 months, but may be paid in instalments if this is allowed by the bylaws.
- 9.4 In this clause, ‘Membership Term’ means the 12 month period for which the membership fees have been paid.
- 9.5 Before expiry of an AGV Member’s Membership Term, the AGV Member will be sent, to their nominated contact address, which may be a postal address or an email address, a renewal notice specifying:
- (a) the date that the Membership Term is due to expire (‘Expiry Date’);
  - (b) how to renew their membership, including the amount to be paid; and
  - (c) such other matters as may be specified in the bylaws.
- 9.6 Membership will lapse and the person will no longer be an AGV Member if the membership fee remains unpaid at the later of:
- (a) the Expiry Date of the Membership Term; and
  - (b) 60 days after the renewal notice was sent.
- 9.7 Notwithstanding clauses 9.5 and 9.6, if a renewal notice is not sent and the AGV Member fails to pay the membership fee, their membership will automatically lapse nine months after the Expiry Date of her or his Membership Term.
- 9.8 There will be no special joining or rejoining fees.
- 9.9 Membership fees are not refundable, once the applicant has been formally accepted as an AGV Member.
- 9.10 No AGV Member will pay or cause to be paid, directly or indirectly, the membership fees of three or more persons including their own membership in any year.
- 9.11 State Council will, upon the presentation of sufficient evidence, and after giving all affected AGV Members the opportunity to be heard, declare void the membership of any person whose membership fees have been paid only because of a violation of clause 9.10.

## **10 Membership Management**

- 10.1 An AGV Member may not be registered in more than one Branch, although the Member may work in several. An AGV Member is eligible for Branch office and decision-making only in the Branch in which the Member is registered.
- 10.2 For purposes of AGV membership, the National Council and State Council can rule on whether an organisation is to be considered a proscribed organisation. The decisions of State Council will be ratified by the National Council.
- 10.3 The membership status, contact details and other personal information of any AGV Member will not be released to any non-Member or organisation without the authorisation of the AGV Member, other than State and Federal electoral authorities, and the Australian Greens.

## **11 Resignation**

- 11.1 An AGV Member may resign from the AGV by notifying the AGV in writing. The notice will be presented at the next meeting of the relevant Branch, and at State Council if appropriate.

## Chapter 3 — Party Organisation

### Chapter 3.1 — General

#### 13 *Composition of the AGV*

13.1 The AGV comprises individual AGV Members forming the following constituent groups:

- (a) Branches, which subject to Schedule 1, are based on one or more Local Government Areas;
- (b) Regional Councils, where formed under Chapter 3.3;
- (c) State Council, as defined in this Constitution;
- (d) State Executive, as defined in this Constitution;
- (e) Standing Committees created by and under this Constitution;
- (f) working groups and committees established by the above constituent groups.

13.2 State Council will pass bylaws which specify the scope and coverage of Branches established under this Constitution.

#### 14 *Census Date and Representational Matters*

14.1 The State Executive will appoint a person or establish a committee prior to 31 January in each year, which will be responsible for:

- (a) ascertaining the numbers of Members and the Branch if any they are registered to on a census date of 1 March in that year;
- (b) determining the number, under this Constitution, of Branch (including regional) Representatives who will be elected to State Council; and
- (c) determining the placement of each Branch within the 8 Legislative Council regions for the purpose of electing further Branch Representatives to State Council, where appropriate.

14.2 In determining the number of Members as at 1 March of each year, the person or committee will receive all necessary support from AGV constituent groups, to enable that person or committee to report to the State Executive by 31 March in each year.

14.3 The person or committee will:

- (a) prepare a draft report by 14 March setting out the names and numbers of all AGV members and the Branch to which each is registered to if applicable and, separately:
  - (i) specifying whether or not each Branch qualifies as being entitled to elect a Branch Representative to the State Council at its Annual General Meeting in accordance with clause 40.2(a);
  - (ii) determining the Legislative Council region each Branch falls into, for the purposes of clause 40.2(b), which shall be the Legislative Council region that a plurality of members of the Branch reside within, subject to Schedule 1 where there is more than one Branch in a Local Government Area; and

- (iii) determining the total number of Representatives who will represent Branches from each notional Legislative Council region on the State Council, as described in clause 40.2;
  - (b) forward relevant sections of the draft report to all Branches for comment, not less than 14 days before their scheduled consideration by the State Executive;
  - (c) consider Branch comment which is received not less than 7 days before the report's scheduled consideration by the State Executive;
  - (d) provide to the State Executive an updated draft report which includes any amendments suggested by a Branch, or if such amendment is not included the Branch comment will be included as an appendix.
- 14.4 Upon receiving the updated draft report the State Executive will, by 31 March, either endorse it or amend it to reflect comments made by a Branch or to correct any error.
- 14.5 Upon endorsing it and by 7 April, the State Executive will release the report to State Council members, and the relevant portions of the report to Branches, and the findings of that report will be binding on those Branches, and on all Returning Officers appointed to oversight the filling of relevant positions.
- 14.6 Any new Branch formed after the census date with 15 or more Members will be entitled to one Branch Representative on State Council. This will not affect any other representation on State Council until the next elections for State Council representatives.

## **15 AGV Office Bearers**

- 15.1 The Office Bearers of the AGV will be the Convenor, Secretary, Treasurer, and an Assistant Secretary, who will hold such office for the purposes of the Party and the State Council and Executive.
- 15.2 Office Bearers will be AGV Members who are resident in Victoria.
- 15.3 The powers and duties of Office Bearers are defined within this Constitution.
- 15.4 Office Bearer positions may be held on a job-share basis.
- 15.5 Job-share Office Bearers will make arrangements with the Executive for the apportioning of duties and responsibilities.
- 15.6 Wherever this Constitution specifies the attendance of a particular Office Bearers as a quorum requirement for a meeting, the attendance of one of the job-share Office Bearers will be sufficient to satisfy such a requirement.
- 15.7 Job-share Office Bearer positions will be entitled to one vote only. On any question on which the job-share Office Bearers differ, and both exercise their right to vote, their votes will cancel each other out.
- 15.8 An individual elected to any Office Bearer position ceases to be an Office Bearer if the individual:
- (a) ceases to be an AGV Member;
  - (b) resigns in writing; or

(c) is suspended by the State Council because the individual is unable or unwilling to act to fulfil their designated responsibilities.

15.9 Where an Office Bearer, or a Victorian Campaign Committee Convenor or a Policy Convenor, who holds a position on a job-share basis ceases to hold office but the other person who also holds that position does not cease to hold office, then the remaining holder of that office holds office until the end of the next meeting of the State Council, which shall at that meeting make a determination to either:

- (a) confirm the remaining holder of the position as the only holder of that position, in a secret ballot vote which shall require 75% of votes cast to be in favour; or
- (b) confirm a nomination made by the remaining holder of that position, of another member to fill the vacancy and serve in the position on a job-share basis, in a vote requiring 75% of votes cast to be in favour.

In the absence of the occurrence of (a) or (b) at that meeting, the position becomes vacant.

## **16 Election of State Office Bearers**

16.1 State Office Bearer will be elected annually by postal or electronic ballot of all AGV Members prior to the Annual Conference.

16.2 If any Office Bearer position remains unfilled after the annual postal or electronic ballot for any reason, that position may be elected by all AGV Members present at the Annual Conference or at a Special State Conference. If elected at a State Conference, State Office Bearers will be elected by consensus or, failing this consensus, they will be elected by a secret ballot of all AGV Members present at the State Conference.

16.3 Any vote will be by an optional preferential system and will include an option to 'seek further candidates' rather than requiring election of one of the candidates.

16.4 A person to be appointed as State Secretary must have attained the age of eighteen years, not be a holder of any public office, and be and remain a resident of Australia.

16.5 State Office Bearers are elected for a term of one year or until the next Annual State Conference.

16.6 An individual who has served three consecutive terms (or parts thereof) in any combination of State Office Bearer positions will not be eligible for re-election as an Office Bearer at the next election but will in any case be eligible for subsequent elections. These provisions can be waived by consensus decision of State Council.

16.7 Candidates for State Office Bearer positions will have given their consent to the Members (or State Conference, if appropriate), in person or in writing, to standing for such office.

16.8 If a casual vacancy for any State Office Bearer position occurs more than three months before the term of office was due to end, a postal or electronic vote of all AGV Members or a Special State Conference must be held to fill the vacant position, save that where a single nomination is received for the casual vacancy then State Council may appoint that person to fill the position without the need for any postal or electronic ballot or any Special State Conference.

16.9 If at any time a State Office Bearer position is vacant, the State Council will, within fourteen days after the vacancy arises, appoint an acting State Office Bearer from the existing members of State Council, who will:

- (a) have the same powers and responsibilities as an elected State Office Bearer until a new duly-elected Office Bearer is installed; and
- (b) cease to be an acting State Office Bearer when a new duly-elected State Office Bearer has been installed.

## **17     *The State Convenor***

17.1 The duties of the State Convenor comprise the following:

- (a) In conjunction with the State Secretary, to ensure that the appropriate notice of meeting, agenda and motions on notice are provided in good time;
- (b) To ensure that a facilitator is appointed for each meeting of State Council, the State Executive and State Conference;
- (c) To ensure that the business of each meeting is properly addressed;
- (d) To present the Annual Report to the Annual State Conference;
- (e) To sign cheques where required on behalf of the AGV in conjunction with another person authorised to do so by the State Council;
- (f) To contact other relevant State Executive members in order to convene a quick response to urgent and pressing matters (see section 50 ‘Quick Decision Making’);
- (g) To advise and assist Branch Convenors in AGV matters;
- (h) To perform such other duties as the State Council may from time to time determine.

17.2 The State Convenor must ensure that the information in clause 17.3 is:

- (a) regularly provided to members;
- (b) included in the materials provided to new members and new office bearers; and
- (c) readily accessible on the members-only website.

17.3 The information specified in this clause is:

- (a) brief, simple and accurate information regarding the procedures in chapters 8, 9 and 10; and
- (b) an e-mail address (which must be provided by the AGV) and telephone number (if the member gives permission) of:
  - (i) at least 1 member of the Mediation Panel;
  - (ii) the Convenor of the Administrative Review Panel; and
  - (iii) each member of the Misconduct Panel.

## **18     *The State Secretary***

18.1 The duties of the State Secretary comprise the following:

- (a) In conjunction with the State Convenor to give notification of all meetings of State Council and State Conferences in good time;
- (b) To prepare the agenda of meetings (other than Executive meetings), table correspondence and record the attendance of all persons present;

- (c) To ensure that a record is kept of all meetings of the State Council and that, within reason, this record is available to AGV Members;
- (d) To maintain and update a draft agenda for the next State Council meeting, and ensure that all Branches are kept regularly informed of this agenda;
- (e) To ensure a calendar of National and State Council/Conference meeting dates is published and updated as required on the AGV website;
- (f) To be responsible for the correspondence of the State Council;
- (g) To maintain the State Register, which includes a membership record by Branch;
- (h) To periodically transmit an updated copy of the State Register of AGV Members to the National Secretary;
- (i) To send to the National Secretary copies of newsletters, publications and media statements emanating from, and media reports about, the AGV, as well as minutes of State Conference, State Council and State Executive meetings.
- (j) To keep custody, during the term of office, of all books, documents, records and registers of the AGV, except those which are the responsibility of the State Treasurer. The custody of all records is to be transferred in full to the incoming State Secretary when a change of office occurs;
- (k) To record the use of the Common Seal;
- (l) In conjunction with the State Convenor, to convene Special State Conferences and ensure adequate notification;
- (m) To advise and assist Branch Secretaries in administrative matters;
- (n) To perform all duties of the Assistant Secretary in their absence;
- (o) Subject to any contrary decision of Executive, to supervise the employees of the Party;
- (p) To perform such other duties as the State Council may from time to time determine.

## **19     *The Assistant State Secretary***

19.1     The duties of the Assistant Secretary comprise the following:

- (a) To prepare the agenda of Executive meetings, table correspondence and record the attendance of all persons present;
- (b) To ensure that a record is kept of all meetings of the Executive, including Quick Decision Making Group meetings, and that these records are available to AGV Members;
- (c) To assist the State Secretary;
- (d) To perform all duties of the State Secretary in their absence; and
- (e) To perform such other duties as the State Council may from time to time determine.

## **20     *The State Treasurer***

20.1     Subject to clause 64 'The Greens Victoria Inc.', the duties of the State Treasurer comprise the following:

- (a) To be responsible for, and supervise the financial functions of The Greens Victoria Inc.;

- (b) To be responsible for the receipt of all monies paid to the AGV, the issuing of receipts, and the deposit of those monies in bank accounts held in the name of The Greens Victoria Inc. as determined from time to time by the State Council;
- (c) To be responsible for monies paid by the AGV with the authority of the State Council;
- (d) To sign cheques where required on behalf of the AGV in conjunction with another person authorised to do so by the State Council;
- (e) To submit to the Annual State Conference and each State Council meeting the financial report, balance sheets and financial statement;
- (f) To keep custody of all securities, books and documents pertaining to the financial records of the business of the AGV and ensure that all records are transferred to the incoming State Treasurer when a change of office occurs;
- (g) To advise and assist Branches in financial matters;
- (h) To perform such other duties as the State Council may from time to time determine.

20.2 State Council may enact a bylaw to:

- (a) create a position of Assistant Treasurer, and
- (b) prescribe the manner in which the position is filled; and
- (c) prescribe that the position of Assistant Treasurer will assist the Treasurer in the performance of the Treasurer's duties, and may act in the position and carry out the functions and powers of the position during any absence or vacancy in the position, until the position of Treasurer has been filled;
- (d) provide that the Assistant Treasurer will not be a member of the State Executive merely by virtue of holding that position, unless they are acting as State Treasurer.

## **21 Powers and Responsibilities of Constituent Groups**

21.1 Within the AGV, constituent groups have the autonomy to make decisions relating to their own affairs in accordance with this Constitution and their terms of reference, provided that:

- (a) these decisions are consistent with the Charter;
- (b) they remain within the Greens policy framework; and
- (c) they take into account national and state campaign priorities and election strategies.

21.2 Notwithstanding the provisions in this Constitution relating to the powers of Branches and Regional Councils, where a constituent group promotes a policy that differs from the official policies of the Greens, this difference must be made clear in any public announcement.

21.3 Subject to the *Associations Incorporation Act 1981*, the AGV, its Office Bearers and other authorised persons in constituent groups must not:

- (a) exercise any power that is prohibited, by this Constitution, from being exercised;
- (b) exercise any power contrary to a restriction on the exercise of that power contained in this Constitution; or
- (c) do any act that is outside the scope the Charter of the Greens or the Objectives of this Constitution.

- 21.4 A Member or former Member of the AGV may apply to the Magistrates' Court for an order under the *Associations Incorporation Act 1981*, on the ground that the incorporated association has engaged, or proposes to engage, in oppressive conduct.
- 21.5 The Office Bearers for constituent groups will be a Convenor, Secretary, and a Treasurer, where the constituent group holds funds.

## **Chapter 3.2 — Branches**

### **22 The Branch**

- 22.1 A body of AGV Members known as the Branch is empowered to co-ordinate and organise the policies, functions and administration of the AGV within a particular area or jurisdiction.
- 22.2 Branches will be:
- (a) the primary focus for local Members meeting to discuss ongoing issues of common interest;
  - (b) the primary link between the Greens as a party and the local community;
  - (c) the primary organising unit for election purposes.
- 22.3 The powers and responsibilities of a Branch are vested in a meeting of members of the Branch, and in the Office Bearers of the Branch.
- 22.4 Any six AGV Members 16 years of age or older may apply in writing to the State Council for accreditation to form a Branch based on local government boundaries.
- 22.5 Where the jurisdiction of an existing Branch covers more than one Local Government Area, any such application:
- (a) by six or more members of that Branch resident within a single Local Government Area, with the consent of the existing Branch; or
  - (b) by 15 or more such members without the support of the existing Branch;
- must be determined by the State Council, and if the application is accepted such determination must spell out the Local Government Area or areas to be covered by the new Branch.
- 22.6 Where a Branch has (or is approved by State Council with) less than 15 members, its powers and responsibilities under this Chapter are specified in clause 24.2.
- 22.7 Where members of two or more existing Branches which share a common boundary wish those Branches to merge to form a single Branch, they may do so by:
- (a) passing a motion to that effect at the Annual General Meeting or a special general meeting of each of the existing Branches to be merged, having given notice of that motion with the notice for calling the general meeting; and
  - (b) electing Branch Office Bearers for the newly merged Branch; and
  - (c) reporting the results of those decisions to the State Council.
- 22.8 At the next meeting of State Council, if the pre-existing Branches have voted to merge into a single Branch, the State Council will recognise the creation of the new Branch and dissolve the relevant pre-existing Branches.
- 22.9 Upon approval by State Council;



- (a) the Branch Office Bearers of the newly merged Branch will commence their terms; and
  - (b) as soon as practicable, all records, bank accounts, assets and liabilities of each of the relevant pre-existing Branches will be transferred to the resulting merged Branch.
- 22.10 Nothing in this Constitution will preclude an AGV Member from associating with and undertaking activities in Party groups other than their own Branch, including local action groups or issue-based groups.
- 22.11 A Branch may be dissolved by a unanimous decision of the Branch or if the decision is not unanimous by petition to the State Council. State Council, after discussion with the Branch, will determine the matter of dissolution.
- 22.12 On dissolution of a Branch, any surplus funds or property will be transferred to the State Council, but will be transferred to any Branch which subsequently acquires the jurisdiction of the dissolved Branch, within the following 12 months.

### **23 *Branch Meetings***

- 23.1 Branch meetings will:
- (a) be convened at least once every three months (i.e. once every quarter), either face to face or by teleconference;
  - (b) be scheduled, as far as is practicable, so that Branch meetings precede State Council meetings, so that State Council agenda items at these meetings can be discussed;
  - (c) agree to the procedure and order of business to be followed;
  - (d) require a Branch member having a direct or indirect pecuniary interest in any matter to declare such interest and to not block consensus on that matter, nor vote if that matter is brought to a vote;
  - (e) discuss agenda items on notice from Branch members ahead of other business, unless the meeting determines otherwise.
- 23.2 The quorum for a Branch meeting will be:
- (a) four Branch members, if the Branch membership is less than 15; or
  - (b) six Branch members, if the Branch membership is 15 or more;
  - (c) but the quorum must include at least one Branch Office Bearer, unless all Office Bearer positions are vacant.

### **24 *Powers of the Branch***

- 24.1 The powers of the Branch of 15 or more members are as follows:
- (a) To be responsible for furthering the interests of the AGV within the Branch's jurisdictional area;
  - (b) To elect Office Bearers, and a Branch Representative to the State Council, subject to Schedule 1;
  - (c) Until the next Annual General Meeting of the Branch, to fill casual vacancies in the positions of Convenor, Secretary, and Treasurer;

- (d) To suspend Branch Office Bearers and appoint acting Branch Office Bearers until the next Annual General Meeting;
- (e) Subject to Schedule 1 in the case of a Local Government Area with more than one Branch, to elect a replacement Branch Representative to State Council at its next meeting if a Branch Representative position on State Council is or becomes vacant, provided also that where a vacancy arises and no Branch meeting is to be held prior to the next meeting of the State Council, a Branch Quick Decision Making Group (QDMG) may appoint a member of the Branch to act as a Branch Representative to that next meeting of State Council only;
- (f) Subject to section 64, and with the consent of the State Treasurer, for the Branch to open and operate a bank account, which is capable of complying with the party's internal controls, in the name of The Greens Victoria Inc.;
- (g) Subject to section 64, to make arrangements with the State Treasurer for AGV Members and Branches to incur debts in the name of The Greens Victoria Inc., up to a limit specified by the State Treasurer;
- (h) To endorse candidates for public office for local government elections in accordance with section 56 and where relevant, Schedule 1;
- (i) To establish election campaign committees, either alone or in conjunction with other Branches, in accordance with section 55 and otherwise subject to any decision of State Council;
- (j) To establish and dissolve Branch working groups;
- (k) To review the operations of working groups and election campaign committees, including receiving reports from each working group or election campaign committee;
- (l) To engage as employees of the AGV such persons under such conditions as the Branch may from time to time determine, subject to any bylaws established by State Council and the approval of the State Secretary;
- (m) to approve AGV membership of new applicants residing within the geographical boundaries of the Branch, subject to section 7; and
- (n) to approve the registration of AGV members residing outside the Branch's boundaries to the Branch.

24.2 The powers of a Branch of less than 15 members are those specified under clause 24.1 above, other than the powers specified in paragraphs (e), (g) and (l).

## **25 *Branch Office Bearers***

- 25.1 The Branch Office Bearers will be a Branch Convenor, Branch Secretary and Branch Treasurer, who must be AGV Members registered to that Branch.
- 25.2 Branch Office Bearers will be elected annually by Branch members present at the Annual General Meeting or, failing consensus being reached, they will be elected by secret ballot of all members of the Branch present at the Annual General Meeting. When necessary, a Returning Officer will be elected to supervise the conduct of ballots.
- 25.3 Notwithstanding the provisions of clause 25.2, a Branch may, at a prior meeting, decide to conduct a postal or electronic ballot for such Office Bearers, and will do so upon a written

request by any five members or ten percent of the Branch members, whichever is greater, received at least 30 days prior to the first day on which the Annual General Meeting may be held.

- 25.4 Any vote will be by an optional preferential system and will include an option to 'seek further candidates' rather than requiring election of one of the candidates.
- 25.5 Office Bearers are elected for a term of one year or until the next Annual General meeting.
- 25.6 Any AGV Member may nominate for an Office Bearer position in their Branch. A Branch member may not hold two Branch Office Bearer positions simultaneously.
- 25.7 In the event that a Member who has been elected or appointed as an Office Bearer of a Branch ceases to be eligible to be a member of the Branch, they will only hold office until the next meeting of the Branch, unless that meeting resolves to the contrary.
- 25.8 If a casual vacancy for any Branch Office Bearer position occurs, the next meeting of the Branch will elect a replacement, and the fact of the election must be included on the agenda of the meeting circulated to members of the Branch. In the absence of such notification, the Branch meeting may appoint a person to act pro tem until the next following Branch meeting.
- 25.9 While any Branch Office Bearer position remains vacant, the powers and functions of that office will be exercised by the other Branch Office Bearers acting jointly. Should all the Office Bearer positions in a Branch be vacant, the State Secretary may discharge on behalf of the Branch any functions of the Office Bearers set out in this Constitution or the bylaws which are necessary for the continuing functioning of the Branch.
- 25.10 Branch Office Bearer positions may be held on a job-share basis, in which case clauses 15.5, 15.6 and 15.7 shall apply as though 'Office Bearers' means 'Branch Office Bearers' and 'Executive' means 'Branch'.

## **26 *The Branch Convenor***

- 26.1 The duties of the Branch Convenor comprise the following:
- (a) In conjunction with the Branch Secretary, to ensure that the appropriate notice of meeting, agenda and motions on notice are provided in good time;
  - (b) To ensure that a facilitator is appointed for each meeting;
  - (c) To ensure that the business of each meeting is properly addressed (see clause 23.1);
  - (d) To present the Annual Report to the Annual General Meeting;
  - (e) To sign cheques on behalf of the Branch as required, in conjunction with another authorised member of the Branch;
  - (f) To contact other nominated Branch members to convene a quick response to urgent and pressing matters (see section 50 'Quick Decision Making');
  - (g) Where a Branch Representative position on State Council becomes vacant, the Branch Convenor may appoint an acting Branch Representative from the members of the Branch, but only for the period until the next Branch meeting;
  - (h) To perform such other duties as the Branch may from time to time determine.

## **27      *The Branch Secretary***

27.1      The duties of the Branch Secretary comprise the following:

- (a)      In conjunction with the Branch Convenor, to give notice of all meetings of the Branch and the Annual General Meeting in good time;
- (b)      In conjunction with the Branch Convenor, to convene special general meetings and ensure adequate notification;
- (c)      To prepare the agenda of meetings, table correspondence and record the attendance of all persons present;
- (d)      To ensure that a record is kept of all meetings of the Branch, and to ensure that this record is available to members of the Branch and is sent to the State Secretary within 28 days;
- (e)      To be responsible for and coordinate the correspondence of the Branch;
- (f)      To maintain the Branch Register;
- (g)      To send to the State Secretary copies of newsletters, publications and media statements emanating from, and media reports about, the Branch and its members;
- (h)      To keep custody, during the term of office, of all books, documents, records and registers of the Branch except those which are the responsibility of the Branch Treasurer. The custody of all records is to be transferred in full to the incoming Secretary when a change of office occurs;
- (i)      To perform such other duties as the Branch may from time to time determine.

## **28      *The Branch Treasurer***

28.1      Subject to clause 64, the duties of the Branch Treasurer comprise the following:

- (a)      To be responsible for the receipt of all monies paid to the Branch, the issuing of receipts, and the deposit of those monies in bank accounts held in the name of The Greens Victoria Inc. as determined from time to time by the Branch and the State Treasurer;
- (b)      To be responsible for monies paid to and by the Branch with the authority of the Branch and the State Treasurer;
- (c)      To ensure that all payments from any bank account are signed or endorsed by at least two persons authorised to operate the bank account;
- (d)      To submit to the Annual General Meeting and to each meeting of the Branch a financial report, balance sheets and financial statement, and to forward financial statements for the year to the State Treasurer at least 28 days before the Annual State Conference;
- (e)      To keep all securities, books and documents pertaining to the financial records of the business of the Branch, and ensure that all records are transferred to the incoming Treasurer when a change of office occurs;
- (f)      To provide the State Treasurer with such financial information relating to the Branch's financial affairs the State Treasurer requires, to enable them to comply with the AGV's obligations under this Constitution and relevant State and Federal legislation;
- (g)      To perform such other duties as the Branch may from time to time determine.

## **29**     ***Annual General Meeting***

- 29.1     The Branch Convenor will convene an Annual General Meeting of the Branch on a day during July, August or September in each year.
- 29.2     All AGV Members registered in the Branch may participate in the Annual General Meeting.
- 29.3     The quorum for an Annual General Meeting will be six members of the Branch.
- 29.4     The notice informing members of the time and place of the Annual General Meeting must be forwarded to the State Secretary. Should an Annual General Meeting not be convened before the end of September in any year, it may nevertheless be held, but must be convened by the State Secretary or their nominee from the Executive.

## **30**     ***Failure of Branches***

- 30.1     A Branch will be suspended by the State Council if, on the best information available:
- (a)     on the census date the number of AGV Members in the Branch was below six;
  - (b)     it has had no Office Bearers for more than three months;
  - (c)     it has not held a quorate meeting for more than seven months;
  - (d)     records of meetings held are not provided to the State Secretary for more than nine months;  
          or
  - (e)     no responses are received within three months to official correspondence from the State Secretary.
- 30.2     If a Branch is suspended, the Minute Books (or comparable meeting and decisions records), financial accounts and instruments will be provided to the State Council within one month of the formal suspension.
- 30.3     The State Secretary will immediately advise all relevant Members of the suspension, and invite proposals from them about what should then occur. After receiving such proposals, if any, on the advice of the State Secretary the Branch suspension may be lifted by the State Council if that appears appropriate in all the circumstances.
- 30.4     In any event, the State Council may (and if six Members request it, must) order that a meeting of Members registered in the suspended Branch be convened within 60 days to consider the future of the Branch, which may then be reconstituted if that appears appropriate in all the circumstances.
- 30.5     Any meeting so called will have all the powers of an Annual General Meeting, will have a quorum of 6 Members registered to the suspended Branch, and must be convened by an Executive member.
- 30.6     If a meeting called under clause 30.4 is not quorate, or if a quorate meeting so decides, the convenor of that meeting will recommend to State Council that the Branch be disbanded, and that all Members be individually allocated to the most appropriate continuing Branch. If, however, a quorate meeting so decides, the convenor of that meeting will recommend to State Council that the Branch suspension be lifted.
- 30.7     State Council must consider any recommendations made under clause 30.6 as soon as possible, but no later than 6 months after the date of the recommendation.

### **31 *Branch Failure to provide appropriate financial control***

- 31.1 Any Branch which, notwithstanding legal obligations placed on the AGV, does not conduct a financial audit or provide financial records to the State Treasurer within one month of a formal request to do so, may have responsibility for its financial affairs taken over by the State Treasurer, until such an audit is conducted and the financial affairs of the Branch are in accordance with all legal requirements.
- 31.2 Where the financial affairs of any Branch is taken over as outlined above, a reasonable charge may be made against the funds of the Branch to cover the costs (including staff time) associated with administering the financial affairs of the Branch concerned.
- 31.3 Other ongoing Branch expenditure can still be made by the Branch, with the consent of the State Treasurer.

## **Chapter 3.3 — Regional Councils**

### **32 *Effect of the Chapter***

- 32.1 This Chapter has effect in spite of anything to the contrary in other parts of this Constitution.

### **33 *Purpose***

- 33.1 The purpose of this Chapter is to provide a flexible arrangement for those Branches or groups of Branches that wish to retain a structure above the level of the Branch, to coordinate Branch responsibilities within a defined area of Victoria in conjunction with and on behalf of those Branches.

### **34 *Definitions***

- 34.1 In this Chapter, the following terms have the specific meanings given below:
- (a) ‘Upper House Region’ means the geographic region corresponding with a single electoral region for the Victorian Legislative Council;
  - (b) ‘Region’ means a geographic area in respect of which a Regional Council has been established under this Chapter;
  - (c) ‘Members of a Region’ means the Members of Branches within the relevant Region, and in the case of a Region in respect of which a Regional Council is created under clause 35.1(a), includes AGV Members who reside within the relevant Upper House Region who are not Members of any Branch.

### **35 *Establishment of a Regional Council***

- 35.1 A Regional Council is established whenever either (a) or (b) following occurs:
- (a) When both a majority of Branches, and Branches representing a majority of Members, located within an Upper House Region resolve in the same 12 month period to establish a Regional Council in respect of that Region. For the purposes of this clause, a Branch whose boundaries include parts of more than one Upper House Region will be deemed to be a Branch within the Upper House Region in which the majority of the Branch’s members reside on the most recent census date. Notwithstanding the foregoing, a Branch

may choose not to join with other Branches in creating a Regional Council under this provision.

- (b) When two or more Branches with geographically adjacent jurisdictions both (or all) resolve in the same 12 month period to establish a Regional Council in respect of their combined geographic jurisdiction, provided that a Regional Council has not already been established under paragraph (a) that covers one or more of those Branches.

35.2 A Regional Council is dissolved when a majority of Branches within the Region, or Branches representing a majority of AGV Members within the Region, resolve to that effect within a 12 month period.

### **36 *Composition and Powers***

36.1 The bylaws may govern the composition and method of election of a Regional Council, provided that a Regional Council must include (and will include if no bylaw is in force) a Convenor, a Secretary and a Treasurer elected by Members of the Region, one representative from each Branch within the Region elected by the Members of that Branch, and any Representatives to State Council from the Region, or from Branches within the Region.

36.2 Unless the bylaws prescribe otherwise, and subject to the specific provisions of this Chapter:

- (a) the procedures for elections, the holding of an Annual General Meeting, the procedure at meetings, duties and powers of Office Bearers, financial, audit and banking provisions, failure to operate, reporting requirements, Quick Decision Making Groups, and the conduct of business generally of Regions will apply to Regional Councils in the same way as they apply (with the necessary changes) to Branches under this Constitution.
- (b) In addition to the role Regional Office Bearers have under (a) above, each of them will have the responsibility to liaise with Branches within their Region about matters within their responsibility, and specifically to liaise with the corresponding Office Bearer of each Branch.
- (c) Regional Office Bearer positions may be held on a job-share basis, in which case clauses 15.5, 15.6 and 15.7 shall apply as though 'Office Bearers' means 'Regional Office Bearers' and 'Executive' means 'Regional Council'.

36.3 Any reference to any requirement for any Office Bearer or Party body to advise, inform or consult any Branch will also apply to a Regional Council in the same terms.

36.4 The powers and functions of a Regional Council are:

- (a) To establish and dissolve Regional Working Groups;
- (b) Until the next Regional AGM, to fill casual vacancies in the positions of Convenor, Secretary, Treasurer and any other positions established under the bylaws, and where the Regional Council has resolved to have all State Council representatives elected by all members of participating Branches in the Region under clause 37 below, to fill any casual vacancy in the position of such a representative;
- (c) To suspend Regional Office Bearers and appoint acting Regional Office Bearers until the next Regional AGM;

- (d) To engage such persons under such conditions as the Regional Council may from time to time determine, subject to any bylaws established by State Council and the approval of the State Secretary;
- (e) Subject to clause 64, to make arrangements with the State Treasurer for the Regional Council to open and operate bank accounts in the name of The Greens Victoria Inc.;
- (f) Subject to clause 64, to make arrangements with the State Treasurer for AGV Members in the Region and the Regional Council to incur debts in the name of The Greens Victoria Inc. up to a limit specified by the State Treasurer;
- (g) To review the operations of working groups and election campaign committees, including receiving reports from each working group or election campaign committee at each Regional Council meeting, unless otherwise specified;
- (h) To co-ordinate the work of Branches within the Region.

36.5 Notwithstanding the powers specified as applicable to Branches under clause 24.1(a), (e), (g), (j), (l), a Branch within a Region will not act contrary to a decision of the relevant Regional Council dealing with that matter.

36.6 A Regional Council may be made a regional campaign committee under section 55 of the Constitution.

### **37 *Representation on State Council***

37.1 Where a Regional Council is established under this Chapter, it may determine, after asking each Branch within the Region to express a view, that notwithstanding the provisions of section 40 of the Constitution, all the Representatives to State Council from the Region will be elected in one ballot from all the members of the Region. In this case, the number of Representatives so elected will be the same as it would be under section 40 had such a decision not been made.

37.2 A Regional Council may revoke a determination made under clause 37.1.

37.3 A determination under clause 37.1 or a revocation under clause 37.2 has effect from the next ordinary election for State Council representatives.

### **38 *Associated Bylaws***

38.1 State Council may enact bylaws dealing with any matter arising under this Chapter, to give effect to the role of Regional Councils as the appropriate coordinating body within their jurisdiction, and which for that purpose, may:

- (a) clarify any anomaly or difficulty which may arise in the interpretation of this Chapter or this Constitution; or
- (b) resolve any apparently contradictory provision, in relation to the relative functions of Regions and Branches and to deal with any matter on which this Chapter is silent.

## **Chapter 3.4 – State Council**

### **39 *Role of State Council***

39.1 State Council is the governing body of the AGV and has ultimate responsibility for the management of the Party, its decisions, policies and finances.



39.2 State Council has the authority and the responsibility to direct and oversee the functions of State Executive, the Standing Committees of State Council and such other committees and working groups as it may establish from time to time.

#### **40 *Composition of State Council***

40.1 Members of the State Council will comprise the State Convenor, the State Secretary, the Assistant State Secretary and the State Treasurer; the convenors of each of the Victorian Campaign Committee and the Policy Steering Committee referred to in clause 43.1; the Victorian National Council Delegates Convenor referred to in clause 4.2; Branch Representatives; and representatives of local, state and national holders of public office.

40.2 Branch Representatives on State Council will be elected annually by and from the AGV Members quantified (based on the census date) as follows:

- (a) Each Branch with 15 or more AGV Members registered to it will elect a Branch Representative at its Annual General Meeting (subject to Schedule 1 in the case where there is more than one Branch established in a Local Government Area);
- (b) Branch Representatives will also be elected calculated by and in accordance with the following:
  - (i) The State Council will be responsible for appointing a Returning Officer to manage the proportional representation election process described below;
  - (ii) For each full 2% of the AGV membership as at the census date, the members registered to the Branches assigned in the census to each Legislative Council region or members not registered to any branch and residing in the Legislative Council region will be entitled to one Branch Representative, to represent the Branch/es in that Legislative Council region. Included in this entitlement are those Branch Representatives described in clause 40.2(a);
  - (iii) Where the entitled number of Branch Representatives for any Legislative Council region exceeds the number of Branch Representatives for which provision has been made in clause 40.2(a), additional Branch Representatives will be elected by and from the members registered to Branches assigned in the census to the Legislative Council region/s in question. The candidates for election will be ranked in order, and once elected will represent the viewpoints of their Branch as well as other Branches within the region.

40.3 All Branch Representatives on State Council will be expected to attend meetings of their Branch in order to best represent those who elected them at the State Council.

40.4 In the event that a person who has been elected or appointed to be a Branch Representative on State Council ceases to be eligible to be a member of the Branch which the Member represents, the Member will immediately cease to be a Branch Representative on State Council unless the relevant Branch resolves at its next meeting to keep the person as its Branch Representative.

40.5 Local, state and national holders of public office will be represented on State Council as follows:

- (a) The group of AGV federal parliamentarians elected to the Senate and House of Representatives from the state of Victoria may for each State Council meeting select from among their number up to three State Council representatives;

- (b) The group of AGV Victorian state parliamentarians may select from among their number for each State Council meeting up to three State Council representatives, provided that the AGV Leaders in each House are included in this number;
  - (c) The group of AGV Victorian local government representatives may for each State Council meeting select from among their number up to three State Council representatives.
- 40.6 No individual may hold more than one State Council position at any one time.
- 40.7 State Council may enact by-laws to provide for the filling of a casual vacancy in a position of a Branch Representative elected under clause 40.2(b) from a Legislative Council region.
- 40.8 A member of State Council vacates their office if any of the following circumstances occur:
- (a) the member resigns their office by written notice addressed to the State Council or Executive;
  - (b) the member (other than those members listed in clause 40.5) is absent without the consent of State Council from 3 consecutive meetings of State Council (not including meetings for which less than 21 days' notice was given), whether or not a proxy was appointed under clause 40.9. To avoid doubt, where a job share position (as defined in clause 15.4) is being occupied by two persons, each of them is deemed to have attended any State Council meeting which was attended by one of them;
  - (c) the member is removed from office by special resolution of AGV Members;
  - (d) the member:
    - (i) dies; or
    - (ii) becomes insolvent; or
    - (iii) becomes a represented person (under the Guardianship and Administration Act 1986).
- 40.9 The bylaws may provide for alternate representation of a Branch representative who is a member under 40.2 by a proxy, in any circumstance where the Branch representative is unable to attend a State Council meeting, provided any such bylaw includes that:
- (a) A person ineligible to be elected to the position on State Council of the proxy giver may not receive a proxy;
  - (b) No person may exercise more than one vote at State Council.
- 40.10 Notwithstanding clause 40.2(a), a Branch becomes eligible to elect a Branch Representative at the moment it has 15 or more AGV members registered to it, and becomes ineligible to elect a replacement Branch Representative under clause 24.1(e) at the moment that it has fewer than 15 AGV members registered to it.

#### **41 *Meetings of State Council***

- 41.1 The State Council will convene at least every 4 months (i.e. not less than 3 times in any year), and should generally be held no later than 2 weeks prior to a National Council meeting.
- 41.2 At other times the State Council may communicate or hold meetings by electronic means or by teleconference.

- 41.3 Except in exceptional circumstances, State Council members will have at least 21 days' notice of any face-to-face or teleconference meetings. In no circumstance will notice be less than 7 days.
- 41.4 A quorum for a State Council meeting will be the next integer greater than one third the number of voting members of the State Council for the time being.
- 41.5 Decisions of the State Council will be made primarily by consensus. As a last resort, at least a 75 per cent majority vote of the State Council will be required for a substantive decision (see section 48 'Decision Making in Meetings').
- 41.6 When the State Council meets by teleconference or electronic means, the meetings will be conducted in accordance with relevant bylaws.
- 41.7 The State Council must keep a record of its proceedings and decisions, and a copy of this record is to be sent to all Branch Secretaries.
- 41.8 After declaring their presence and their membership status, with the leave of State Council any person may attend State Council meetings as observers. The State Council may choose to allow observers to address the meeting. The State Council may choose to allow only AGV Members to be present as observers.

## **42 Powers and Responsibilities of State Council**

- 42.1 The State Council is subject to the directions of State Conferences and state-wide plebiscites.
- 42.2 The powers and responsibilities of State Council include the following:
  - (a) To provide strategic guidance for the affairs of the AGV, in particular for the Executive and Standing Committees, but for all committees, working groups and working parties created by the State Council, in matters of (but not limited to) Party administration, policy formulation, election and continuous campaigning, liaison with elected officials, and national affairs;
  - (b) To delegate its powers to appropriate Party bodies for management of these matters (but subject to clause 42.3);
  - (c) To set terms of reference for the Standing Committees of State Council established under this Constitution, and such other committees, working groups and working parties as State Council may create from time to time, and to direct and oversee their operation;
  - (d) To adopt state policy on behalf of the AGV, subject to the provisions of this Constitution. Where there is a consensus of State Council, a policy may be adopted as an official policy immediately;
  - (e) To nominate spokespersons who are empowered to publicly articulate policy, and other relevant AGV matters;
  - (f) To establish election campaign committees;
  - (g) To employ such persons under such conditions as the State Council may from time to time determine;
  - (h) If a casual vacancy occurs in any position normally elected/appointed by the State Council/Conference or by a state-wide ballot, to appoint an AGV Member to the position in an acting capacity until such time that a new election/appointment takes place;
  - (i) To determine costs shared across the state organisation;

- (j) Subject to clause 64 ‘The Greens Victoria Inc.’:
    - (i) To open and operate with the consent of the State Treasurer bank accounts which are capable of complying with the party’s internal controls in the name of The Greens Victoria Inc.;
    - (ii) To raise funds and incur debts in the name of The Greens Victoria Inc.;
  - (k) To authorise AGV Members and Branches to raise funds and incur debts in the name of The Greens Victoria Inc. within specified limits;
  - (l) To set the membership fee, based on the advice of the State Treasurer;
  - (m) To interpret this Constitution.
- 42.3 State Council may delegate a specific power or authority to an Office Bearer or to a committee of State Council, subject to such conditions as the State Council may determine, other than:
- (a) the power to make, repeal or amend policy by consensus;
  - (b) the power to adopt an annual or like budget;
- 42.4 State Council may reserve or return any of its powers or the determination of any matter to itself by way of bylaw or decision of State Council, and may prevent State Executive or any other body to which State Council powers have been delegated acting as State Council in relation to such matters, and for any specified period of time.
- 42.5 State Council may pass a resolution that dissociates a Branch or other Party body statement or other action from the AGV position on the matter or matters, if there are strong and compelling reasons to do so. To the extent possible, the Branch statement or other action is revoked by such State Council action, and the State Council position becomes the only valid expression of the AGV position on the matter. A Branch may appeal any such decision of the State Council to the next State Conference.
- 42.6 Branches may be censured, suspended or disbanded by the State Council, if there are compelling reasons to do so.
- 43 *Committees of State Council***
- 43.1 The following committees will be Standing Committees of State Council:
- (a) the Victorian Campaign Committee;
  - (b) the Policy Steering Committee.
- 43.2 The convenors of the Standing Committees specified in clause 43.1 will be elected annually by an electronic or postal ballot of all AGV Members.
- 43.3 The major roles and responsibilities of the Victorian Campaign Committee and the Policy Steering Committee are specified in sections 55 and 58-62 respectively.
- 43.4 State Council may by bylaws establish other Standing Committees of State Council, and make bylaws not inconsistent with this Constitution governing the powers and functions of each of them, and their composition and method of selection.
- 43.5 Standing Committees will report to State Council at each State Council meeting and otherwise as directed by State Council.

- 43.6 State Executive will have the responsibility to co-ordinate the work of the Standing Committees, and to deal with any question of conflict between decisions of Standing Committees, or any question as to whether a Standing Committee has exceeded its authority. Except where State Council decides otherwise, Standing Committees are subject to the direction of State Council and will not be directed to do or refrain from doing any act or thing by the State Executive or any other Party body.
- 43.7 State Council will set the terms of reference for each of the standing committees and may amend the terms of reference from time to time.
- 43.8 Standing Committees will have the authority to take decisions within their terms of reference and, subject to such conditions as may be imposed, to expend money within their allocated budgets without the need for any other Party body to ratify their decisions. However, State Council may overturn any decisions or actions taken by a Standing Committee.
- 43.9 State Council may create and abolish other committees, working groups or working parties, and determine terms of reference for the operation and responsibilities of those committees, working groups or working parties.

#### **44 Annual State Conference**

- 44.1 The State Council will convene an Annual State Conference not more than five months after the close of the financial year and preferably not later than two weeks before the Annual National Conference.
- 44.2 The Annual State Conference is the Annual General Meeting of the AGV and all AGV Members are entitled to be invited to attend as participants.
- 44.3 The Annual State Conference has all the powers of the State Council.
- 44.4 At least six weeks' notice will be given to all AGV Members of the Annual State Conference Meeting and 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.
- 44.5 The State Council will appoint a Returning Officer in due time for the Annual State Conference.
- 44.6 Business will include, but not be limited to, the following items:
- (a) Presentation by the State Convenor of the Annual Report;
  - (b) Presentation by the State Treasurer of the financial statements for the previous year;
  - (c) Discussion/adoption of proposed amendments to the State Constitution;
  - (d) Discussion of AGV policy and campaign strategies, subject to constitutional requirements;
  - (e) Election of Victorian delegates to the National Conference;
  - (f) Election of General Members of State Executive;
  - (g) Election of State Office Bearers, if required.
- 44.7 The quorum for an Annual State Conference will be 5 per cent of AGV Members or 100 AGV Members, whichever is less.

44.8 Voting procedures for State Conference are outlined in chapter 3.6. Proxy votes are not allowed. At least 21 days' notice must be given for AGV Members to vote on a special resolution (i.e. changes to the State Constitution or AGV purposes) (see section 76).

#### **45 *Special State Conferences***

45.1 A Special State Conference can be called for in either of the following ways:

- (a) by a petition signed by 15 per cent of AGV Members; or
- (b) by a decision of the State Council.

45.2 In the event of such an action, the State Convenor will call a Special State Conference. Normally, at least 6 weeks' notice should be allowed for a Special State Conference, but in cases of urgency the State Council may convene a Special State Conference at 21 days' notice if it sends a notice to all AGV Members directly, without delay.

45.3 The notice under clause 45.2 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.

45.4 A Special State Conference will have all the powers of the State Council.

45.5 The quorum for a Special State Conference will be 5 per cent of AGV Members or 100 AGV Members, whichever is less.

45.6 Voting procedures for a Special State Conference are outlined in chapter 3.6. Proxy votes are not allowed. At least 21 days' notice must be given for AGV Members to vote on a special resolution (i.e. changes to the State Constitution or AGV purposes) (see section 76).

### **Chapter 3.5 — State Executive**

#### **46 *State Executive***

46.1 The State Executive is responsible for overseeing the day-to-day management of the Party, subject to State Council direction. It is subordinate to and responsible to State Council.

46.2 The State Executive will comprise the State Convenor, State Secretary, Assistant State Secretary, State Treasurer, the convenors of the Victorian Campaign Committee and the Policy Steering Committee established under this Constitution, and seven general members.

46.3 The State Convenor, State Secretary, State Treasurer and the convenors of the Victorian Campaign Committee and the Policy Steering Committee will be elected in accordance with the procedures set out for each of them in this Constitution (see sections 16, 54 and 60).

46.4 The general members of the State Executive will be elected annually by and from the members of State Council, in accordance with the relevant bylaws, such that:

- (a) three general members are elected for one year terms (except at the 2015 election only, where five general members will be elected); and
- (b) two general members are elected for two year terms.

Casual vacancies for general member positions which fall more than one month before the expiry of the term will be filled by State Council from among its members for the remainder of the relevant term.

- 46.5 The State Executive will have all the general powers of State Council, subject to such conditions as the State Council may determine, other than:
- (a) the power to make, repeal or amend policy;
  - (b) the power to adopt an annual or like budget;
  - (c) the power to appoint members to the Administrative Review Panel and Misconduct Panel; and
  - (d) the powers under clauses 76.5, 76.7 and 91.
- 46.6 The State Executive will meet as often as required, but must meet at least once every month when the State Council is not meeting, except in December and January. The quorum for a meeting of State Executive will be the next integer greater than half the number of voting members of the State Executive for the time being, including the occupants of not less than two of the Office Bearer positions. For the purpose of determining a quorum, not more than one of the Secretary or Assistant Secretary may be counted.
- 46.7 State Executive will require its decisions to be ratified by the State Council at the earliest opportunity, provided that the failure or refusal of State Council to ratify any decision by the State Executive will not transfer from the AGV to any member of the Executive any liability for actions taken in good faith, nor will it void any action taken in consequence of any Executive decision so taken prior to the State Council meeting in which the decision is considered.
- 46.8 The State Executive has a responsibility to supervise and co-ordinate the activities of the Standing Committees of State Council and to ensure the integration of the work of those committees, but will not have the power to direct the Standing Committees.

### **Chapter 3.6 — Meeting and Decision Procedures**

#### **47 *Notice of Meetings and Elections***

- 47.1 Postal and/or electronic notices will be provided to Members, to:
- (a) effect postal ballots and the sending of related ballots papers;
  - (b) provide notice of State Conferences;
  - (c) notify relevant AGV Members of any meeting called to establish a Branch;
- and such notice, as defined and specified in the bylaws, will be given to all Members entitled to attend such AGV meetings.
- 47.2 To facilitate maximum participation in decision-making, AGV meetings should be scheduled, as far as is practicable, so that:
- (a) Branch meetings precede State Council meetings;
  - (b) A State Council meeting should be held no later than 2 weeks prior to a National Council meeting;
  - (c) A meeting of each working group should be held no later than 2 weeks before a meeting of the body which established the working group.

## **48      *Decision Making in Meetings***

- 48.1      Decisions at all meetings of AGV constituent groups will be made primarily by consensus, and a serious attempt at all times will be made towards achieving consensus. Sufficient time will be allowed for discussion of different views, including provision for non-decision making meetings.
- 48.2      Except where this Constitution requires a decision to be made by consensus only, if, after a reasonable period of time, disagreement persists and a decision should not be deferred, the question of moving to a vote on a substantive motion will be resolved by a vote. The procedural question to this effect will be deemed to have been carried if it is supported by at least a 75 percent majority.
- 48.3      A substantive motion carried by vote, unless provided for elsewhere in the Constitution, requires at least a 75 per cent majority of votes cast. Abstentions may be recorded but will not count as a vote, either for or against.
- 48.4      When voting occurs, it will be conducted by a show of hands, except in the case of contested elections which will be determined by a ballot. Voting of all members of the group will be recorded. Voting by proxy will be allowed at meetings of constituent groups if specifically allowed by the bylaws.
- 48.5      A motion regarding a procedural question is carried if a majority of valid votes are in favour of the motion. Abstentions do not count as a vote, either for or against. For the purposes of this clause, a procedural question includes proposals deemed to be procedural questions under Standing Orders issued by the State Council as a bylaw.
- 48.6      Notwithstanding the provisions of clause 48.5, a procedural motion to:
- (a)      put a substantive motion to a vote; or
  - (b)      suspend the operation of the Standing Orders;
- will require at least a 75 per cent majority of votes cast.
- 48.7      All AGV meetings and processes should ensure maximum participation of all involved, including by using small group discussions, subcommittees or working parties where appropriate.
- 48.8      All meetings of the AGV will be open to all AGV Members and invited members of the general public. At meetings of constituent groups consisting of elected representatives or delegates, the degree of participation of non-representatives/delegates can be constrained as detailed elsewhere in this Constitution as well as at the discretion of the meeting facilitator/convenor.

## **49      *Decision Making through Postal or Electronic Ballots***

- 49.1      A constituent group meeting may decide to poll relevant AGV Members through a postal or electronic ballot (to be funded by the constituent group). For the results of the ballot to be valid, a minimum of 10 per cent of the AGV members polled must have participated in the ballot. For a motion to succeed it must be approved by at least 75 percent of the valid votes cast.
- 49.2      Provision will be made available for important or contentious issues for the AGV to be resolved by postal or electronic ballot of all Members, and will be convened if initiated by 10% of individual AGV Members. For the results of the plebiscite to be valid, a minimum of 10 per cent of AGV Members must have participated in the plebiscite. For a motion to succeed it needs to be approved by at least 75 per cent of the valid votes cast.



- 49.3 State Council must decide on how the motions will be put on the ballot paper, as well as how supporting and opposing arguments will be made available to Members with the ballot paper.
- 49.4 When an electronic ballot is held, State Council must make adequate alternate voting arrangements for eligible Members who are not readily able to access the relevant electronic means.
- 49.5 Postal or electronic votes will be counted by the Returning Officer appointed by the State Council.
- 49.6 State Council may make further provision for the manner of conducting electronic or postal ballots in a bylaw.
- 50 Quick Decision Making**
- 50.1 Any Party body of the AGV may establish and (at each year's AGM) elect members to a Quick Decision Making Group (QDMG) comprised of members of that Party body, to facilitate the making of urgent decisions. A casual vacancy may be filled from time to time.
- 50.2 The functions and powers of a Quick Decision Making Group (QDMG) are as follows:
- (a) The QDMG will make decisions for the Party body regarding any matter of such urgency that it must be resolved before the next scheduled meeting of the Party body;
  - (b) Whilst it is the Convenor who is normally required to attempt to contact all QDMG members, if necessary, any member of the QDMG can call the meeting.
- 50.3 The composition of the Quick Decision Making Group (QDMG) is as follows:
- (a) The QDMG for the State Executive will comprise the State Convenor, the State Secretary, the State Treasurer and three persons appointed by and from the other members of the State Executive;
  - (b) For all other Party bodies, the QDMG will comprise any two of that Party body's Convenor, Secretary, and Treasurer (if it has one), and two other persons elected from the other members of the Party body;
  - (c) quorum will be four decision-making members of the State Executive's QDMG, or three members for any other Party body's QDMG.
- 50.4 Procedures for the Quick Decision Making Group (QDMG) include the following:
- (a) The QDMG will meet only as often as essential;
  - (b) The QDMG may meet face to face or by teleconference, or by electronic communication. In emergencies, the QDMG may simply engage in telephone consultation;
  - (c) In matters relating to particular regions or issues, the QDMG will consult where possible with constituent groups or Party Members who may be directly affected by the decision;
  - (d) The QDMG's decisions will be made by consensus only.
- 50.5 The Quick Decision Making Group (QDMG) must keep a written record of any decisions made and present it to the next meeting of its Party body.
- 50.6 Decisions of a Quick Decision Making Group (QDMG) take effect immediately. If a decision of a QDMG is not ratified by the conclusion of the next quorate meeting of its Party body, the decision lapses and, to the maximum extent possible, is to be taken to have never been made.

## Chapter 4 — Elected Officials

### 51 *Greens in Public Office*

- 51.1 The actions and activities of AGV Members who hold public office, and of all endorsed candidates for the AGV, must be consistent with the Charter of the Greens, and with the Objectives of the AGV laid down in this Constitution.
- 51.2 AGV Members who hold public office as endorsed candidates of the Greens will also adhere to the policies of the Greens, except that, in rare or special circumstances where the views of an elected Member are in conflict with the Greens' policy, then that elected Member may vote according to their conscience.
- 51.3 When an elected Member or candidate recognises a potential conflict between their conscience and the Greens' policy, then such an elected representative or candidate will furnish a statement accounting for this position to the State Council, and in the case of a member of Federal Parliament, to the National Council of the Australian Greens, for their information. AGV Members elected to, or candidates for, positions in local government will provide such a statement to their Branch, where the circumstances require it.
- 51.4 The obligation of an AGV public officer to comply with Greens policy is met when that Member complies with the approved Greens policy relevant to their jurisdiction.
- 51.5 Where more than one AGV Member is elected to any jurisdiction, each elected Member has an obligation to attempt to reach a consensus position on all substantive matters before them.
- 51.6 When an elected AGV Member does not vote for the implementation of an AGV policy, then they will, at the earliest opportunity, furnish a statement to the State Council, accounting for the reason why he or she so voted.
- 51.7 Members in public office may hold meetings with AGV Members in their electorate from time to time and will do so within thirty days of being requested to do so by:
- (a) ten percent or 50 (whichever is the lesser) of the Members in the relevant electorate; or
  - (b) a Branch or Branches representing one-third of the Members in the electorate; or
  - (c) State Council in the case of the Senator(s) representing Victoria.
- 51.8 The agenda for an electorate meeting will include any matters placed on it by the public office holder or by the Members requesting the meeting, or by any Branch within the electorate. Electorate meetings do not have binding decision-making power.
- 51.9 Subject to clause 51.10, members who hold public office must not:
- (a) to any degree, displace or interfere with the role of the Mediation Panel (except in matters that are exclusively between members who hold public office), Administrative Review Panel or Misconduct Panel; and
  - (b) make any public statement regarding a matter being dealt with, or that has been dealt with, under chapters 8, 9 or 10 that has not been approved in writing (in specific or general terms) by the State Convenor.
- 51.10 Clause 51.9(a) does not prohibit a member who holds public office from requesting assistance under clause 79.1, making an application under clause 83.1 or making a misconduct allegation under clause 87.1.

## **Chapter 5 — Electoral Processes**

### **52      *Overview***

- 52.1      The purpose of this Chapter is to regulate the formation, adoption and management of processes for electoral and continuous campaigning for the political purposes of the AGV. State Council may make bylaws to facilitate any element of the processes outlined hereunder.
- 52.2      Although Branches are recognised as the primary organising unit for election purposes, this Constitution authorises the creation of regional campaign committees based on such boundaries as State Council may determine, to facilitate election management and continuous campaigning where they are best managed across more than one Branch or group of Branches.
- 52.3      To facilitate the management of electoral and continuous campaigning on a state-wide basis, this Constitution authorises the creation of a Standing Committee of State Council for electoral and continuous campaigning purposes.
- 52.4      State electoral and continuous campaigning policies will be formulated with the maximum participation of AGV Members and Branches through the meeting procedures outlined in chapter 3.6, and must actively consider input from relevant expert persons or bodies, including that provided by the national office of the Party and any elected Greens public official.

### **53      *The Victorian Campaign Committee***

- 53.1      Reporting to State Council, the formulation of state-wide AGV electoral and continuous campaigning policy and the management of its application will be the responsibility of the Victorian Campaign Committee created as a Standing Committee of State Council under this Chapter.
- 53.2      The Victorian Campaign Committee is responsible for:
- (a)      developing electoral and continuous campaigning policy with state-wide cover for local government and state parliamentary elections, and managing such campaigns;
  - (b)      liaising with regional campaign committees and Branches to facilitate the goals of this Chapter;
  - (c)      collaborating with relevant Party bodies to develop national electoral and continuous campaigning policy;
  - (d)      reporting to State Council on all other matters referred to it by State Council; and
  - (e)      any other electoral or continuous campaigning related functions given to it by State Council or under the bylaws.
- 53.3      The Victorian Campaign Committee will establish a Quick Decision Making Group (QDMG) in accordance with section 50.

### **54      *The Victorian Campaign Committee Convenor***

- 54.1      The Convenor of the Victorian Campaign Committee will be elected by all AGV Members by annual postal or electronic ballot (though if the position remains unfilled after the annual postal or electronic ballot for any reason, that position may be elected by all AGV Members present at the Annual Conference or at a Special State Conference by consensus or, failing this consensus, by a secret ballot of all AGV Members present), and will be a voting member of the State

Executive and State Council. An individual who has served two consecutive terms as Convenor will not be eligible for re-election at the next election (but will in any case be eligible for subsequent elections), unless this provision is waived by consensus decision of State Council.

54.2 The position of Convenor of the Victorian Campaign Committee may be held on a job-share basis, in which case clauses 15.5, 15.6 and 15.7 shall apply as though ‘Office Bearers’ means ‘Convenors of the Victorian Campaign Committee’ and ‘Executive’ means ‘Victorian Campaign Committee’, and clause 15.9 will also apply.

54.3 The Convenor of the Victorian Campaign Committee will:

- (a) be responsible for managing the meetings, agenda and responsibilities of the committee in a way which facilitates the effective delivery of the electoral and continuous campaigning objectives of the AGV;
- (b) convene urgent meetings of the committee’s Quick Decision Making Group (QDMG) as required to address urgent and pressing electoral and continuous campaigning related matters;
- (c) attend whenever possible all meetings of the State Executive, to ensure electoral and continuous campaigning considerations are taken into account in all State Executive decisions;
- (d) regularly report to the State Executive and State Council on the normal business of the committee, and refer committee recommendations to the State Executive and State Council for decision on actions where appropriate;
- (e) liaise with any elected public officials, and facilitate their involvement in the Victorian Campaign Committee processes;
- (f) confer with the AGV body given responsibility for national electoral and continuous campaigning matters;
- (g) perform any other function required by State Council or the bylaws.

## 55 *Electorate Campaign Committees*

55.1 For any Local Government election in which the AGV will be supporting a candidate (subject to Schedule 1 where there is more than one Branch in a Local Government Area), the campaign will be directed by the relevant Branch, or a committee established by that Branch. In the case of there being no relevant Branch, the campaign will be directed either by an adjacent Branch, or the corresponding Regional Council (or a committee established by that Regional Council) if no adjacent Branch exists or is willing to direct the campaign, or the Victorian Campaign Committee if there is no corresponding Regional Council.

55.2 For any Federal Senate election in which in which the AGV will be supporting a candidate, the campaign will be directed by the Victorian Campaign Committee.

55.3 For any Victorian Legislative Council election in which the AGV will be supporting a candidate, the campaign for each electorate will be directed by a regional campaign committee if one has been established, or by the Victorian Campaign Committee if no regional campaign committee has been established.

- 55.4 For any Victorian Legislative Assembly or Federal House of Representatives election in which the AGV will be supporting a candidate, the campaign for each electorate will be directed by a committee, such that:
- (a) where there is a Branch or Branches in existence with coverage within the bounds of the electorate, the campaign will be directed by a standing electorate campaign committee, unless all Branches in existence with coverage within that electorate have agreed that there should not be a standing electorate campaign committee in which case the campaign will be directed by a regional campaign committee if one has been established, or by the Victorian Campaign Committee if no regional campaign committee has been established; or
  - (b) where there is not a Branch or Branches in existence within the bounds of the electorate, the campaign will be directed by a regional campaign committee if one has been established, or by the Victorian Campaign Committee if no regional campaign committee has been established.
- 55.5 Subject to this section, standing electorate campaign committees are accountable to the Branches and AGV Members which fall within their jurisdiction, and each must therefore include among its membership provision for at least one representative from each Branch in existence within the jurisdiction of the committee. State Council may enact bylaws to further determine the powers, responsibilities, membership structures, and mechanisms for periodic review of jurisdiction, of standing electorate campaign committees.
- 55.6 Regional campaign committees may be established in advance of any State or Federal general election, either by State Council deciding to establish a new regional campaign committee, or by State Council permitting an existing Regional Council to also act as a regional campaign committee. Where established, regional campaign committees will:
- (a) direct the campaign for any electorate which falls to it under clauses 55.3 and 55.4;
  - (b) facilitate the cooperation of any standing electorate campaign committees which correspond to its area;
  - (c) abide by terms of reference determined by State Council upon establishment; and
  - (d) dissolve one month after the election for which they were established.
- 55.7 All regional campaign committees, standing electorate campaign committees, and Branches or committees established by Branches under clause 55.1, will:
- (a) appoint a campaign co-ordinator (which may be an Office Bearer or any other committee member), and will authorise the coordinator to expend funds up to a specified limit;
  - (b) provide all necessary information to the State Convenor, the Secretary and the Treasurer, Party Agent and Registered Officer for the purposes of compliance with the relevant Commonwealth or Victorian legislation; and
  - (c) keep its own separate set of record books and where required to do so must furnish the relevant Electoral Commission with accurate financial records for them to check. The following must also be recorded separately:
    - (i) all gifts as defined in the relevant legislation;
    - (ii) records of election expenses; and

- (iii) claims for reimbursement of electoral expenses up to the amount allowed, if applicable.

55.8 Financial records relating to election campaign expenses will be kept for five years following the election to which they relate.

55.9 A standing electorate campaign committee may be suspended by:

- (a) a concurrent decision of all Branches in existence within the jurisdiction of the committee; or
- (b) by a decision of State Council if there is evidence that the committee is seriously failing to meet its Constitutional or financial responsibilities or persistently breaches State Council decisions;
- (c) in which case the direction of the campaign will transfer to the relevant regional campaign committee if there is one, or the Victorian Campaign Committee if there is not, for the duration of the suspension.

55.10 A regional campaign committee may be dissolved by a decision of State Council if there is evidence that the committee is seriously failing to meet its Constitutional or financial responsibilities or persistently breaches State Council decisions, in which case the direction of the campaign will transfer to the Victorian Campaign Committee.

## **56 *Pre-selection and Endorsement***

56.1 State Council may enact bylaws to determine the method to be used for pre-selecting candidates to stand for any election as an endorsed AGV candidate. In lieu of any bylaws, State Council will, in good time before each general election for federal parliament, state parliament and local government, determine the method to be used for pre-selecting candidates to stand at that election as an endorsed AGV candidate. In either case, State Council may determine different methods for individual electorates or positions on a ticket in a given election, such as differentiating between targeted electorates or lead candidates and other electorates or candidates, and the determined method or methods must be used consistently by all Party bodies in Victoria responsible for conducting pre-selections for that election.

56.2 In the event that State Council has not specified a method under clause 56.1, the default pre-selection method for all electorates and candidates will be an electronic or postal ballot of all AGV Members living within the corresponding electorate.

56.3 The pre-selection in accordance with the method determined by State Council under clause 56.1 will be conducted by:

- (a) The Branch in which the relevant Local Government Area is located in the case of elections for local government, subject to Schedule 1 where there is more than one Branch in a Local Government Area;
- (b) The standing electorate campaign committee covering the relevant Victorian Legislative Assembly or Federal House of Representatives electorate in the case of elections to those chambers (or the regional campaign committee covering the relevant electorate if there is no standing electorate campaign committee covering the relevant electorate);
- (c) The regional campaign committee covering the relevant Victorian Legislative Council electorate in the case of elections to that chamber;

- (d) The State Council in the case of elections for the Federal Senate and any other bodies elected by a state-wide electorate;
  - (e) Such body as the State Council determines in the case of election to any other body.
- 56.4 If there is no Branch or election campaign committee covering a given electorate, or the relevant Branch or election campaign committee reports that it is unable or unwilling to conduct the pre-selection, the State Council may designate another body to conduct the pre-selection for that electorate.
- 56.5 State Council may determine a date by which a particular class of pre-selections must occur, and in default of this, may determine any other necessary matter regarding the conduct of pre-selections.
- 56.6 If there is only one candidate for election for public office, endorsement will nevertheless be required in accordance with the procedure established under clause 56.1, conducted by the relevant body specified in clause 56.3.
- 56.7 In the case of a casual vacancy in an office previously held by an endorsed AGV office holder in the Federal Senate, the Victorian Legislative Council or any other body for which a casual vacancy requires the AGV to nominate a replacement office holder, a new pre-selection must be held. The rules in this section will apply as if the pre-selection for the casual vacancy were a general election to that body.
- 56.8 In the case of a by-election, the State Council will determine a method for pre-selecting candidates and determine which body will be responsible for conducting the pre-selection.
- 56.9 In exceptional circumstances State Council may exercise a veto option on candidates proposed by a Branch or an election campaign committee. A veto must be supported by 75 per cent of the State Council, which may then propose a new candidate if the relevant Branch or election campaign committee does not opt to do so.
- 56.10 All approved candidates must be AGV Members.
- 56.11 Candidates for public office who have been pre-selected under section 56 will be recognised as endorsed candidates of the Greens.
- 56.12 Sitting parliamentarians and local government representatives will also go through the candidate selection process before each relevant election.
- 56.13 No AGV Member will nominate or stand for election in any local government, or State or Federal parliament other than as an endorsed candidate of the AGV, unless approved by State Council.
- 56.14 A Member must not be in breach of clause 56.13 at the close of nominations.
- 56.15 Any person who applies for AGV membership while standing for election to, or after having been elected to, any local government, or State or Federal parliament will require:
- (a) acceptance as an AGV Member, and
  - (b) endorsement pursuant to the pre-selection process set out in clause 56, and
  - (c) endorsement by State Council.
- 56.16 A Member who is elected to Public Office on a countback and who was not endorsed by the Party to be a candidate for that Public Office must immediately notify State Council by giving

written notice to the State Secretary. If State Council does not endorse that member for that Public Office within 3 months of them taking that Public Office, or if State Council decides that the member is not endorsed, that member must either resign that Public Office or resign their Party membership.

56.17 Nothing in this section or in any bylaw made thereunder, conducted by the relevant body specified in clause 56.3, shall be taken as preventing any measure which is deemed necessary to ensure that the AGV or Australian Greens has a candidate in any seat in any State or Federal election in circumstances where any present or future preselection process which would otherwise apply cannot or would not be completed due to the calling of an early election at short notice.

## **57**     *Allocation of Preferences*

57.1 The decision on the allocation of preferences for local government electorates may be made by Branches, subject to Schedule 1 where there is more than one Branch in a Local Government Area. If there is any ambiguity as to whether a Branch has authority in a particular case, the dispute will be resolved by the State Council.

57.2 Any Branch may delegate the responsibility for deciding preference allocation to State Council.

57.3 The decision on the allocation of preferences for any electorate that is not a local government municipality will be made by State Council or the body to which State Council delegates that power, having consulted with the Branches to which the electorate corresponds.

## **Chapter 6 — Policy**

### **58**     *Overview*

58.1 The purpose of this Chapter is to regulate the formation and drafting of policy for the political purposes of the AGV. State Council may make bylaws to facilitate any element of the policy process outlined hereunder.

58.2 Given that policy is particularly scrutinised during an electoral campaign, it will normally be reviewed or developed in the period between elections. Reviews of current policies and development of new policies may be initiated by decision of State Council or by a petition supported by the signatures of at least 1 per cent or 50, whichever is the lesser, of AGV members.

58.3 Policies which concern only one Branch area or region may be decided by an authorised Branch or Regional Council responsible for that area, and must be consistent with state policy. Copies of all policies adopted by a Branch or Regional Council will be forwarded immediately to the State Secretary and to the convenor of the Policy Steering Committee.

58.4 State policies will be formulated with the maximum participation of the AGV Members through the meeting procedures outlined in chapter 3.6, and should actively consider input from relevant expert persons or bodies, including those external to the Party, and that provided by any elected Greens public official.

### **59**     *The Policy Steering Committee*

59.1 The Policy Steering Committee is a Standing Committee of State Council. It is responsible to State Council for the formulation and drafting of AGV policy.



- 59.2 The Policy Steering Committee is responsible for:
- (a) management of the process of development and drafting of policy with state-wide cover;
  - (b) collaborating with the responsible Party bodies on the development and drafting of policy with national scope, for recommendation to State Council for consideration of the National Council of the Australian Greens in its policy approval process;
  - (c) reporting to State Council on all other matters referred to it by State Council; and
  - (d) any other policy-related functions given to it under the bylaws.
- 59.3 The Policy Steering Committee will establish a Quick Decision Making Group (QDMG) as specified in section 50.

## **60 *The Policy Convenor***

- 60.1 The Convenor of the Policy Steering Committee will be elected by all AGV Members by annual postal or electronic ballot (though if the position remains unfilled after the annual postal or electronic ballot for any reason, that position may be elected by all AGV Members present at the Annual Conference or at a Special State Conference by consensus or, failing this consensus, by a secret ballot of all AGV Members present), and will be a voting member of the State Executive and State Council. An individual who has served two consecutive terms as Convenor will not be eligible for re-election at the next election (but will in any case be eligible for subsequent elections), unless this provision is waived by consensus decision of State Council.
- 60.2 The position of Convenor of the Policy Steering Committee may be held on a job-share basis, in which case clauses 15.5, 15.6 and 15.7 shall apply as though 'Office Bearers' means 'Convenors of the Policy Steering Committee' and 'Executive' means 'Policy Steering Committee', and clause 15.9 will also apply.
- 60.3 The Convenor of the Policy Steering Committee will:
- (a) be responsible for managing the meetings, agenda and responsibilities of the Committee in a way which facilitates the effective delivery of the policy objectives of the AGV;
  - (b) convene urgent meetings of the Committee's QDMG as required to address urgent and pressing policy-related matters;
  - (c) attend whenever possible all meetings of the State Executive, to ensure policy considerations are taken into account in all State Executive decisions;
  - (d) regularly report to the State Executive and State Council on the normal business of the Committee, and refer Committee recommendations to the State Executive and State Council for decision on actions where appropriate;
  - (e) liaise with any elected public officials, and facilitate their involvement in the policy formulation process;
  - (f) confer with the Party bodies given responsibility for formulating the AGV position on national policy matters; and
  - (g) perform any other function required by the bylaws.

## **61 Formulation of Policy**

- 61.1 Taking into account the advice of the Policy Steering Committee, State Council will make bylaws regulating the process to be undertaken in formulating AGV policy. The bylaws will include, but not be limited to:
- (a) determining the establishment, role and responsibilities of working groups to develop specific policy areas;
  - (b) establishing a process which ensures adequate input into the policy process by AGV Members, Greens elected to public office and external experts; and
  - (c) establishing a process for reaching a consensus position (as far as that is possible) on draft policy which is developed for State Council approval.

## **62 Adoption of Policy**

- 62.1 Subject to the appropriate notice periods and other requirements specified below, AGV policy may be approved by a consensus decision of State Council, or by a 75 per cent majority vote of State Council, or by a 75 per cent majority vote of AGV Members by postal or electronic ballot.
- 62.2 Where, at a State Council meeting, any policy or part of a policy is adopted, that policy will become official policy immediately.
- 62.3 Notwithstanding clause 62.2, any whole or part of a policy or proposed policy will be subject to a postal or electronic ballot of Members if:
- (a) State Council determines that the policy or proposed policy will be subject to a postal or electronic ballot; or
  - (b) within 28 days of consideration by State Council, 1 per cent or 50 (whichever is the lesser) of AGV Members request in writing to the State Secretary that the policy or proposed policy be subject to a postal or electronic ballot of AGV Members.
- 62.4 The result of a postal or electronic ballot to determine policy will be conclusive provided that 20 per cent of the eligible AGV Members voted, and at least 75 per cent of the valid votes cast are in favour, and that policy will become official policy immediately.
- 62.5 If a postal or electronic ballot is to be conducted under clause 62.3, State Council will determine what is put to the Members, including the question or questions that fairly represent the diversity of views that have been expressed by Members at the State Council or State Conference.
- 62.6 Where such questions include policy proposals that are inconsistent in whole or in part with each other, and where both policies receive at least 75 per cent of the valid votes cast, the policy that obtains the greatest support will be adopted.
- 62.7 The State Council will not make any policy decision which contradicts any current policy of the AGV approved by a ballot of AGV Members conducted as specified in clause 62.4, within the life of the current parliamentary or local government term.

## **63 Spokespersons**

- 63.1 The only persons with authority to make public statements on behalf of the AGV are:
- (a) the Convenor of the AGV;
  - (b) spokespersons appointed by the State Council;

- (c) AGV Members in public office with the endorsement of the AGV; and
- (d) AGV Members endorsed as candidates for public office with the endorsement of the AGV.

## **Chapter 7 — Party Administration**

### **64     *The Greens Victoria Inc.***

- 64.1 There will be an incorporated association (formed under the *Associations Incorporation Act 1981*) to act as trustee for the AGV in all financial matters.
- 64.2 The incorporated association will be known as The Greens Victoria Inc.
- 64.3 The State Council and Branches will conduct all their financial transactions through The Greens Victoria Inc.
- 64.4 As part of its charter, The Greens Victoria Inc. will hold in trust all funds and property belonging to the AGV, in accordance with this Constitution.
- 64.5 The State Office Bearers of the AGV will automatically be nominated as Office Bearers of The Greens Victoria Inc.
- 64.6 The State Council may nominate other persons with the relevant expertise to assist in the management of The Greens Victoria Inc.
- 64.7 The State Council will decide on mechanisms by which AGV finances are managed.

### **65     *The Common Seal***

- 65.1 The AGV will have a Common Seal on which the name of The Greens Victoria Inc. will appear in legible characters.
- 65.2 The Common Seal will not be used without the express written authority of the State Council and every use of the Seal will be recorded by the State Secretary.
- 65.3 The Common Seal must only be affixed by the State Secretary and duly witnessed by another State Office Bearer.
- 65.4 The Common Seal will be kept in the custody of the State Secretary.

### **66     *Registered Officer***

- 66.1 The AGV is an organisation registered with both the Australian and Victorian Electoral Commissions, whereas the AGV is also a member party of the Australian Greens, a party also registered with the Australian Electoral Commission. For the purposes of Federal elections, the AGV normally operates as a party member of the Australian Greens.
- 66.2 State Council may appoint a member to be one or more of the AGV's:
  - (a) registered officer under the *Electoral Act 2002 (Vic)*;
  - (b) deputy registered officer under the *Electoral Act 2002 (Vic)*; or
  - (c) registered officer under the *Commonwealth Electoral Act 1918*.
- 66.3 State Council may remove any member appointed under clause 66.2.

66.4 State Council may direct the AGV's registered officer under the *Commonwealth Electoral Act 1918* as to which member to nominate as the AGV's deputy registered officer under the *Commonwealth Electoral Act 1918*.

## **67 Party Agent**

67.1 The State Treasurer will be the Party Agent as defined in the Commonwealth Electoral Act 1918, Part XX, Division 2.

67.2 If the position of Party Agent is vacant, the Registered Officer will assume the role of Acting Party Agent until the position is filled.

## **68 Auditor**

68.1 Each year the State Council will appoint an Auditor. The position of Auditor may be honorary, or the State Council may determine the sum of an honorarium. The Auditor will submit a written report to the State Council for presentation at the Annual State Conference, or at the earliest possible State Council if the report cannot be completed before the Annual State Conference. The Auditor will not be an AGV Member and will be a qualified accountant. A copy of the Auditor's report will be forwarded to the State Treasurer.

## **69 Audit and Finance Committee**

69.1 There will be an audit and finance committee, which will be responsible for ensuring the integrity of the Party's financial reporting systems, including monitoring risk management systems and internal controls and compliance, and liaising with the external auditor and management.

## **70 Accountability**

70.1 AGV Members may at any time inspect the books and documents of The Greens Victoria Inc., by request to the State Secretary or other Office Bearer of the State Council. Despite this and the provisions of clauses 8.1(g), 18.1(c) and 19.1(b) of this Constitution, Standing Committees of the State Council and any other body established by this Constitution may, but only on reasonable grounds, designate any matter to be confidential in a particular case, and the bylaws may also prescribe, but only on reasonable grounds, that certain classes of documents or records shall remain confidential to certain Committees or persons, which shall always include the State Executive and, where it so determines, the State Council.

## **71 Funding and Fees**

71.1 The funds of the AGV may be derived from joining fees, annual subscriptions, donations, fund-raising activities, grants, interest, public election funding, and any other sources approved by State Council.

71.2 Substantial external funding received by the AGV will be itemised in a report which is open to public inspection. The monetary cut-off point below which no itemisation is required will be specified in the bylaws.

71.3 The term 'funding' in clause 71.1 includes money or services, including both cash and non-cash items, but excluding the value of voluntary labour.

71.4 Membership fees will be set by State Council, on the advice of the State Treasurer.

71.5 All payments from any bank account held in the name of The Greens Victoria Inc. will be signed or endorsed by two AGV Members who have been authorised in advance by the State Treasurer to do so.

## **72 Powers to Incur Debts**

72.1 Subject to section 64, 'The Greens Victoria Inc.', and in consultation with the State Treasurer, State Council may raise funds and incur debts in the name of The Greens Victoria Inc.

72.2 Subject to section 64, 'The Greens Victoria Inc.', and in consultation with the State Treasurer, a Branch of 15 or more members may raise funds and incur debts in the name of The Greens Victoria Inc., up to a specified limit.

72.3 Branches will not borrow funds from lending institutions or from any other source, without the prior approval of the State Treasurer.

## **73 Liability**

73.1 The AGV is not a partner of any of the other member bodies of the Australian Greens and will not be liable for the acts or defaults of any of them.

73.2 AGV Members will not be liable to contribute towards the payment of the debts and liabilities or the costs, charges and expenses in winding up the Australian Greens.

## **74 Indemnity**

74.1 AGV Members who, in acting on behalf of the AGV with written authority of the State Council, Branches or a constituent group, accept or incur any personal pecuniary liability, will be held indemnified against that personal liability in respect of such action.

## **75 Property**

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

## **76 Constitutional Amendments, Interpretations and Bylaws**

76.1 The Constitution should be subject to comprehensive review at least every five years, with full consultation amongst the membership.

76.2 Four members will be elected by State Council at the Annual State Conference to form the Constitution Review Panel. The purpose of the Constitution Review Panel is to ensure the Constitution is compliant with laws and that it functions effectively in the interests of the Party. The powers of the Constitution Review Panel are to:

- (a) receive and consider proposals for amendments to the Constitution;
- (b) call for submissions from Members in respect of any proposal for constitutional change;
- (c) take into account submissions from Members;
- (d) publish options papers in respect of proposed changes;
- (e) advise State Council in the event that the Constitution fails to comply with current laws;
- (f) make recommendations for State Conference in respect of constitutional changes.

- 76.3 Amendment of this Constitution or the statement of purposes can occur in two ways:
- (a) as a result of a special resolution passed at a State Conference; or
  - (b) where permitted by the Registrar on application authorised by the State Executive, by a special resolution passed in a manner approved by the Registrar in accordance with the *Associations Incorporation Reform Act 2012*.
- 76.4 A special resolution to amend any rule in this Constitution or the statement of purposes will be valid if:
- (a) all AGV Members are given 21 days' notice of a special resolution to amend this Constitution (see clause 44.8);
  - (b) at least twenty percent of all Greens Party Members or 100 Greens Party Members, whichever is the lesser, participate in the vote;
  - (c) the special amendment is supported by at least 75 per cent of the valid votes cast (*Associations Incorporations Reform Act 2012* section 64); and
  - (d) proxy voting is not allowed.
- 76.5 State Council may interpret this Constitution and the bylaws. If State Council proposes to expressly overturn an interpretation given by the Administrative Review Panel, the Administrative Review Panel must be advised and given a reasonable opportunity to make a written and oral submission on the matter. An interpretation given by State Council may only be overturned by State Council.
- 76.6 Subject to clause 76.7, the State Council may make, alter and revoke bylaws in respect of any matter arising from this Constitution. The State Council will keep a register of bylaws.
- 76.7 The State Council:
- (a) must make, and may alter but not revoke, a Code of Conduct, which is a bylaw; and
  - (b) may only make and alter bylaws in respect of chapters 8, 9 and 10 as specifically provided for in clauses 81.1, 85.1 and 96.1.
- 76.8 Any existing Notice of Dispute lodged under the Constitution and the bylaws as they stood immediately before this clause came into effect must be dealt with by the Disputes Panel (which continues to exist and function until all such matters have been finally determined) and State Council in accordance with those rules and this clause stands repealed once that has occurred. The Convenor of the Disputes Panel must provide the Administrative Review Panel and the Misconduct Panel with any information sought by them, and must transfer all of the records of the Disputes Panel to the Convenor of the Misconduct Panel immediately before this clause stands repealed.
- 77 *Dissolution***
- 77.1 The AGV will not be dissolved except by a resolution of the full AGV membership passed in a postal ballot, held in accordance with this Constitution and unless there are 75 per cent or more of the votes cast which favour the resolution, and the total number of votes cast is at least 30 per cent of all AGV Members. The dissolution of the AGV will be effective within 30 days after the result of the ballot, or whichever day is stipulated by the ballot.

- 77.2 On dissolution of any constituent group of the AGV any surplus funds or property will be transferred to the State Council.
- 77.3 If, when winding up the AGV, any property of the AGV remains after satisfaction of the debts and liabilities of the AGV and the costs, charges and expenses associated with the winding up of the AGV, the property will, on the recommendation of the State Council, be distributed to the national organisation of the Australian Greens, or to another organisation having similar aims and principles as the AGV.
- 78 *Cost Sharing of State Organisation***
- 78.1 The costs of sending the specified number of allowed representatives or delegates to annual state or national conferences will be shared around the state.
- 78.2 The costs of teleconferences and other communication means will be shared around the state when state co-ordination is discussed.
- 78.3 The expenses of state-based working groups and the expenses of State Office Bearers and members of the State Council will be shared around the state.
- 78.4 The expenses of national working groups, or individuals with national working groups, operating from Victoria, will be shared nationally.

## **Chapter 8 — Mediation**

### **79 *Procedure***

- 79.1 If a member is experiencing interpersonal difficulties with another member or members, they may request assistance from the Mediation Panel.
- 79.2 The Mediation Panel may, after making reasonable enquiries of the members involved:
- (a) appoint an appropriately qualified member or non-member, other than a member of the Mediation Panel, Administrative Review Panel or Misconduct Panel, as a mediator for a particular matter;
  - (b) make arrangements for a mediation or course of mediations in relation to a matter; and
  - (c) in writing, direct a member to participate in good faith in a meditation arranged by it.
- 79.3 A member must not request assistance in bad faith.
- 79.4 Subject to clause 79.5, the following information must be kept confidential:
- (a) the identities of members who request assistance from the Mediation Panel; and
  - (b) in relation to a mediation arranged by the Mediation Panel:
    - (i) the identities of those directed or invited to attend, or who do attend, it;
    - (ii) anything said in the course of it; and
    - (iii) the outcome of it.
- 79.5 Clause 79.4 does not prohibit the disclosure of information:
- (a) that is strictly necessary in order to make or deal with a misconduct allegation under clause 87.1; or

(b) as provided for in this chapter.

## **80     *The Mediation Panel***

80.1 The Mediation Panel is composed of 3 members appointed by State Council.

80.2 The term of appointment of a member of the Mediation Panel is 2 years.

80.3 To be eligible to be appointed to and remain a member of the Mediation Panel, a member must not be:

(a) a member who has held public office in the last 12 months;

(b) a member of State Executive; or

(c) an employee of the AGV.

80.4 The quorum for meetings of the Mediation Panel is 2.

80.5 The Mediation Panel must not be granted or have imposed upon it, and must not accept, further powers or obligations.

## **81     *Bylaw regarding Chapter 8***

81.1 State Council may make a bylaw that provides:

(a) exceptions to the obligation under clause 79.4;

(b) qualifications and disqualifications for a member to be eligible to be appointed to and remain a member of the Mediation Panel;

(c) a procedure regarding the appointment of members to the Mediation Panel;

(d) a system for reporting the Mediation Panel's work to members; and

(e) procedures that guide and structure, but do not in substance limit, the exercise of the powers of the Mediation Panel.

## **Chapter 9 — Administrative Review**

### **82     *Definitions***

82.1 In this chapter:

(a) ***decision*** includes:

(i) a failure or refusal to make a decision; and

(ii) an action.

### **83     *Procedure***

83.1 A member or former member expelled under clause 91.2 (the applicant) may apply to, and only to, the Administrative Review Panel for a finding that a decision of a member or party body (other than the Administrative Review Panel):

(a) did not comply with this Constitution or the bylaws; or

(b) was so unreasonable that no reasonable decision-maker could have made it.

83.2 An application may be made about multiple decisions.



- 83.3 A member must not make an application in bad faith.
- 83.4 Members of the Administrative Review Panel who are biased must not be present during the consideration and resolution of the application.
- 83.5 A member involved in an application may appoint any person to act on their behalf for the purposes of the application.
- 83.6 In dealing with an application, the Administrative Review Panel:
- (a) may:
    - (i) inform itself in any way it deems appropriate, including by obtaining expert advice from a non-member; and
    - (ii) direct a member to truthfully answer its questions in person or in writing;
  - (b) may, at any time, after giving brief reasons in writing for doing so, dismiss so much of an application that it decides:
    - (i) does not concern the exercise of the power of the AGV;
    - (ii) is not serious enough to warrant its consideration; or
    - (iii) has been dealt with by one or more of its previous decisions.
  - (c) subject to clause 83.6(b), must:
    - (i) give notice in writing of the substance of the application and a reasonable opportunity to make a written and oral submission on the matter to:
      - (A) the applicant; and
      - (B) those members and party bodies that it decides ought to be heard in respect of the application, given the issues involved;
    - (ii) decide whether or not to make one of the findings in clause 83.1;
    - (iii) state that decision, and give brief reasons for it, in writing; and
    - (iv) if it makes one of the findings in clause 83.1, decide whether to grant a remedy aimed at rectifying, in whole or in part:
      - (A) the decision; and
      - (B) any consequences that flowed from it.
- 83.7 Subject to clause 76.5, in making a decision under clause 83.6(c)(ii), the Administrative Review Panel must, by necessity, interpret this Constitution, the bylaws, the National Constitution and any bylaws made under the National Constitution but only to the extent that it is necessary to do so to deal with an application. Such interpretations are authoritative unless and until they are expressly overturned by the Administrative Review Panel or by State Council under clause 76.5.
- 83.8 A remedy granted under clause 83.6(c)(iv) may include:
- (a) setting a decision aside;
  - (b) making a decision that plainly should have been made; and
  - (c) declaring that a member is elected or appointed to a party office or party body or preselected as a candidate in an external election.

83.9 If, having dismissed an application, the Administrative Review Panel decides that the application may have been made in bad faith, a member of the Administrative Review Panel may make a misconduct allegation under clause 87.1 against the applicant.

#### **84 *The Administrative Review Panel***

84.1 The Administrative Review Panel is composed of 5 members appointed by State Council.

84.2 The term of appointment of a member of the Administrative Review Panel is 2 years.

84.3 To be eligible to be appointed to and remain a member of the Administrative Review Panel, a member:

- (a) must have been a member for the past 2 years;
- (b) must not be:
  - (i) a member who holds public office;
  - (ii) a member who has held public office in the last 5 years (except as a local councillor);
  - (iii) a member of State Executive;
  - (iv) a member of any party body that has the task of judging the suitability of members to be considered for preselection as, or to remain, candidates in external elections;
  - (v) a member of the Misconduct Panel;
  - (vi) an insolvent under administration;
  - (vii) a represented person; or
  - (viii) an employee of the AGV; and
- (c) must not have been the subject of a sanction that was imposed or which had effect within the past 3 years.

84.4 The Administrative Review Panel has a Convenor who is appointed by the Administrative Review Panel from its members.

84.5 A meeting of the Administrative Review Panel may be convened by:

- (a) the Convenor of the Administrative Review Panel; or
- (b) any two other members of the Administrative Review Panel.

84.6 The quorum for a meeting of the Administrative Review Panel is the greater of:

- (a) 3; and
- (b) all of the members of the Administrative Review Panel except those who:
  - (i) are unable to attend the meeting because of a significant illness; or
  - (ii) have given each other member of the Administrative Review Panel notice in writing that they intend to be out of Victoria for the 7 days before and after the meeting.

84.7 A meeting of the Administrative Review Panel is quorate if so declared by:

- (a) the Convenor of the Administrative Review Panel; or
- (b) in their absence—the member of the Administrative Review Panel present with the longest current tenure on the Administrative Review Panel.

84.8 The Administrative Review Panel must not be granted or have imposed upon it, and must not accept, further powers or obligations.

## 85 *Bylaw regarding Chapter 9*

85.1 State Council may make a bylaw that provides:

- (a) members and party bodies that must be given notice that an application has been made, and the mode and timing of such notice;
- (b) members who and party bodies that must be given a reasonable opportunity to be heard regarding the resolution of an application;
- (c) non-binding recommendations as to how long the Administrative Review Panel should take to deal with an application;
- (d) qualifications and disqualifications for a member to be eligible to be appointed to and remain a member of the Administrative Review Panel;
- (e) a procedure regarding the appointment of members to the Administrative Review Panel;
- (f) that former members of the Administrative Review Panel are disqualified from being eligible to be elected or appointed to certain party positions for a period of up to a year;
- (g) a procedure regarding the appointment of the Convenor of the Administrative Review Panel;
- (h) restrictions on the length of time that a member may be the Convenor of the Administrative Review Panel;
- (i) a system for reporting Administrative Review Panel decisions to members; and
- (j) procedures that guide and structure, but do not in substance limit, the exercise of the powers of the Administrative Review Panel.

## Chapter 10 — Misconduct

### 86 *Definitions*

86.1 In this chapter:

- (a) ***misconduct*** means a breach of:
  - (i) the Code of Conduct;
  - (ii) an express prohibition provided for in this Constitution or the bylaws that is committed in bad faith;
  - (iii) a direction given by the Mediation Panel, Administrative Review Panel or Misconduct Panel; or
  - (iv) a sanction;
- (b) ***sanction*** means:
  - (i) the member is censured;

- (ii) for a period of up to 1 year, the member is prohibited from attending some or all AGV meetings, communicating with some or all members or volunteering for the AGV in some ways or entirely;
- (iii) for a period of up to 1 year, the member is disqualified from being a member of some or all AGV bodies or holding some or all AGV positions;
- (iv) the member is disendorsed as an AGV candidate or holder of public office;
- (v) for a period of up to 1 year, the member is suspended from the AGV;
- (vi) some combination of sub-clauses (i) to (v) above; or
- (vii) the member is expelled from the AGV.

## **87 Misconduct allegation**

87.1 A member (*the applicant*) may make a misconduct allegation against a member (*the respondent*) by giving notice in writing of the following to, and only to, the Convenor of the Misconduct Panel or, if the allegation is made against the Convenor of the Misconduct Panel, to any other member of the Misconduct Panel:

- (a) their name;
- (b) the name of the respondent;
- (c) a description of the act or acts of the respondent that are said to be misconduct; and
- (d) a brief submission setting out why the applicant believes that act or those acts constitute misconduct.

87.2 A member must not make a misconduct allegation in bad faith.

87.3 A respondent may appoint any person to act on their behalf for the purposes of the misconduct allegation.

## **88 Appointment of Sub-Panel**

88.1 A member of the Misconduct Panel who receives a notice under clause 87.1 (the appointer) must:

- (a) regarding so much of a misconduct allegation made against a member who is an applicant under clause 83.1, or any member appointed to act on their behalf under clause 83.5, in relation to the matter which is the subject of the application under clause 83.1—
  - (i) exercise their power under sub-clauses (b) and (c) only after the application under clause 83.1 is dealt with; and
  - (ii) notify the applicant of the state of the misconduct allegation;
- (b) if another misconduct allegation against the respondent is already being dealt with by another Sub-Panel—in writing assign the allegation to that Sub-Panel unless doing so would increase the effort or time required for the Misconduct Panel to deal with all of the allegations; or
- (c) otherwise—in writing appoint a 3-member Sub-Panel (which may include themselves) to deal with the misconduct allegation.

88.2 Subject to clause 88.3, a Sub-Panel must be made up of members of the Misconduct Panel.

- 88.3 If, because of the effect of clause 88.4 or a bylaw made under clause 96.1, a Sub-Panel cannot be completely appointed from the members of the Misconduct Panel, the appointer must appoint a member or members who are eligible under clause 95.4 and any bylaw made under clause 96.1 until the Sub-Panel is completely appointed.
- 88.4 Each member of a Sub-Panel must not be biased.
- 88.5 In each of the circumstances to which this clause applies, the Misconduct Panel must decide to:
- (a) appoint a new member or members to the Sub-Panel to bring its membership back up to 3;  
or
  - (b) discharge the Sub-Panel and appoint a partially or entirely differently constituted Sub-Panel to deal with the misconduct allegation or allegations afresh.
- 88.6 The circumstances to which clause 88.5 applies are:
- (a) a member resigns from a Sub-Panel or the Misconduct Panel;
  - (b) the Misconduct Panel decides that a member of a Sub-Panel is unable to discharge their duties on that Sub-Panel, including because of illness or time constraints; or
  - (c) a Sub-Panel advises the Misconduct Panel that, after appropriate efforts to do so, it cannot arrive at a decision; or
  - (d) the Misconduct Panel decides that the procedure being carried out by a Sub-Panel has miscarried to such an extent that it should intervene.

## **89 *Decision by Sub-Panel***

- 89.1 The Sub-Panel must dismiss without consideration under clause 89.13(a)(i) so much of a misconduct allegation that concerns an act or acts that are alleged to have occurred more than 180 days before the allegation was made except if:
- (a) that part of the allegation was reinstated under clauses 89.15 or 89.16; or
  - (b) it decides that:
    - (i) that part of the allegation is of repeated similar conduct that continued into the 180 day period before the allegation was made;
    - (ii) that part of the allegation relates to matters of a sexual nature; or
    - (iii) exceptional circumstances warrant it not doing so.
- 89.2 A misconduct allegation is under consideration from when it is made until all parts of it are either:
- (a) dismissed; or
  - (b) found to be substantiated and a sanction imposed or not imposed.
- 89.3 While a misconduct allegation is under consideration:
- (a) the Sub-Panel may, in writing:
    - (i) direct the respondent that, for a period of up to 30 days, they are prohibited from attending some or all AGV meetings, communicating with some or all members or volunteering for the AGV in some ways or entirely;

- (ii) for a period of up to 30 days, suspend the respondent from the AGV or a party body or position; and
    - (iii) direct a member to truthfully answer its questions in person or in writing;
  - (b) regarding a direction given or suspension imposed under sub-clause (a), the Sub-Panel may:
    - (i) as necessary, advise any member of it; and
    - (ii) monitor compliance with it; and
  - (c) other than in accordance with this chapter, no party body may discuss the allegation.
- 89.4 The Sub-Panel’s powers under clause 89.3(a) may be exercised more than once, and include the power to revise or rescind a direction or suspension.
- 89.5 A direction given or suspension imposed under clause 89.3(a) expires once the misconduct allegation is no longer under consideration.
- 89.6 Subject to clause 89.7, all aspects of a misconduct allegation (including the fact that it was made), and all Notices of Decision, must be kept confidential, and this obligation survives the cessation of membership.
- 89.7 Clause 89.6 does not prohibit the disclosure of information:
  - (a) that is strictly necessary in order to make or deal with a misconduct allegation; and
  - (b) as provided for in this chapter.
- 89.8 The quorum for meetings of a Sub-Panel is 3.
- 89.9 In dealing with a misconduct allegation, a Sub-Panel:
  - (a) must exercise its powers and make its decisions by consensus or, if it is unable to reach consensus, by majority vote;
  - (b) must make findings about facts on the balance of probabilities;
  - (c) must make its decision as soon as is reasonably practicable;
  - (d) in balancing the speed of its decision against the fairness of its process and the correctness of its decision, must take an urgent and robust approach;
  - (e) must not take the external or internal political ramifications of its decision into account;
  - (f) subject to sub-clause (g), must inform itself in any way it deems appropriate, including:
    - (i) by obtaining expert advice from a non-member; and
    - (ii) as to an appropriate sanction;
  - (g) must not seek or receive the view of any other party body;
  - (h) after discussing doing so with an applicant, may amend an allegation, including by adding parts to it and removing parts from it;
  - (i) may give notice in writing to some or all members advising that a misconduct allegation has been made against a particular respondent and inviting those members to come forward with any relevant information;

- (j) must review the Notices of Decision regarding previous allegations (or parts of them) made against the respondent that were not:
    - (i) dismissed under clause 89.13(c); or
    - (ii) found to have been substantiated under clauses 89.13(d), (e) or (f);
  - (k) may reopen any of the previous allegations to which sub-clause (j) refers that it decides may form part of a pattern of behaviour;
  - (l) may take over from another Sub-Panel the allegation of another applicant made against the same respondent if the Convenor of the Misconduct Panel decides that doing so will reduce the effort or shorten the time required for the Misconduct Panel to deal with all of the allegations;
  - (m) must take into account previous Notices of Decision and Notices of Sanction regarding the respondent when considering an appropriate sanction;
  - (n) must provide updates in writing on the progress of the matter to the applicant and the respondent (but only if and when they are made aware of the allegation); and
  - (o) must hold its meetings in closed session.
- 89.10 Before deciding that a misconduct allegation (or part of it) is substantiated, a Sub-Panel must:
- (a) give the respondent:
    - (i) notice in writing of the substance of the relevant part of the allegation;
    - (ii) notice in writing of information adverse to the respondent that is credible, relevant and significant to the decision to be made; and
    - (iii) a reasonable opportunity to make an oral and written submission to the Sub-Panel regarding the relevant part of the allegation and what sanction should be imposed if it is substantiated; and
  - (b) consider any such submission.
- 89.11 The information described in clauses 89.10(a)(i) and (ii) must only include the name of or other identifying information about any person if:
- (a) it is strictly necessary in order to comply with those clauses; and
  - (b) the person whose name or other identifying information is to be included gives their express consent in writing.
- 89.12 If a Sub-Panel cannot comply with clauses 89.10(a)(i) and (ii) because a person will not give consent under clause 89.11(b), the relevant part of the allegation must be dismissed under clause 89.13(a)(iv).
- 89.13 Subject to clause 89.14, regarding the whole or each part of the misconduct allegation, the Sub-Panel must decide that it is:
- (a) dismissed without determination because:
    - (i) it concerned an act or acts alleged to have occurred more than 180 days before it was made;
    - (ii) the information given under clause 87.1(c) was too long, insufficient or vague;

- (iii) it was withdrawn by the applicant with the permission of the Sub-Panel; or
  - (iv) the Sub-Panel was not able to afford the respondent procedural fairness in dealing with it;
- (b) dismissed without determination because, even if it was substantiated:
- (i) it would not amount to misconduct; or
  - (ii) it is not serious enough to warrant a sanction;
- (c) dismissed because it was not found to be substantiated;
- (d) found to be substantiated and the member is not sanctioned;
- (e) found to be substantiated and the member is censured; or
- (f) found to be substantiated and recommend a sanction to State Council.
- 89.14 If the respondent is a member who holds public office at the time the Sub-Panel comes to make its decision, clause 89.13(e) is not available as a decision.
- 89.15 A misconduct allegation (or part of it) dismissed under clause 89.13(a)(ii) is reinstated before the same Sub-Panel if, within 60 days of it having been dismissed, the applicant gives a member of the Misconduct Panel notice in writing of the information required under clause 87.1(c).
- 89.16 A misconduct allegation (or part of it) dismissed under clause 89.13(a)(iv) is reinstated before the same Sub-Panel if, within 60 days of it having been dismissed, the person whose name or other identifying information was to be included gives a member of the Misconduct Panel their express consent in writing under clause 89.11(b).
- 89.17 A member of the Sub-Panel may make a misconduct allegation:
- (a) against a member for breaching a direction given or suspension imposed by the Sub-Panel under clause 89.3(a);
  - (b) if the Sub-Panel dismisses a misconduct allegation (or part of it) under clauses 89.13(b) or (c)—against the applicant for making their allegation in bad faith; and
  - (c) against any member based on information obtained in dealing with a misconduct allegation.

## **90 Notice of Decision**

- 90.1 The Sub-Panel must, within 24 hours of making a decision:
- (a) make a Notice of Decision;
  - (b) give that Notice of Decision to the applicant and the respondent; and
  - (c) give the respondent information about their right to apply to the Administrative Review Panel to have the decision and sanction (if any) reviewed under clauses 83.1 and 92, within the time limit provided under clause 92.4.
- 90.2 Additionally, the Sub-Panel must, within 24 hours of making a decision under clause 89.13(f):
- (a) give the Notice of Decision to the State Convenor and State Secretary; and
  - (b) consider whether to make a decision under clause 89.3(a).
- 90.3 A Notice of Decision must be in writing and contain only:



- (a) the name of the respondent;
- (b) the name of the appointer;
- (c) the names of the members of the Sub-Panel that made the decision;
- (d) the date that the Sub-Panel was appointed;
- (e) the date of the decision;
- (f) in relation to each part of a misconduct allegation dealt with by the decision:
  - (i) the date that the Misconduct Panel received it;
  - (ii) in brief terms, the facts found and an analysis of why those facts do or do not constitute misconduct, without identifying any person other than the respondent; and
  - (iii) the particular decision made, including the sub-clause or sub-sub-clause of clause 89.13 under which the decision was made;
- (g) if any of the particular decisions made are a decision under clause 89.13(f), the single sanction (covering all of the relevant misconduct allegations) that the Sub-Panel recommends to State Council and a brief justification for it; and
- (h) any other information that the Sub-Panel decides is necessary that does not concern the substance of a misconduct allegation.

## **91 Decision by State Council**

- 91.1 If a Sub-Panel makes a decision under clause 89.13(f), the next meeting of State Council must, in closed session, consider a proposal to impose the recommended sanction.
- 91.2 State Council must decide to impose:
- (a) the recommended sanction;
  - (b) another sanction; or
  - (c) no sanction.
- 91.3 The only members that may speak regarding the proposal are:
- (a) the respondent or a person appointed under clause 87.3; and
  - (b) State Councillors.
- 91.4 State Councillors must, before or at the opening of the meeting, be provided with:
- (a) the relevant Notice of Decision;
  - (b) all other Notices of Decision that record that a misconduct allegation regarding the respondent was found to be substantiated; and
  - (c) any written submission as to the appropriate sanction, of up to 3 pages in length, provided by the respondent or a person appointed under clause 87.3 to the State Secretary at least 3 days before the meeting.
- 91.5 State Councillors who are biased, or who are members of the Administrative Review Panel, must not be present during the consideration and resolution of the proposal.

91.6 If State Council fails in its obligation under clause 91.2, each subsequent meeting of State Council must, in closed session, consider a proposal to impose the recommended sanction until State Council fulfils its obligation under clause 91.2.

91.7 The respondent must be given 14 days' notice in writing of each meeting to which clauses 91.1 or 91.6 apply.

## **92 *Application to the Administrative Review Panel***

92.1 In this clause, **application** means an application under clause 83.1 to the Administrative Review Panel regarding a decision of either or both of a Sub-Panel under clause 89.13 or State Council under clause 91.2.

92.2 An applicant, a respondent, the State Convenor or the State Secretary may make an application once a misconduct allegation is no longer under consideration.

92.3 No other consideration or reconsideration (whether by review, appeal or otherwise) of the decisions made under this chapter is available under this Constitution.

92.4 An application made more than 7 days after the relevant decision was made must be dismissed by the Administrative Review Panel unless it decides that exceptional circumstances justify it not being dismissed.

92.5 The remedies that the Administrative Review Panel may grant on an application are limited to:

- (a) setting a decision aside and remitting it to the Sub-Panel or State Council for decision again, or to the Misconduct Panel for the appointment of a new Sub-Panel to deal with the matter, with or without directions to cure any error previously made;
- (b) substituting a decision under clauses 89.13(d) or 89.13(e) with a decision under clause 89.13(f), with the Administrative Review Panel recommending a sanction and carrying out the procedure in clause 90 in place of the Sub-Panel; and
- (c) a remedy granted in aid of a remedy granted under sub-clauses (a) or (b).

92.6 If the Administrative Review Panel grants a remedy under clause 92.5:

- (a) the Administrative Review Panel must set aside or amend (adding a brief procedural history of its decision) any related Notice of Decision and Notice of Sanction as necessarily follows from its decision; and
- (b) the Convenor of the Administrative Review Panel must within 24 hours provide such information to such members as is necessary to inform them of the decision and its effect on the membership status of the respondent.

## **93 *Notice of Sanction***

93.1 The Convenor of the Misconduct Panel must make, and provide to all members, a Notice of Sanction if a sanction has been imposed and:

- (a) no application to the Administrative Review Panel is made regarding it within 7 days; or
- (b) an application to the Administrative Review Panel is made within 7 days and the Administrative Review Panel decides not to make one of the findings in clause 83.1 or not to grant a remedy.

93.2 A Notice of Sanction must be in writing and contain only:

- (a) the name of the respondent;
- (b) the sanction imposed;
- (c) the date that the sanction was imposed;
- (d) the name of the body that imposed the sanction (i.e. a Sub-Panel of the Misconduct Panel or State Council);
- (e) in relation to each part of a misconduct allegation found to be substantiated to which the sanction relates:
  - (i) the date that the Misconduct Panel received it; and
  - (ii) in brief terms, the substance of it, without identifying any person other than the respondent; and
- (f) any other information that the Convenor of the Misconduct Panel decides is necessary that does not concern the substance of a misconduct allegation.

93.3 A Notice of Sanction is confidential to members, excepting that the State Convenor may make a public statement that discloses its contents.

#### **94 Other**

- 94.1 If a respondent's membership ceases while a misconduct allegation against them is under consideration:
- (a) the allegation must continue to be dealt with under this chapter as if their membership had not ceased; and
  - (b) any sanction imposed takes effect upon the respondent being re-admitted to AGV membership.
- 94.2 Any person expelled from the AGV may only subsequently be re-admitted to AGV membership by the State Council. The State Executive or State Council may also resolve that a former member, whose conduct has been called into question and whose membership has ceased other than by expulsion, may only be admitted either by State Council, or with the approval of the State Executive.
- 94.3 Subject to clause 94.5 below, should the State Council form the view that any conduct (including previous conduct of which it was not aware) of an endorsed AGV candidate may damage, or has seriously damaged the Party, and that urgent action is required, the State Council will have the power to immediately expel or suspend that Member, provided the Member has been given, at least 24 hours prior to the meeting which will consider the matter, a notice that:
- (a) sets out the alleged conduct in question; and
  - (b) stipulates the time and place of the meeting; and
  - (c) advises the Member of the opportunity to address that meeting.
- 94.4 If the power of suspension or expulsion under clause 94.3 is exercised by the Executive, the next following full State Council meeting will consider the matter de novo as if it were a proposed suspension or expulsion under clause 94.3, subject to such State Council meeting being held not less than 14 days following such suspension or expulsion.
- 94.5 The timeframe within which clause 94.3 may be applied is:

- (a) within 12 weeks prior to any date which has been set for any state or local election for which the Party has pre-selected candidates; or
- (b) from the date of the calling of a federal election or 30 months after the date of the previous federal election (whichever is sooner).

**95     *The Misconduct Panel***

- 95.1     The Misconduct Panel is composed of 9 members appointed by State Council.
- 95.2     The term of appointment of a member of the Misconduct Panel is 2 years.
- 95.3     A member of the Misconduct Panel whose term of appointment to the Misconduct Panel expires whilst they are a member of a Sub-Panel remains a member of that Sub-Panel whilst it exists, including if a misconduct allegation (or part of one) is reinstated before it under clauses 89.15 or 89.16.
- 95.4     To be eligible to be appointed to and remain a member of the Misconduct Panel, a member:
- (a)     must have been a member for the past 2 years;
  - (b)     must not be:
    - (i)     a member who holds public office;
    - (ii)    a member who has held public office in the last 5 years (except as a local councillor);
    - (iii)   a member of State Executive;
    - (iv)    a member of any party body that has the task of judging the suitability of members to be considered for preselection as, or to remain, candidates in external elections;
    - (v)     a member of the Administrative Review Panel;
    - (vi)    an insolvent under administration;
    - (vii)   a represented person; or
    - (viii)  an employee of the AGV; and
  - (c)     must not have been the subject of a sanction that was imposed or which had effect within the past 3 years.
- 95.5     The quorum for meetings of the Misconduct Panel is the lesser of 5 and all current members of the Misconduct Panel that are not for some reason not permitted under this Constitution to participate in the meeting.
- 95.6     The Misconduct Panel has a Convenor who is appointed by the Misconduct Panel from its members.
- 95.7     Subject to clause 95.8, the Convenor of the Misconduct Panel must:
- (a)     convene meetings of the Misconduct Panel as required;
  - (b)     regarding every party body that has the task of judging the suitability of members to be considered for preselection as, or to remain, candidates in external elections:
    - (i)     keep them apprised of the misconduct allegations that are currently under consideration; and
    - (ii)    give all Notices of Decision to them;

- (c) ensure the following records are kept and maintained:
  - (i) misconduct allegations made;
  - (ii) directions given by Sub-Panels;
  - (iii) Notices of Decision; and
  - (iv) Notices of Sanction;
- (d) ensure that the Notices of Sanction made in the previous 5 years are readily accessible on the members-only website.

95.8 If a misconduct allegation is made against a member of the Misconduct Panel, the member must not participate in meetings of the Misconduct Panel, and, in the case of the Convenor of the Misconduct Panel, must resign from that position, until the allegation is no longer under consideration.

95.9 Any correspondence received by the AGV addressed to a member of the Misconduct Panel must not be read by any other person without the intended recipient's express written permission or on the authority of a proposal passed by the Misconduct Panel.

95.10 If no Convenor of the Misconduct Panel is currently appointed, or if the Convenor of the Misconduct Panel is unable or unwilling to carry out their duties, the member of the Misconduct Panel with the longest present tenure on the Misconduct Panel is the Convenor of the Misconduct Panel until a new Convenor of the Misconduct Panel is appointed.

95.11 The Misconduct Panel must not be granted or have imposed upon it, and must not accept, further powers or obligations.

## **96 *Bylaw regarding Chapter 10***

96.1 State Council may make a bylaw that provides:

- (a) non-binding recommendations as to how long the Misconduct Panel or a Sub-Panel should take to deal with a misconduct allegation;
- (b) qualifications and disqualifications for a member of the Misconduct Panel to be eligible to be appointed to a Sub-Panel;
- (c) exceptions to the prohibition under clause 89.3(c) and the obligation under clause 89.6—
  - (i) subject to the limitation that it is the objective of that clause to keep misconduct allegations confidential within the AGV to the maximum extent that is consistent with the proper operation of the AGV;
  - (ii) excluding any exceptions that provide for the regular (as opposed to exceptional) reporting to State Council or State Executive of misconduct allegations that are under consideration; and
  - (iii) excluding any exceptions that provide for the regular (as opposed to exceptional) discussion by State Council or State Executive of misconduct allegations that are under consideration;
- (d) the frequency with which updates under clause 89.9(n) must be provided;
- (e) extending the length of the written submission permitted by clause 91.4(c);

- (f) for the method of provision of, and management of, the documents referred to in clause 91.4;
- (g) the time within which a Notice of Sanction must be provided under clause 93.1;
- (h) qualifications and disqualifications for a member to be eligible to be appointed to and remain a member of the Misconduct Panel;
- (i) a procedure regarding the appointment of members to the Misconduct Panel;
- (j) that former members of the Misconduct Panel are disqualified from being eligible to be elected or appointed to certain party positions for a period of up to a year;
- (k) a procedure regarding the appointment of the Convenor of the Misconduct Panel;
- (l) restrictions on the length of time that a member may be the Convenor of the Misconduct Panel; and
- (m) procedures that guide and structure, but do not in substance limit, the exercise of the powers of the Misconduct Panel or a Sub-Panel.

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# SCHEDULE 1

1. Whereas at the time of the adoption of certain amendments to the Constitution which commenced in February 2012, there were a number of Branches in existence whose geographic jurisdiction did not correspond to one or more Local Government Area, the purpose of this Schedule is to:
  - (a) ensure that within such Local Government Areas (only), either those Branches may continue or other arrangements as provided for in this Schedule are given effect; and
  - (b) prescribe the representation of such Branches on State Council.
2. The Local Government Areas referred to in clause 1 of this Schedule are the City of Greater Geelong, the Borough of Queenscliffe and the Shire of Yarra Ranges. The Branches referred to in clause 1 (being those which were in existence at the time of the amendments to the Constitution in February 2012 and still in existence at the time of the inclusion of this Schedule in the Constitution) are Geelong and District, Bellarine, Dandenong Ranges, Healesville and Upper Yarra. These are referred to in this Schedule respectively as ‘Schedule 1 LGAs’ and ‘Schedule 1 Branches.’
3. Notwithstanding the terms of the Constitution, but subject to this Schedule, each Schedule 1 Branch shall continue in existence and shall have the same geographic jurisdiction (or such expanded jurisdiction as State Council may determine, but only for the purpose of ensuring that each AGV member within a Schedule 1 LGA is covered by the jurisdiction of a Schedule 1 Branch) unless and until that Branch votes to dissolve itself or lapses or is suspended in accordance with the Constitution and is not re-established within 12 months. Should such a Branch vote to merge with another Branch it may only do so if it amalgamates with another Branch or Branches in the same Schedule 1 LGA; or otherwise such that the resultant merged Branch corresponds to one or more Local Government Area.
4. Where a Schedule 1 Branch exists whose jurisdiction does not correspond to one or more Local Government Area, the representation on State Council of the relevant Branches by Branch Representatives will be such that the AGV members in each Schedule 1 LGA shall, if it has at least 15 AGV members, elect one Branch Representative to State Council (including to a casual vacancy), in accordance with any by law enacted by State Council, or in default of such a by law, by a postal ballot of the relevant AGV Members conducted at the same time as elections for regional representatives.
5. Where the person or committee appointed by the State Executive is responsible for determining which Legislative Council region a Branch falls into for the purposes of State Council representation, Schedule 1 Branches which abut each other must all be assigned to the same Legislative Council region, which shall be the Legislative Council region that a plurality of members of the abutting Schedule 1 Branches reside within.
6. Whereas certain functions, powers and responsibilities are vested in a Branch under clauses:
  - (a) 24.1 (e) (replacing a State Council representative);
  - (b) 24.1 (h) (endorsing local government candidates);
  - (c) 55.2 (Branches being local government campaign committees);
  - (d) 56.4 (a) (local government pre-selection); and
  - (e) 57.1 (preferences in local government);

in the case of Branches within or partly within Schedule 1 LGAs, State Council may enact by laws prescribing how such decisions may be made jointly by the relevant Schedule 1 Branches or by the members of those Branches. In default of such by laws any decision which would otherwise be made by a Branch corresponding to one or more Local Government Area may be made by concurrent decisions of all the relevant Branches.

# THE CHARTER OF THE GREENS

We live at a crucial time in history. Never before have we had so many answers to the problems that have dogged our developing world. Solutions now exist that could greatly decrease the poverty, hunger and ill-health of our fellow humans and we now have technologies to reduce and repair much of the ecological damage to our planet.

Clean air, clean water and ecological sustainability are possible. Yet this is not being achieved. World-wide, governments lack the political will to make the necessary adjustments that will bring an end to the conflict, pollution, poor health and social inequity that characterise our time.

The Greens have evolved in this climate to show a new way forward. A Green response to the ecological crisis proceeds on the basis of a respect for all life, both human and non-human.

We recognise the mutual interdependence between humanity and the rest of nature and we seek to move toward an ecologically sustainable path.

We seek to eradicate poverty, oppression and discrimination and to build a society underpinned by values of participatory democracy, social justice, and the respect for cultural and ecological diversity. We aim to transform the political, social and economic structures that disempower and oppress people and to develop a rich, participatory cultural life that enables the flourishing of new democratic movements for progressive change.

We believe that contesting elections is a necessary step toward the building of an ecologically sustainable and socially just society, but that it is by no means the only step. We seek to encourage and facilitate grassroots movements and community initiatives that are working towards ecological responsibility, social justice, affirmative action and global equity. We seek to avoid parochialism and to cultivate a global, ecological consciousness and a long-term perspective in order to safeguard the interests of both existing and future generations and nonhuman species. We believe Australia should play an active role in building a more co-operative world that is capable of addressing the glaring disparities in energy and resource consumption and quality of life between rich and poor. We aim to extend recognition and assistance to progressive social movements in other countries and to international institutions that are working toward these ends.

Reflecting an awareness of the interrelatedness of all ecological, social and economic processes, the general principles of the Greens are:

## **ECOLOGY:**

1. to ensure that human activity respects the integrity of ecosystems and does not impair biodiversity and the ecological resilience of life supporting systems.
2. to encourage the development of a consciousness that respects the value of life.

## **DEMOCRACY:**

1. to increase opportunities for public participation in political, social and economic decision-making.
2. to break down inequalities of wealth and power which inhibit participatory democracy.

## **SOCIAL JUSTICE:**

1. to eradicate poverty by developing initiatives that address the causes as well as the symptoms of poverty.



2. to provide affirmative action to eliminate discrimination based on gender, age, race, ethnicity, class, religion, disability, sexuality or membership of a minority group.
3. to introduce measures that redress the imbalance between rich and poor.

**PEACE:**

1. to adopt and promote a non-violent resolution of conflict.
2. to develop an independent, non-aligned foreign policy and a non-nuclear, defensive, self-reliant defence policy.

**AN ECOLOGICALLY SUSTAINABLE ECONOMY:**

1. to develop economic policies which will ensure greater resource and energy efficiency and development and use of environmentally sustainable technologies. ecological resources on behalf of future generations.
2. to reduce dependence on non-renewable resources and ensure sustainable use of renewable resources.
3. to adopt more comprehensive social, environmental and technology assessment practices.
4. to facilitate socially and ecologically responsible investment.

**MEANINGFUL WORK:**

1. to encourage, develop and assist work that is safe, fairly-paid, socially useful, personally fulfilling and not harmful to the environment.
2. to encourage and facilitate more flexible work arrangements (such as job sharing, part-time work, self-employment), on-going education, training and social welfare (including childcare) so that more people can engage in meaningful work.

**CULTURE:**

1. to respect and protect ethnic, religious and racial diversity.
2. to recognise the cultural requirements of the original Australians, and to assist in ensuring the achievement of Aboriginal land rights and self-determination.

**INFORMATION:**

1. to facilitate a free flow of information between citizens and all tiers of government.
2. to ensure that Australians have the benefit of a locally responsible, diverse, democratically controlled and independent mass media.

**GLOBAL RESPONSIBILITY:**

To promote equity between nations and people by:

1. facilitating fair trading relationships.
2. providing for increased development assistance and concerted action to abolish Third World debt.
3. providing increased green technology transfer and skills to developing countries.
4. opposing human rights abuses and political oppression.
5. ensuring that Australia plays an active role in promoting peace and ecological sustainability.

**LONG RANGE FUTURE FOCUS:**

1. to avoid action which might risk long-term or irreversible damage to the environment.
2. to safeguard the planet's ecological resources on behalf of future generations.