



## **Australian Greens Victoria By-laws**

Current as at 16 May 2020

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# 1 Code of Conduct

## Modification History

Action	Body	Date
Approved	State Council	2019-07-06
Amended	State Council	2019-09-07

1. This Code of Conduct is made under clause 76.7(a) of the Constitution.
2. In all of their dealings as a member, a member must:
  - a) act in good faith;
  - b) show goodwill and respect; and
  - c) make an effort to reach consensus.
3. A member must not:
  - a) seek to substantially impair the AGV's pursuit of its **objectives**;
  - b) bring, or seriously risk bringing, the AGV into disrepute in a manner contrary to the Charter of the AGV;
  - c) **sexually harass** another member, or a volunteer or staff member;
  - d) **bully or harass** another member, or a volunteer or staff member;
  - e) **vilify** a person or group of people;
  - f) intentionally and unfairly **discriminate against** another member or a volunteer;
  - g) steal or otherwise misappropriate AGV assets;
  - h) make an intentionally misleading or deceptive, or recklessly false, statement to the AGV;
  - i) make an intentionally misleading or deceptive, or recklessly false and damaging, statement about another member, a volunteer, or the AGV, its policies or its decisions;
  - j) breach a confidence received in their capacity as a member or holder of an AGV office or position;
  - k) distribute AGV information beyond those who are authorised to receive it;
  - l) seek to influence another member in their participation or decision-making in the AGV through improper coercion or inducement;
  - m) join or remain a member of the AGV for any purpose not associated with advancing its **objectives**;
  - n) be actively involved in electoral matters in any other organisation (whether formal or informal) that runs candidates in an election that the AGV or the Australian Greens are contesting; and
  - o) engage in **branch-stacking**.

## Definitions

4. In this Code of Conduct, **objectives** means the objectives set out in clause 3 of the Constitution.
5. In this Code of Conduct, **sexually harass** means to make an unwelcome sexual advance, or an unwelcome request for sexual favours, or engage in any other unwelcome **conduct of a sexual nature**, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the subject of the act would be offended, humiliated or intimidated.

6. In this Code of Conduct, **conduct of a sexual nature** may include:
  - a) subjecting a person to any act of physical intimacy;
  - b) orally or in writing, making any remark or statement, or asking any question, with sexual connotations to a person or about a person in their presence;
  - c) making any gesture, action or comment of a sexual nature in a person's presence; and
  - d) showing a sexual object, image or document.
7. In this Code of Conduct, **bully or harass** means to engage in a pattern or behaviour, or to commit a sufficiently serious single act, that should reasonably have been expected to make the subject of the behaviour feel offended, humiliated or intimidated, and includes:
  - a) being physically aggressive or making unwelcome physical contact;
  - b) using abusive or aggressive language, shouting;
  - c) behaving in an intimidating or belittling manner;
  - d) excluding or isolating a person;
  - e) threatening or coercing a person;
  - f) improperly distributing a person's private information;
  - g) making or distributing obscene or deliberately offensive messages, images, jokes, songs or comments;
  - h) intentionally or recklessly spreading misinformation about a person;
  - i) intentionally misgendering a person; and
  - j) personally attacking or insulting a person.
8. In this Code of Conduct, **vilify** means to engage in conduct that incites hatred against, serious contempt for, revulsion of, or severe ridicule of another person or group of persons because of a **relevant personal attribute**.
9. In this Code of Conduct, **discriminate against**:
  - a) means to treat a person unfavourably because of a **relevant personal attribute** or any other perceived or actual personal attribute; and
  - b) does not include giving effect to affirmative action.
10. In this Code of Conduct, **relevant personal attribute** means age, sex, gender, gender identity, trans status, sexual orientation, physical or mental abilities, physical appearance, colour or racial constructs, culture or ancestry, or religious beliefs.
11. In this Code of Conduct, **branch-stacking** means to:
  - a) seek to recruit a person to become a member, or seek to persuade a member to change their branch registration, for the principal purpose of manipulating the outcome of a particular internal AGV decision, vote or election;
  - b) offer a person a material incentive to become a member or change their branch registration; or
  - c) submit a membership application for a person without their consent.

## 2 Incidents Response

### Modification History

Action	Body	Date
Approved	State Council	2019-09-07

### Contact Persons

1. Contact persons are members who members can go to if they experience an incident that impinges on their safety and wellbeing, including sexual harassment.
2. All party bodies will appoint at least one contact person annually for a term of one year, and whensoever a vacancy arises. Party bodies should try to ensure that not all of their contact persons are men.
3. A member may seek help from any contact person, not only a contact person of the party body where the incident took place.
4. If an incident is reported, a contact person will – or any other person who receives a report can – record the incident as outlined below, and advise the member of any available options for resolution.
5. The person will then provide this record to the State Convenor, State Secretary or the most senior staff member.

### Incident Register

6. Any incidents will be recorded in an Incident Register, which will be kept confidentially and securely by the State Secretary. Each incident report shall include:
  - (a) the date and time that the report was made;
  - (b) the name and role of the person to whom the report was made;
  - (c) with permission only, the name of the person reporting the incident;
  - (d) the date, time and location of the alleged incident;
  - (e) details, including the nature, of the incident;
  - (f) whether there are any exceptional circumstances that require breaking confidentiality and reporting the matter as required by law;
  - (g) the options discussed; and
  - (h) any actions taken.

## 3 Mediation, Administrative Review and Misconduct

### Modification History

Action	Body	Date
Approved	State Council	2019-05-02
Amended	State Council	2019-09-07
Amended	State Council	2020-02-22
Amended	State Council	2020-04-18
Amended	State Council	2020-05-16

1. This bylaw is made under clauses 76.6, 76.7, 81.1, 85.1 and 96.1 of the Constitution. The authorising clause of the Constitution for each clause below appears in square brackets at the start of each clause. All references to clauses are to clauses of the Constitution unless stated otherwise.

### [81.1] Mediation Panel

2. [81.1(a)] The following disclosures are excepted from the obligation imposed by clause 79.4:
  - (a) if the member has been assured by the intended recipient of the disclosure that they will keep the information confidential—to a close family member, partner or close friend for the purposes of personal support;
  - (b) to the police, the Victorian Equal Opportunity and Human Rights Commission, or other similar investigative person or body;
  - (c) to a counsellor for the purposes of counselling;
  - (d) to a registered health practitioner for the purposes of treatment;
  - (e) to an Australian legal practitioner for the purposes of legal advice;
  - (f) in court documents or proceedings, or as required by law; and
  - (g) to a body of the AGV appointed to conduct a review of the Party's mediation or complaints system, for the purposes of that review.
3. [81.1(b)] The following members are not eligible to be appointed to and remain a member of the Mediation Panel:
  - (a) a member of a parliamentarian's paid staff; and
  - (b) a member who has been the subject of a sanction in the past 5 years.
4. [81.1(c)] The search for candidates for appointment to the Mediation Panel will adopt the following procedure:
  - (a) All members will be invited to express interest whenever a vacancy arises on the Panel by the Panel Convenor, or in their absence the State Convenor, placing a notice on the members' website and the AGV e-bulletin.
  - (b) State Council will appoint a member or ad hoc working group, as soon as practicable in each governance term, to consider expressions of interest received and then recommend one or more appointments.
  - (c) In determining their or its recommendation, the member or working group may interview potential candidates and must consider whether their knowledge of dispute resolution, the

party's structure and operation, and operation of the panels, as well as their experience (both in and out of the Party), and personal background, cause them to be suitable for the role.

5. [81.1(c)] So far as is practicable, the Mediation Panel will be made up of:
  - (a) not more than 2 men;
  - (b) at least 1 member from a non-dominant culture in Australia; and
  - (c) not more than 1 member from any one branch.
6. [81.1(d)] The Mediation Panel may report to AGV members on its work, including quantitative and qualitative data on requests for assistance received, identified issues with organisational policy and rules and whether members involved were satisfied with the outcomes of mediation, as it sees fit.
7. [81.1(e)] When a request for mediation is received, the Mediation Panel must:
  - (a) ascertain the interpersonal difficulties being experienced by the members involved;
  - (b) ascertain the members' preferred resolution; and
  - (c) provide the members involved with a copy of the Code of Conduct and ensure that they understand their obligations under the Code and other party rules, including regarding confidentiality.
8. [81.1(e)] When exercising its power under clause 79.2, the Mediation Panel must require that, if an interpersonal difficulty is resolved by agreement between the parties at a mediation, the mediator must:
  - (a) give to each party a copy of any agreement entered into (unless otherwise agreed by the parties); and
  - (b) advise the Mediation Panel that the matter has been resolved.
9. [81.1(e)] The Mediation Panel must keep a confidential record of its work, including the above.

## **[85.1] Administrative Review Panel**

10. [85.1(c)] It is recommended that the Administrative Review Panel should take—
  - (a) regarding applications relating to clause 92—
    - (i) at most, 14 days to deal with a straightforward application; and
    - (ii) at most, 30 days to deal with a complex application;
  - (b) regarding all other applications—
    - (i) at most, 30 days to deal with a straightforward application; and
    - (ii) at most, 90 days to deal with a complex application.
11. [85.1(d)] The following members are not eligible to be appointed to and remain a member of the Administrative Review Panel:
  - (a) a member who, in the past 12 months, has been:
    - (i) a local councillor;
    - (ii) a member of a parliamentarian's paid staff; and
  - (b) a member who has been the subject of a sanction in the past 5 years.
12. [85.1(e)] The search for candidates for appointment to the Administrative Review Panel will adopt the same procedure as for the Mediation Panel (as provided for in clause 3 of this bylaw).
13. [85.1(e)] So far as is practicable, the Administrative Review Panel will be made up of:
  - (a) not more than 3 men;
  - (b) at least 1 member from a non-dominant culture in Australia; and

- (c) not more than 2 members from any one branch.
14. [85.1(h)] A member may not hold the position of Convenor of the Administrative Review Panel for more than 24 consecutive months.
15. [85.1(i)] The Convenor of the Administrative Review Panel must:
- (a) keep and maintain a record of applications made to, and decisions made and reasons given by, the Administrative Review Panel; and
  - (b) ensure that the members-only website contains a page updated at least monthly that contains:
    - (i) a brief description of each application currently before the Administrative Review Panel;
    - (ii) links to the decisions made and reasons given by the Administrative Review Panel in the previous 5 years; and
    - (iii) a link to a document that records all of the current interpretations of the Constitution given by the Administrative Review Panel and State Council.

## **[96.1] Misconduct Panel**

16. [96.1(a)] It is recommended that a Sub-Panel should take:
- (a) at most, 30 days to deal with a straightforward application; and
  - (b) at most, 90 days to deal with a complex application.
17. [96.1(c)] The following bodies are excepted from the prohibition imposed by clause 89.3(c):
- (a) the Probity Panel; and
  - (b) the Endorsement Review Committee.
18. [96.1(c)] The following disclosures are excepted from the obligation imposed by clause 89.6:
- (a) if the member has been assured by the intended recipient of the disclosure that they will keep the information confidential—to a close family member, partner or close friend for the purposes of personal support;
  - (b) to the police, the Victorian Equal Opportunity and Human Rights Commission, or other similar investigative person or body;
  - (c) to a counsellor for the purposes of counselling;
  - (d) to a registered health practitioner for the purposes of treatment;
  - (e) to an Australian legal practitioner for the purposes of legal advice;
  - (f) in court documents or proceedings, or as required by law; and
  - (g) to a body of the AGV appointed to conduct a review of the Party's misconduct or complaints system, for the purposes of that review.
19. [96.1(d)] The updates under clause 89.9(n) must be provided fortnightly.
20. [96.1(h)] The following members are not eligible to be appointed to and remain a member of the Misconduct Panel:
- (a) a member of the Endorsement Review Committee;
  - (b) a member who, in the past 12 months, has been:
    - (i) a local councillor;
    - (ii) a member of a parliamentarian's paid staff; and
  - (c) a member who has been the subject of a sanction in the past 5 years.



21. [96.1(i)] The search for candidates for appointment to the Misconduct Panel will adopt the same procedure as for the Mediation Panel (as provided for in clause 3 of this bylaw).
22. [96.1(i)] So far as is practicable, the Misconduct Panel will be made up of:
  - (a) not more than 5 men;
  - (b) at least 3 members from a non-dominant culture in Australia; and
  - (c) not more than 2 members from any one branch.
23. [96.1(j)] Former members of the Misconduct Panel are disqualified from being eligible to be elected or appointed to the State Executive and the Victorian Campaign Committee for a period of one year after having been a member of the Misconduct Panel.
24. [96.1(l)] A member may not hold the position of Convenor of the Misconduct Panel for more than 24 consecutive months.
25. [96.1(m)] The power and duty to provide a Notice of Sanction to all members under clause 93.1 includes ensuring that the members-only website contains a page updated at least monthly that contains links to the Notices of Sanction provided in the previous 5 years. Notices of Sanction will be stored on the members only website and distributed to all members via a link in the AGV eBulletin.

## 4 Internal Elections Other Than Preselections

### Modification History

Action	Body	Date
Approved	State Council	2009-03-01
Amended	State Executive (following the authorisation of State Council)	2015-09-16
Amended	State Council	2019-05-02
Amended	State Executive	2019-06-20
Amended	State Executive	2019-08-26
Amended	State Council	2019-09-07
Amended	State Executive	2019-09-19

1. Elections (other than preselections) conducted by Branches and Regional Councils will adhere to the AGV Constitution (e.g. section 25 codifies the election of Branch office bearers).
2. The remainder of this bylaw codifies any elections (other than preselections) conducted by State Council, and the annual election process for State Office Bearers, the Victorian Campaign Committee Convenor, the Policy Convenor, and 'additional Branch Representatives' to State Council.

### The State Returning Officer

3. Each Annual State Conference will include the election of the State Returning Officer by members of State Council, the position may be shared by up to 2 people.
4. The State Returning Officer's term begins at the end of the Annual State Conference at which they were elected, and ends at the end of the next year's Annual State Conference. Any casual vacancy of the State Returning Officer position will be filled by the State Council or State Executive at the first opportunity.
5. The State Returning Officer shall be responsible for conducting, or ensuring the proper conduct in accordance with the rules of, the following elections:
  - a) Elections of the State Office Bearers (section 16 of the Constitution), Victorian Campaign Committee Convenor (clause 54.1 of the Constitution) and Policy Convenor (clause 60.1 of the Constitution);
  - b) Elections of the additional Branch Representatives to State Council as described in clause 40.2 (b) of the Constitution;
  - c) Elections to positions which are to be determined by the State Conference and State Council;
  - d) Preselections which default to the State Returning Officer as described in the Preselections Bylaw;
  - e) Other elections as may be required by the Constitution.
  - f) Any election where appointed to do so by the State Council or State Executive.
6. The State Returning Officer may agree to conduct other elections at the request of State Conference or a constituent group.
7. The State Returning Officer shall not be eligible to:

- a) Stand for election in any election which they will conduct. (Note: where there are two Returning Officers, one may stand for election in an election conducted by the other. Where there is only one Returning Officer, and they stand for election, or where both Returning Officers stand for election in a single election, a deputy returning officer approved by the State Secretary or State Convenor must be appointed pursuant to clause 8 below to conduct that election.)
  - b) Nominate any person for any election they conduct;
  - c) Sit on the Probity Panel associated with any election they conduct.
8. The State Returning Officer will be the primary contact between nominees, candidates, and other Greens members making enquiries, with respect to the conduct of any election they conduct.
  9. The State Returning Officer may appoint up to 3 people at any time to act as deputy returning officers to assist in the duties of the State Returning Officer. Final authority and responsibility remains with the State Returning Officer, except in the circumstances described in 7 (a) above, in which case the deputy returning officer will have final authority for that election.
  10. The State Returning Officer will ensure that where the implementation of any election requires the use of AGV office resources, measures are taken to ensure that the appropriate member of AGV staff is consulted, and that preselection materials (such as reply paid envelopes) are distinguished from those of any other election that may be occurring at the same time.

## **Ballots**

11. Except where otherwise determined by the Constitution and bylaws, or a decision of the State Council or Executive, elections described in clause 5 will be conducted by secret ballot using paper or electronic voting.
12. A roll of eligible voters for any given election shall be kept by the State Returning Officer, with the names checked at the distribution of ballots and, for postal and electronic ballots, also at the return of ballots.
13. The roll of eligible voters closes on the close of nominations.
14. The method of all elections conducted by the State Returning Officer shall be by Optional Preferential Voting, except where there are two or more positions to be filled by the one ballot, in which case a Single Transferrable Vote method shall be used.
15. All ballots must include as an option, alongside nominees, the seeking of further candidates.

## **Results**

16. The declaration of any result of any election conducted by the State Returning Officer shall be final. Whilst in some circumstances the governing body may declare a position vacant in order to conduct a new election, it is not able to deem the State Returning Officer's declared result to be incorrect.
17. All election documentation, including ballot papers and results, shall be kept by the Returning Officer for 60 days after the event. A report of the first preference distribution and the order of the election and elimination of candidates shall be made available to any candidate or elector on request.

## **Provisions Relating to Annual Elections in Advance of Each State Conference**

18. This section shall apply to elections for positions described in clauses 5 (a) and (b), and further regulate elections described in section 16 and clauses 54.1, 60.1 and 40.2(b)(i) of the Constitution.
19. The State Returning Officer will ensure the publication, to all AGV members, of the relevant dates and deadlines associated with the elections (which shall include as a minimum the times of opening and closing of nominations and the deadline by which votes must be returned), and information for

prospective candidates, including a reminder of the need for diversity, which will be compliant with the Constitution and any relevant decision of State Council or Executive.

20. To nominate for election, eligible members shall provide the State Returning Officer with:
- a) Their nomination in a form prescribed by the State Returning Officer;
  - b) A statement (for eligible voters), of no more than 800 words, which shall include:
    - i) how long they have been a member,
    - ii) the name of the Branch(es) to which they are registered, and
    - iii) a brief list of positions held within the party,
    - iv) if nominating for a joint position, information about how they meet diversity aspirations,and which may include any other information they see fit to include, to inform electors of their positions on key issues facing the party and the position being elected;
  - c) Statements of support of up to 200 words from four other members for the purposes of annual State Office Bearer elections or from two other members for the purposes of annual Victorian Campaign Committee Convenor, Policy Convenor and additional Branch Representative elections.
    - i. Statements of support must not be provided by current AGV staff, State Office Bearers, candidates for public office, or elected representatives.
    - ii. Statements of support may include how long the supporting member has been a member, the name of the Branch to which the supporting member is registered, and any other information the supporting member may wish to include. The statement may be augmented by up to 75 words in order to include a brief list of positions held by the supporting member within the party; and
  - d) A clear photo of themselves (optional).
21. A nomination will be refused by the State Returning Officer if the member has not provided the information in the previous clause by the close of nominations. Otherwise, the State Returning Officer will confirm with all prospective nominees the list of approved nominees.
22. The State Returning Officer may revoke a nominee's nomination if they are in breach of any of rules of the party in relation to the election in question.
23. Nominees may not discuss their nomination or the election in question with any journalist, other than to confirm their candidacy.
24. Nominees may not expend funds for the purposes of communicating with eligible voters in relation to the election in question.
25. Nominees shall receive from the Returning Officer a list of eligible members' names, phone numbers and email addresses, and may instigate contact with each eligible voter for the purposes of discussing or promoting their nomination. The nominee must not show or distribute the list to any other person, and must destroy the list within one week of the declaration of the result of the election in question, or when the State Returning Officer has revoked nomination, whichever occurs first.
26. Ballot packs shall be created for eligible voters, which shall include:
- a) The ballot, or a link to the ballot, (if it is a paper ballot it must be signed by the State Returning Officer at the point of issue);
  - b) Return-addressed reply-paid or stamped envelopes, and secret envelopes, if the ballot is conducted by post;
  - c) A document, or a link to a document, containing each candidate's statement, photo (if provided) and the statements of their nominators, as well as voting instructions; and
  - d) a reminder of the need for diversity.

27. Voting options on ballots, other than the option of seeking further candidates, must be arranged by Robson Rotation.
28. Until the declaration of the result, nominees may not attend Branch meetings other than those of the Branch to which they are registered, except to carry out a specific duty, in which case they must nevertheless not discuss their nomination for the election in question at that Branch meeting.
29. Party bodies, State Office Bearers, persons employed by the AGV, and elected representatives, must not:
  - a) by any means, directly or indirectly, make a statement canvassing for or against votes for any nominee; or
  - b) provide any resources to aid any nominee
30. Notwithstanding clause 29, any member is entitled to act under clause 32 at hustings as long as they speak as an individual and not on behalf of their position or the body they represent.
31. Subject to the above, members are entitled to express their opinions on any nominees. However, any statements made in relation to nominees or candidates must not be misleading or deceptive and, unless in private communication, must be provided to the Returning Officer prior to the statement being made.
32. The Returning Officer (or their deputies) will be responsible for organising any “hustings” events accessible to all members, which shall enable all members in attendance to, subject to the facilitator’s and Returning Officer’s discretion:
  - a) ask questions of any nominees;
  - b) make statements about who eligible voters should vote for or against; and
  - c) make statements about the issues facing the party and the position being elected that they believe should be taken into account by eligible voters;and enable all nominees in attendance to, subject to the facilitator’s and Returning Officer’s discretion, respond to any questions raised or statements made by members.

## Definitions

- Robson Rotation:** A method of printing multiple ballots to allow each candidate an equal proportion of appearances at the top of (and at each other position on) the ballot, thus eliminating the donkey vote.
- Optional Preferential:** A system whereby voters must nominate a first preference, but then may preference as many (or all, or none) of the remaining candidates as they wish.
- STV:** Single Transferable Vote (Hare-Clark and senate Group Voting systems being examples) is a voting method that allows voters to make their most preferred choice and then, after candidates have been either elected or eliminated, transfer surplus or unused votes according to the voter’s stated preferences.
- Hustings:** A meeting at which candidates in an election address eligible voters.

## 5 Restrictions on Holding Multiple Offices

### Modification History

Action	Body	Date
Approved	State Conference	2014-09-06
Amended	State Council	2019-07-06

1. This by-law gives effect to clause 8.1(e) of the Constitution.
2. To avoid doubt, this by-law places no restriction on any member seeking to hold, or holding, any public office, but places restrictions on seeking to hold, or holding offices within the Party in circumstances described below.
3. While they hold a position or office listed in Column 1, no Party Member may hold a position or office listed in Column 2; either
  - a) for more than 12 weeks; or
  - b) in any circumstances described in Column 3;
 except as described in Column 4.

Column 1	Column 2	Column 3	Column 4
Convenor, Secretary, Assistant Secretary or Treasurer. Convenor of Campaign or Policy Committee, National Councillors.	Member of State or Federal Parliament or their staff, Salaried Mayor (or equivalent) of LGA, or AGV staff.	During an election campaign period applicable to the person's position under Column 2, during the 12 weeks prior to the scheduled date of an election (or from the date of the issuing of writs).	A person who is in a position or office as described in Column 1 who during their term of office obtains a staff position may continue to hold that position or office for the balance of the term of office, if that balance is less than 9 months, with the permission of the Executive.
Member of Executive (other than Convenor, Secretary, Assistant Secretary or Treasurer, Convenor of the Campaign or Policy Committee).	Member of State or Federal Parliament or their staff, AGV staff or Salaried Mayor (or equivalent) of LGA.		A person who obtains a position as described in Column 2 may serve out a single term in a position on the Executive (other than Convenor, Secretary, Assistant Secretary or Treasurer, or Convenor of the Campaign or Policy Committee).

Column 1	Column 2	Column 3	Column 4
Preselected candidate for either a “lead position” for the Senate or Legislative Council Region, or for a federal or state lower house seat, where the Party’s vote in that seat in the previous election exceeded 20%.	Convenor, Secretary, Assistant Secretary or Treasurer. Member of Campaign or Policy Committee. Convenor of National Conference Committee. Most senior AGV staff member.	During an election campaign period applicable to the person’s position under Column 2, being during the 26 weeks prior to the scheduled date of an election (or from the date of the issuing of writs).	
Member of State or Federal Parliament or their staff, or Salaried Mayor (or equivalent) of LGA, or AGV staff.	Member of Executive, Council or Campaign Committee		Where holding position in the capacity of staff, parliamentarian or elected Local Government rep.
Branch or Regional Council Office Bearer	Elected member of local government body in area covered by Branch or Regional Council.		Consensus (only) decision by relevant Branch/Regional Council to allow that person to retain position as Branch or Regional Council office-bearer.

4. In the previous clause, ‘staff’ is defined to mean those employed as staff, other than those employed on a short term temporary basis.
5. Where another bylaw limits the holding of particular offices further than the provisions of this bylaw, the more limiting provisions will prevail.
6. The act of nominating for the positions of State Convenor, State Secretary or Convenor of the Campaign Committee carries an implicit undertaking that the person so nominating shall not, during the following 12 months, nominate for pre-selection for:
  - a) The lead position on the Senate ticket, or the second position in respect of a double dissolution; or
  - b) The lead position on the ticket in a Legislative Council Region, or the second position in circumstances where the Party’s vote in that Region in the previous election exceeded 20%; or
  - c) Any state or federal seat in which the Party’s vote was more than 20% (or double the average vote for seats in Victoria in the most recent relevant general election, whichever is the lesser)

Should a State Convenor, State Secretary or Convenor of the Campaign Committee nominate for preselection for endorsement for any of (a) to (c) above, they shall thereby cease to hold that office.
7. For the purpose of this bylaw, the holding of an office within the Party includes any holding of office on an acting basis.

## Acronyms

**AGV:** Australian Greens – Victoria

**LGA:** Local Government Area

## 6 National Affairs

### Modification History

Action	Body	Date
Approved	State Council	2009-06-21
Updated	State Executive	2010-01-28
Updated	State Executive	2010-03-11
Updated	State Council	2010-04-17
Updated	State Council	2011-02-26
Updated	State Council	2012-04-21
Updated	State Executive	2012-08-09
Suspended	State Conference	2015-09-05
Amended & Endorsed	State Council	2015-10-17
Updated	State Council	2019-06-01
Updated	State Executive	2019-08-15
Updated	State Council	2019-09-07
Updated	State Executive	2019-09-19

### National Councillors

1. State Council will appoint two National Councillors annually. National Councillors may have an alternate if they are not present at any given National Council meeting. The alternate will be appointed by State Council from among the National Conference Representatives.
2. All National Councillors have the task of acting in the best interest of the Australian Greens, but must do so with an understanding of the informed opinions of their state branch and its constituent bodies.
3. The roles of the national councillors will include:
  - a) To attend monthly National Council meetings.
  - b) To attend, report to and follow directions of the AGV State Council.
  - c) To attend, report to and follow directions of the AGV State Executive.
  - d) Be familiar with and communicate regularly with AGV State office bearers and the AGV Executive.
  - e) To consult and be informed by relevant state standing committees, and AGV representatives on Australian Greens Working Groups.
  - f) To ask the state convenor to initiate a Quick Decision Making Group meeting if a decision is to be made by National Council on:
    - i. Expenditure or commitment to expenditure outside of an agreed AG budget; or



- ii. Any matter that has legal implications; or
  - iii. When the decision is likely to impact disproportionately on the interests of the AGV.
- g) To be responsible for acting as the National Conference Committee's primary point of contact with members of other states' delegations to National Council and Conference, on matters pertaining to Victorian positions on proposals before National Council and Conference, except where decided otherwise by the Committee.
4. National Councillors must attend at least 8 meetings of the AGV executive per year and must provide reports available to members on the occasions of meetings of State Executive and State Council. Relevant issues arising should be promptly brought to the attention of relevant office bearers, standing committee convenors or the most senior staff member.
5. National Councillors must provide verbal reports (default) or written reports (if attendance is not possible) to each meeting of the AGV State Council on Australian Greens' current issues and decisions, which will be listed for discussion.

## **Eligibility to Serve as a National Councillor**

6. The two National Councillors will be appointed as a single ticket. That is to say, State Council will appoint one team of two Councillors from among those teams who have nominated, as opposed to separately electing two councillors.
7. In order to nominate for the position of National Councillor, both members must belong to one or more of the following eligible groups:
- a) The first seven elected National Conference representatives elected at the State Conference
  - b) The current 4 State Office Bearers
  - c) The immediate past State Office Bearers

At least one member must belong to the group described in 7a.

8. In nominating for the positions of National Councillors, the team of two eligible members must specify which among them will serve as the primary representative on the State Executive, and which will act as convenor of the National Conference Committee.

## **National Conference Committee**

### **Status**

9. The National Conference Committee is a Standing Committee of State Council, established in accordance with clause 43.4 of the AGV Constitution.

### **Roles and Powers**

10. In accordance with clauses 42.2 (a) and (b) of the AGV Constitution, State Council representatives to the Committee the powers and responsibilities to:
- a) decide all matters relating to the Victorian position on proposals to National Conference meetings, and manage such contribution at such meetings, in line with this bylaw;
  - b) subject to any other bylaws, consult directly with AGV Branches and members on all matters relating to National Conference, except where, in relation to Federal Policy, the Policy Steering Committee has agreed to, and informed the Committee of, a consultation process;
  - c) facilitate the exchange of information between the AG and its working groups and the AGV and its Branches and members as it relates to the relevant national conference;
11. Additionally, the Committee has the powers and responsibilities to:
- a) recommend to State Council the removal of any National Conference representative, including the Convenor, from their office, if in the opinion of the Committee it is believed, based on

evidence, that the representative has failed to fulfil their responsibilities as outlined in this bylaw. Such a recommendation will be decided by secret ballot;

- b) perform other functions as specified in this bylaw
  - c) perform other functions as determined by State Council.
12. The AGV Treasurer and the Senior Most Staff Member will provide advice to the National Conference Committee on the budgetary implications for the AGV on any of the proposals to be considered by either National Council or Conference as soon as possible but by no later than the date of the next National Conference Committee meeting;

## **Membership**

13. The Committee membership will consist of:
- a) The 2 National Council representatives;
  - b) The AGV representatives to the National Conference (which may include the 2 persons mentioned above);
  - c) The AGV representative to the Australian Greens Policy Coordination Committee (or 'alternate' representative, but only for any meeting that the representative is not able to attend); and
  - d) One State Parliamentarian;
  - e) One Greens Local Government Councillor;
  - f) One of the AGV Convenor or AGV Secretary, as determined by them;
  - g) One of the AGV State or Assistant State Treasurer, as determined by them.
14. Right of attendance at Committee meetings shall be extended to:
- a) A representative of the Victorian Federal MPs;
  - b) AGV representatives to all National Working Groups, Committees and Panels not already listed; and
  - c) AGV Office Bearers not already listed.
15. Those with the right of attendance at Committee meetings who are not members may participate in discussions at Committee meetings but will not be permitted to participate in the making of decisions.
16. Other AGV members may attend as observers, and should inform the Committee Secretary of any intention to attend.

## **Victorian Positions Document**

17. A Victorian Positions Document shall be produced by the Committee prior to each National Conference meeting. The purpose of the document is to transparently state the AGV position on all known proposals before the relevant National Conference meeting, and state which member shall be the primary Victorian negotiator for each of those positions.
18. The Victorian Positions Document will be created in accordance with the following process.
19. The Committee will meet to create a draft Victorian Positions Document, which will propose a position on all known matters on the agenda of the relevant National Conference meeting, and specify which member of the Committee will be the primary negotiator for each position. The positions on proposals will generally be written in such a way so as not to preclude negotiated changes to the proposals at the relevant National Conference meeting.
20. The draft Victorian Positions Document will be distributed to State Councillors along with the National Conference proposals themselves accompanied with a request that State Councillors consult their Branch members, and specify those key items of importance that guidance is particularly being sought on.

21. Any feedback from State Councillors will be distributed to all Committee members;
22. Whenever a State Council meeting falls before the relevant National Conference meeting, the presentation of the Draft Victorian Positions Document must feature on the agenda of that State Council meeting.
23. The State Council will debate the Draft Victorian Positions Document in plenary or workshop, and amendments may be made.
24. After any amendments have been agreed to, the Victorian Positions Document as a whole will be put to the State Council for endorsement.

## **Accountability**

25. The Victorian Positions Document shall not be binding on any representative to National Conference. However, it must form the basis of attempting to build consensus at the National Conference, unless circumstances arise which were not foreseen at the time of its adoption. Any position included in the Victorian Positions Document must be explained to the National Conference during the first substantive discussion of the relevant matter.
26. All National Conference Representatives must attend meetings of a Victorian Delegates Caucus, convened by the NCC Convenor, as and when they are convened, and the decisions of that Caucus will be recorded.
27. Where meetings of the Committee occur during a National Conference meeting it is acknowledged that detailed minutes may not be kept. However a written report for presentation to the next regular meeting of the Committee that clearly states the outcomes of all proposals and how these outcomes compared to the positions in the Victorian Positions Document will be prepared. This report will form the basis for the report to State Council of National Conference meetings.
28. Any representative who blocks, or votes for or against a position which is contrary to both of the Victorian Positions Document and a decision of the Victorian Delegates Caucus must provide an explanation that blocking or vote at the next State Council meeting.

## **Victorian National Conference Representatives**

29. The elections for the National Conference Representatives may be held either before (during the other postal or electronic ballots) or at the Annual State Conference.
30. The AGV will not appoint more National Conference representatives than the number specified in the AG Constitution.
31. The Committee Convenor will be responsible for holding proxy votes for National Conference representatives who are not present at any given National Conference meeting, and proxy vote in accordance with the decisions of the Committee or the Victorian Delegates Caucus.
32. Should any National Conference representative position/s fall vacant, the Committee will appoint an acting National Conference representative as relevant to act until the next State Council meeting, at which point an election will be held for a replacement. The election will be open to all members.
33. If however the National Conference representative position/s fall vacant and there are respectively no National Council or Conference meetings scheduled between the time that the vacancy arises and the anticipated date of the Annual State Conference, the position will remain vacant until the Annual State Conference.
34. The work of National Conference representatives will be conducted through and regulated by the Committee, in accordance with this bylaw.
35. National Conference representatives will adhere to all decisions of the Committee or the Victorian Delegates Caucus.

## **Victorian National Policy Coordination Committee Representatives**

36. The AGV Policy Steering Committee (PSC) shall appoint Victoria's representatives to the National Policy Coordination Committee (AGPCC), or choose to return this responsibility to State Council from time to time.
37. Victorian representatives to the AGPCC shall, subject to any relevant confidentiality agreements, provide all general meetings of the PSC with brief written reports, setting out:
  - a) the issues or proposals being considered by the AGPCC, and in particular any contentious proposals or issues;
  - b) any important decisions made;
  - c) their intentions in relation to any issues which are or are likely to become contentious, or which have been decided;
  - d) any other matters of such importance they believe should be considered by the PSC or its equivalent successor committee;
  - e) any other matters that the PSC may request from time to time; and
  - f) their attendance, non-attendance, participation or non-participation in the deliberations of the group on which they serve.
  - g) Copies of these reports will be provided to the Committee.
38. Victorian representatives to the AGPCC shall, subject to any relevant confidentiality agreements, provide all members of the PSC and the National Conference Committee Convenor with all agenda papers and minutes of all AGPCC meetings forthwith upon receipt.
39. Victorian AGPCC representatives shall take direction from the PSC regarding AGPCC matters. Any direction shall allow Victorian AGPCC representatives the flexibility to negotiate consensus decisions at AGPCC meetings.
40. Victorian AGPCC representatives shall not contradict decisions of the PSC when negotiating and voting on AGPCC decisions.
41. The PSC may terminate any AGV member's AGPCC delegacy on the grounds that the representative concerned has failed to fulfil their responsibilities as outlined in this bylaw.

## **Victorian Representatives to Other National Groups**

42. This section of this bylaw will apply to all Victorian representatives to all National Working Groups, Committees, Panels and other centrally-established Groups (together referred herein as "National Groups") not already listed in this bylaw.
43. Victorian representatives to every National Group shall be appointed at or before (during the other postal or electronic ballots) the Annual State Conference on an annual basis except where State Conference or Council decides otherwise. The State Secretary will keep a register of election dates to ensure that elections are scheduled and advertised appropriately.
44. Victorian representatives to National Groups shall provide the Committee with the minutes of all meetings of their Working Group forthwith upon receipt.
45. Victorian representatives to National Groups shall provide the Committee with a brief report no longer than fourteen days after each formal meeting (including non-face-to-face meetings) of the group on which they serve, or otherwise twice each year if the groups do not generally meet, setting out:
  - a) the issues or proposals being considered by the National Group, and in particular any contentious proposals or issues;
  - b) any important decisions made;
  - c) their intentions in relation to any issues which are or are likely to become contentious, or which have been decided;

- d) any other matters of such importance they believe they should be considered by State Council or Executive; and
  - e) their attendance, non-attendance, participation or non-participation in the deliberations of the group on which they serve.
46. The Committee Secretary will ensure that important issues raised in reports from Victorian representatives to National Working Groups are included in reports to State Council and Conference meetings.
47. The Committee Convenor will be responsible for ensuring that important matters before these Committees and Working Groups are being properly addressed by the AGV.
48. Victorian representatives to National Groups shall be guided by, and shall not contradict decisions made by, the AGV State Council or Committee when negotiating and voting on decisions made by the National Group that they are the representative to.
49. The Committee may choose to recommend to State Council the termination of any AGV member's National Group delegacy on the grounds that the representative concerned has failed to fulfil their responsibilities as outlined in this bylaw.

## **Definitions**

AG	Australian Greens
AGV	Australian Greens Victoria
MP	Member of Parliament
NCC	National Conference Committee
AGPCC	Australian Greens Policy Co-ordination Committee
PSC	Policy Steering Committee

## 7 Branch Boundaries

### Modification History

Action	Body	Date
Endorsed	State Council	2016-01-30
Amended	State Council	2018-12-08
Amended	State Council	2019-02-02
Amended	State Executive	2019-04-18
Amended	State Council	2019-06-01
Amended	State Council	2019-06-20
Amended	State Council	2019-09-07
Amended	State Executive	2019-10-20
Amended	State Council	2019-12-07
Amended	State Executive	2020-04-27

1. Whereas, subject to Schedule 1, the Constitution prescribes that each Branch shall have a jurisdiction which corresponds to one or more Local Government Area, the purpose of this by-law is to give effect to that requirement and to the terms of Schedule 1. The Table 1 below sets out the name of each Branch established under the Constitution (in the left column) and the jurisdiction of that Branch by reference to Local Government Areas.
2. Nothing in the Tables below shall prevent any of the following:
  - a. The establishment of any new Branch by members in respect of any Local Government Areas in respect of which no Branch has jurisdiction;
  - b. The extension of the jurisdiction of an existing Branch to include an adjacent Local Government Area in respect of which no Branch has jurisdiction, provided that any Branch adjacent to the area the subject of the proposed extension is given 45 days' notice and the State Executive approves the extension.
  - c. The dissolution under the Constitution of any Branch named in Table 1
3. Table 1 - Branches and their corresponding Local Government Areas:

Branch	Local Government Area
Ballarat and District Branch	Ballarat City Council Hepburn Shire Council Moorabool Shire Council
Banyule Branch	Banyule City Council
Bass Coast Branch	Bass Coast Shire Council
Bayside-Glen Eira Branch	Bayside City Council Glen Eira City Council
<b>Bellarine Branch</b>	Queenscliffe Borough Council

<b>Branch</b>	<b>Local Government Area</b>
	Greater Geelong City Council Ward of Bellarine
Bendigo Branch	Greater Bendigo City Council
Boroondara Branch	Boroondara City Council
Brimbank Branch	Brimbank City Council
Cardinia Branch	Cardinia Shire Council
Casey Dandenong Branch	Casey City Council Greater Dandenong City Council
<b>Dandenong Ranges Branch</b>	Yarra Ranges Shire Council - Wards of: <ul style="list-style-type: none"> <li>• Billanook</li> <li>• Chandle</li> <li>• Chirnside</li> <li>• Lyster</li> <li>• Melba</li> <li>• Streeton</li> <li>• Walling</li> </ul>
Darebin Branch	Darebin City Council
East Gippsland Branch	East Gippsland Shire Council
Frankston Branch	Frankston City Council
<b>Geelong Branch</b>	Greater Geelong City Council Wards of <ul style="list-style-type: none"> <li>• Brownbill</li> <li>• Kardinia</li> <li>• Windermere</li> </ul>
Gippsland Branch	Baw Baw Shire Council Latrobe City Council South Gippsland Shire Council Wellington Shire Council
Goulburn Murray Branch	Greater Shepparton City Council Moirra Shire Council Campaspe Shire Council
<b>Healesville and Upper Yarra Branch</b>	Yarra Ranges Shire Council Wards of <ul style="list-style-type: none"> <li>• Ryrie</li> <li>• O'Shannassy</li> </ul>
Hobsons Bay Branch	Hobsons Bay City Council
Hume Branch	Hume City Council
Kingston Branch	Kingston City Council
Macedon Ranges Branch	Macedon Ranges Shire Council
Manningham Branch	Manningham City Council
Maribyrnong Branch	Maribyrnong City Council
Maroondah-Knox Branch	Knox City Council Maroondah City Council

<b>Branch</b>	<b>Local Government Area</b>
Melbourne City Branch	Melbourne City Council
Melton Branch	Melton City Council
Mildura Branch	Mildura City Council Swan Hill Rural City Council
Monash Branch	Monash City Council
Moonee Valley Branch	Moonee Valley City Council
Moreland Branch	Moreland City Council
Mornington Peninsula Branch	Mornington Peninsula Shire Council
Mount Alexander Branch	Mount Alexander Shire Council
Nillumbik Branch	Nillumbik Shire Council
North East Branch	Alpine Shire Council Benalla Rural City Council Indigo Shire Council Mansfield Shire Council Towong Shire Council Wangaratta Rural City Council Wodonga City Council
Otways Branch	Colac Otway Shire Council
Port Phillip Branch	Port Phillip City Council
Stonnington Branch	Stonnington City Council
Surf Coast Branch	Surf Coast Shire Council
Whittlesea-Mitchell Branch	Whittlesea City Council Mitchell Shire Council
Warrnambool Branch	Warrnambool City Council Glenelg Shire Council Moyne Shire Council
Whitehorse Branch	Whitehorse City Council
Wyndham Branch	Wyndham City Council
Yarra Branch	Yarra City Council

Branches **highlighted in yellow** are Schedule 1 Branches as defined in the AGV's Constitution

4. Table 2 - LGA's current without AGV Branches:

<b>LGA's without Branches</b>
Ararat Rural City Council
Buloke Shire Council
Central Goldfields Shire Council
Corangamite Shire Council
Gannawarra Shire Council
Golden Plains Shire Council
Hindmarsh Shire Council
Horsham Rural City Council



Loddon Shire Council
Murrindindi Shire Council
Northern Grampians Shire Council
Pyrenees Shire Council
Southern Grampians Shire Council
Strathbogie Shire Council
West Wimmera Shire Council
Yarriambiack Shire Council

## 8 Branch Representatives on State Council

### Modification History

Action	Body	Date
Approved	State Conference	2014-09-06
Amended	State Executive	2019-06-20
Amended	State Executive	2019-08-26
Amended	State Council	2019-09-18

### Filling a Casual Vacancy for Regional Branch Representatives

#### Scope

1. This section of the by-law is made under clause 40.7 of the Constitution.
2. Where a casual vacancy occurs for a Branch Representative State Councillor elected under clause 40.2 (b) of the Constitution, i.e. elected from a Legislative Council region, the vacancy will be filled in accordance with this bylaw.

#### Process to Fill the Vacancy

3. If there is more than one vacancy, vacancies will be filled one at a time in accordance with the below.
4. The State Secretary will appoint two disinterested persons to determine which Branch in the Legislative Council region in question is the 'most underrepresented' by Branch Representatives.
5. In determining which Branch is 'most underrepresented', the two disinterested persons will be given access to a current database of members and will apply the following formula:
  - a) For each Branch assigned to the Legislative Council region in question which has 15 or more members, a figure will be determined which is the number of members in that Branch divided by the number of currently serving Branch Representatives (both Branch-elected and regionally-elected under clauses 40.2 (a) and (b) of the Constitution respectively) registered as members of that Branch;
  - b) The Branch with the highest figure will be determined to be the 'most underrepresented';
6. The Branch identified above will be notified by the State Secretary and may then appoint a Branch Representative to fill the casual vacancy.

### Election of Schedule 1 Branch Representatives

#### Scope

7. This section of the by-law is made under Schedule 1 clauses 4 and 6(c) of the Constitution.
8. Where there is an election for a Branch Representative State Councillor for a Schedule 1 Local Government Area, i.e. the City of Greater Geelong, the Borough of Queenscliffe and the Shire of Yarra Ranges, the election will be conducted in accordance with this bylaw.

#### Process to Elect the Representative

9. The members in each Schedule 1 Local Government Area shall, if it has at least 15 members, elect one Branch Representative to State Council (including to a casual vacancy) by:
  - (a) a concurrent decision of all the Branches in existence within that Local Government Area; or
  - (b) failing a decision being reached, a postal or electronic ballot of all the members in that Local Government Area.

## **Participation and Alternate Representation**

### **Scope**

10. This section of the by-law is made under clause 40.9 of the Constitution.

### **Process**

11. If a Branch Representative elected under clause 40.2(a) of the Constitution is unable to attend a particular meeting of State Council, then their Branch may appoint a member (the proxy) to act instead of the Branch Representative (the proxy giver) at that meeting, provided that the proxy is and will be eligible to be elected to the proxy-giver's position on State Council.
12. The State Secretary must be notified of the proxy's appointment by the Branch Convenor or Secretary, in writing, at least three days before the State Council meeting.
13. A Branch Representative may be a proxy giver no more than twice during the period between two consecutive Annual State Conferences.
14. No person may exercise more than one vote at State Council regardless of proxies.

## 9 General Operations of Standing Committees

### Modification History

Action	Body	Date
Approved	State Council	2012-06-23
Amended	State Council	2015-03-28
Amended	State Council	2019-02-02
Amended	State Executive	2019-04-18
Amended	State Council	2019-06-01
Amended	State Executive	2019-08-15
Amended	State Executive	2020-03-19
Amended	State Council	2020-03-28

1. This by-law elaborates the functions, powers and composition of the Victorian Campaign Committee (which shall be known as the Campaign Committee) and the Policy Steering Committee (which shall be known as the Policy Committee), the National Conference Committee, the Finance, Administration and Infrastructure Committee and the Membership Engagement Committee.

### Delegation of Powers in specific matter

2. In addition to any specific power granted to any Standing Committee by the Constitution and this by-law, State Council or State Executive can, subject to such conditions as it thinks fit, delegate the making of any decision on a specifically defined matter within its power, to any Standing Committee or to two or more committees in which case the decision will require the agreement of each committee concerned. Such a decision is not considered merely procedural (i.e. it cannot be done merely by simple majority).
3. State Council or State Executive, and specifically the facilitator at the time such delegation is made, must ensure that the delegation is clearly defined and that the limits of the delegation are clear.
4. The terms of reference of each Standing Committee are deemed to include the delegation described in this section, but to avoid doubt, no delegation can be taken as including any power to change any By-law, and any such specific delegation (i.e. not included in the terms of reference) only operates for a specific period which must be defined in the delegation. Such a delegation may be made subject to such direction or condition as is specified.

### State Executive not to direct Committees but may stay decisions

5. State Executive cannot direct any Standing Committee to make any particular decision and cannot direct its work (AGV Constitution Clause 46.8). However, State Executive may request a Standing Committee to review a decision, and may determine to put a stay on any decision of any Standing Committee, or part of a decision, pending the next State Council, or for such shorter time as it determines.
6. In addition, wherever it appears to an Office Bearer or to the Convenor of a Standing Committee that two or more Standing Committees have made inconsistent decisions, or that a Standing Committee has acted outside its power the Executive may resolve the matter by making its own decision (except

where this would involve the Executive making Policy), or otherwise acting beyond its powers (AGV Constitution Clause 46.5).

## **When a Standing Committee is to make a decision and when it is to make a recommendation**

7. It is the intention of State Council that wherever the State Council has delegated to a Standing Committee under this by-law or otherwise, the power to make a decision (as opposed to State Council merely delegating a power to make a recommendation), then in the normal course of events it is expected that the Standing Committee will make decisions about these matters and will not merely make recommendations.
8. Therefore, there should be unusual circumstances why a Standing Committee only makes a recommendation where it could make a decision. Such circumstances might include the importance of the matter in the particular context, or the level of controversy about the matter in the Party.
9. It is the intention of State Council that wherever the State Council has delegated to a Standing Committee under its terms of reference, the power to make a recommendation, then in the normal course of events it is expected that the Standing Committee will make recommendations which do not require a further decision of the State Council, other than mere approval of the recommendation
10. If Standing Committee is of the view that an issue should be an item for discussion at State Council, this does not of itself mean it should fail to make a substantive recommendation, but the Committee may request the Secretary that the item be listed for discussion.

## **Quorum and QDMG**

11. The provisions regarding quorum, QDMG and election of general members do not apply to the National Conference Committee.
12. The quorum for a meeting of a Standing Committee shall be at least half of its members. However quorum for the Finance Administration Infrastructure and Staffing Committee must also include any of the State Secretary or in their absence, the Assistant State Secretary, or the State Treasurer.
13. Each Standing Committee shall appoint a Quick Decision Making Group, which must have four members and must include at least one of the office bearers (or if no office bearer is a member of the Committee, at least one member of the State Executive). A decision by a QDMG must be supported by at least 3 members and must not be opposed by any member of the QDMG, and must be ratified in the minutes and Record of Decisions at the next meeting.

## **Election of General members of Standing Committees**

14. General members of Standing Committees shall be elected by a postal or electronic ballot of all members prior to State Conference.
15. Any casual vacancy of a standing committee shall be filled by State council at the next meeting which allows for sufficient notice of the vacancy to be given to members, and the state Returning Officers may establish procedures to enable nominations to be lodged prior to that State Council meeting, and for voting to continue after that State Council meeting. State Council may delegate the filling of such vacancy to the Executive if insufficient nominations are received.

## **Removal of General members of Standing Committees**

16. A member of a Standing Committee (other than a person who holds that position by virtue of holding another office, but including any Policy Sub-Committee) may resign in writing to the Convenor of the Standing Committee or to the State Secretary.
17. Wherever a member of a Standing Committee (other than a person who holds that position by virtue of holding another office):
  - a) fails to attend two consecutive meetings without apology; or

- b) fails to attend three meetings with apologies (excluding exceptional circumstances where leave of absence is granted from the Committee for not more than three months); or
- c) is found to have committed misconduct; or
- d) appears to be unable or unwilling to contribute to the work of the Committee;

The Convenor of the Committee will contact that member to discuss their continued membership of the Committee. Should the member not resign and should the Convenor after that discussion not be satisfied about the continued involvement of that member, the Convenor of the Committee will, as he or she considers appropriate, recommend to the State Executive in writing (with a copy to the member) that the member's position be declared vacant, and the State Executive may upon this recommendation remove the member from the Standing Committee, provided the member has been afforded an opportunity to be heard. This is subject to review by State Council should the member challenge the decision.

18. Under no other circumstances and for no other reason shall the State Executive have the power to remove a member of a Standing Committee, but State Council may do so at its discretion provided an opportunity has been afforded to the Standing Committee member to be heard prior to any such decision being made.

## **Office Bearers**

19. A Standing Committee Convenor will be responsible for:
- a) facilitating meetings of the Committee, or delegating this responsibility to another member for any meeting;
  - b) in conjunction with the Secretary, ensuring that the appropriate notice of meeting, agenda and motions on notice are provided in good time;
  - c) ensuring that the business of each Committee meeting is properly addressed;
  - d) presenting Committee reports to the State Council;
  - e) acting as the Committee's primary point of contact with State Office Bearers and State Councillors, except where decided otherwise by the Committee;
  - f) in consultation with the State Secretary, corresponding with the National Office Bearers on behalf of the Committee.
20. All Standing Committees shall be required to appoint a Secretary at their first meeting after each AGV Annual State Conference or as vacancies arise.
21. A Standing Committee Secretary shall be charged with:
- a) in conjunction with the Convenor, ensuring that the appropriate notice of meeting, agenda and motions on notice are provided in good time;
  - b) in combination with the Convenor, the creation of meeting agendas;
  - c) the taking of meeting minutes;
  - d) the uploading of these minutes to the internal AGV website within one week of each meeting;
  - e) liaising with the Returning Officers to ensure that any Committee vacancies are addressed; and
  - f) maintaining any e-lists of the Committee.

## **Meetings**

22. Standing Committees are required to establish and publish on the internal AGV website a meeting schedule early in their terms. Any changes to the schedule are to be advised to State Council.
23. A Standing Committee will meet as needed, but not less than four times a year, to carry out its duties.
24. Wherever possible, at least one week's notice will be given of all meetings of the Standing Committee.

25. Urgent meetings may be called if required but not with less than 24 hours' notice.
26. A Standing Committee will not make decisions except at meetings or by Quick Decision.
27. Standing Committee attendance records must be kept and displayed on the internal AGV website, and reported to each Annual State Conference.

# 10 Campaign Committee

## Modification History

Action	Body	Date
Approved	State Council	2012-06-23
Amended	State Council	2019-06-01
Amended	State Council	2019-10-02

## Scope

1. The Constitution of the AGV provides for the establishment of an Electoral and Continuous Campaigning Committee in Section 53. This By-law governs the operation of that Committee.

## Functions

2. The name of the Committee shall be the Campaign Committee, but it may also be cited as the Electoral and Continuous Campaigning Committee.
3. The functions of the Campaign Committee include those set out in the Constitution, as follows:
  - 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 Electoral and Continuous Campaigning Committee created as a Standing Committee of State Council under this Chapter.*
  - 53.2. *The Electoral and Continuous Campaigning 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 electoral and continuous campaigning 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;*
4. Without limiting the operation of [clause 3](#) above, the Committee is responsible for the general management of electoral and related campaigns within the resources allocated to it by State Council or otherwise; and for the implementation of:
  - a) Applicable decisions of State Council regarding State electoral and related campaign matters;
  - b) Applicable decisions of Branches and Regions and of State Council in respect of local government elected and related campaigns;
  - c) Applicable decisions of State Council and the Australian Greens in respect of national electoral and related campaigns;but not so as to give it control over the resources of any other Party body.
5. The Committee must recommend to State Council for adoption, a Campaign Strategy Statement, of no more than 500 words, that covers a nominated prospective period, and which is to include (but need not be limited to):



- a) Strategic objectives;
  - b) priority policy issues;
  - c) the general approach to the content and method of campaigning;
  - d) approaches to organisational and communication questions;
  - e) Lessons from past experience; and
  - f) How the strategy will maximise the participation of party members.
6. Wherever State Council adopts a campaign Strategy Statement, the campaign Committee must in performing its functions be guided by that Statement, or if it departs from that guidance, must note that in its minutes and report this to the next State Council.
7. Prior to the expiry of the period covered by a campaign strategy statement, the Committee must recommend and present to State Council a further Strategy Statement.
8. Except on a pro-tem basis with the approval of the State Executive, and subject to such conditions as the State Executive may prescribe in any circumstance, the Campaign Committee may only authorise expenditure pursuant to a budget approved by State Council, after its consideration by the Standing Committee responsible for Finance. Notwithstanding the foregoing, total expenditure may exceed that provided for in the budget provided that (and only provided that);
- a) the Standing Committee responsible for Finance, on the recommendation of the Treasurer; or the Executive; has approved this increase on the basis of a determining that there is sufficiently certain basis to increase a corresponding income or revenue budget line within the Committee's budget; or
  - b) the Executive has allocated other funds to cover the increase in expenditure.
9. When a budget has been approved by State Council, the Campaign Committee may amend the budget provided that the following conditions are met:
- a) there is no increase in total expenditure (except as provided for in [6](#) above);
  - b) any proposal to reduce an allocation of the funds to be controlled by to any Branch, Regional Council, Branch-based or Region-based election campaign committee, as compared to the budget approved by State Council or any amended budget approved by the Committee, must not occur unless the Convenor or (if the Convenor appears to be unavailable) some other appropriate person from each of these bodies has been invited to the meeting and given the opportunity to be heard; and the reduction has then been then approved by the State Executive; and no such reduction shall have effect if any such body would be unable to meet its commitments solely because of such a reduction.
  - c) Any such amendment is not contrary to any decision of State Council (other than the decision to adopt the budget itself)
10. Wherever it appears to the Convenor of the Campaign Committee or to the Treasurer, that in connection with an election, there will be significant additional funds available to spend on campaign related expenditure in connection with that election then, subject only to there being sufficient time available before the relevant election having regard to the urgency of making decisions, the Campaign Committee shall, prior to allocating such additional funds, the Convenor or (if the Convenor appears to be unavailable) some other appropriate person from each Branch, Regional Council, Branch-based or Region-based election campaign committee having responsibility for the conduct of a relevant election, shall be invited to any meeting which is to consider that allocation, and shall be given the opportunity to be heard.
11. In addition to any other obligations under this bylaw, the Campaign Committee must not less than once every four months, and;
- a) within ten days of the dissolution of the State or Federal Parliament (or a House thereof);
  - b) between 4 and 6 weeks prior to a date on which local government elections are to be generally held across the state;

hold a meeting of the Campaign Committee to which all the Convenors or (if the Convenor appears to be unavailable) some other appropriate person from each Branch, Regional Council, Branch-based or Region-based election campaign committee having responsibility for the conduct of a relevant election campaign shall be invited to that meeting. Such a meeting may be held in conjunction with any special meeting of State Council held because of the calling of an election.

12. The Campaign Committee is responsible for determining the pre-selection process for Senate pre-selection and for directing the implementation of that process. Moreover, the Campaign Committee has the responsibility to ensure that other party bodies are carrying out pre-selection decisions, and for settling the date by which such decisions must be taken. Where it appears that the situation requires it, the Campaign Committee may do any act or thing necessary, or authorise a person to do any act or thing to ensure that there is a candidate for a specific State or Commonwealth parliamentary election, in circumstances where:
  - a) A decision has been made that the Party is to have such a candidate;
  - b) For any reason no candidate has been selected, or a candidate has been selected and for any reason is no longer to be the candidate; and
  - c) Under the relevant procedures applicable, it is not reasonably practicable for the Party to select a candidate, and the relevant Branches and campaign committees are consulted.
13. The Campaign Committee is responsible within its powers, for ensuring that campaign communication infrastructure is effective.
14. By force of this By-law, and subject to any specific decision made from time to time by State Council, State Council delegates its powers under Sections 56.1, 56.2, 56.5 and 56.8 (Preselection Processes), to the Campaign Committee.

## Composition

15. The Campaign Committee shall in “full session” consist of:
  - a) The Committee Convenor.<sup>1</sup>
  - b) Three general members elected for a term of up to two years which may be expressed as a period of time or as related to an event (for example, until two months after the next federal election), as determined by State Council from time to time (or in default of a decision, one year).
  - c) The State Treasurer, or if the Executive so decides, the Assistant State Treasurer.
  - d) One member each of the Parliamentary Membership of the party (if any) at State and Federal level nominated by each of the relevant party leaders or failing that agreed between the relevant (Victorian) members in each case; or a nominee of each State and Federal group of parliamentarians, for a term of office determined by the relevant parliamentary group, not being less than one year.
  - e) A party member who is or has been a local government councillor, selected by the current Greens local government councillors, for a term of office decided by them, not being less than one year.
  - f) The most senior staff member of the AGV, who shall not have a vote.
  - g) Up to three members nominated by the Campaign Committee from time to time (after general advertisement to party members), selected by the committee having regard to ensuring the inclusion on the committee of a balance of members with necessary expertise, knowledge or experience.
16. The persons holding office on the Campaign Committee under [Clause 15, Part “d”](#) above shall not have the right to vote if they are on the Campaign Committee in their capacity as a staff member of the party or a politician, and subject to direction in the performance of their work by the Party or a politician.

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<sup>1</sup> The procedure for the election of the Convenor of the Campaign Committee is outlined in Clause 54.1 of the AGV State Constitution and is a ballot of all members of the AGV.

17. Each of the following persons shall have the right to attend, and shall be advised of meeting times and agendas, if not otherwise a member of the Campaign Committee:
  - a) The Party Office Bearers
  - b) The Convenor of the Policy Committee
  - c) Each of the nine members of State Council mentioned in Section 40.5 of the AGV State Constitution.
  - d) AGV delegates to any national campaign committees or national campaign working groups

## **Campaign Management Team**

18. The Campaign Committee may also meet in the form of the Campaign Management Committee, which shall consist of :
  - a) The Convenor the Campaign Committee (or if the Convenor is unable to attend, they may nominate one of the two members of the Campaign Committee elected by State Council to attend in their place);
  - b) The most senior member of the AGV staff.
  - c) Between 2 and 4 AGV members appointed by the Campaign Committee from time to time.
19. The quorum for the Campaign Committee shall be at least half of its members.
20. The State Party Convenor, if not otherwise a member, shall be entitled to be advised of a meeting of the Campaign Management Committee, and shall be entitled to attend or to appoint a member of the State Executive to attend in their place. The State Party Treasurer shall be entitled to attend and advised of the time of meetings. The most senior member of the AGV staff acts as the Secretary of the Campaign Management Committee.
21. The Campaign Management Committee shall have all the powers of the Full session Campaign Committee, except the following:
  - a) Amending the Campaign Committee budget to increase total expected expenditure;
  - b) Reducing the allocation in the budget to any Branch, Regional Council, Branch-based or Region-based election campaign committee having responsibility for the conduct of a relevant election;
  - c) Acting in a manner inconsistent with an explicit decision or direction of the Campaign Committee;
  - d) Exercising any of the delegated powers of State Council under Section 56 of the Constitution.
22. In performing their functions, each of the Campaign Committee (full session) and the Campaign Management Group shall be mindful of the intention of State Council in establishing these two bodies:
  - a) In many circumstances, the day to day political pronouncements of the Party are necessarily those of the Party's elected representatives, and there should be maximum co-operation between the Committee and those representatives. Nevertheless, the campaign resources of the Party should at all times be directed in support of positions consistent with Party policy, and the Campaign Committee has a responsibility to ensure this is the case.
  - b) The Campaign Committee's (in full session) primary functions are the recommendation to State Council of overall strategy, ensuring that strategy is being implemented, amending strategy when necessary, financial compliance, budget management, selection of major contractors such as advertising agencies, proper governance, and effective communication within the Party. While it will be required to exercise its political authority where controversy arises within the Party about day to day management issues, the Campaign Committee oversees but does not participate in the day to day management of Campaign issues. In light of this, it would be expected that the Campaign Committee would meet monthly, and more often during an election campaign period.
  - c) The Campaign Management Group is responsible to the Campaign Committee in full session for making day-to decisions about the content of campaigns and the allocation of resources under the control of the Campaign Committee. It would be convened by the Campaign Committee

Convenor whenever the need arises, and it would be expected to meet at least several times each week during an election campaign period. It must report all of its decisions to the Campaign Committee and these must be included in the minutes of the next Campaign Committee meeting. The Campaign Management Group can direct the day-to-day priorities of the Campaign Staff through the most senior staff member.

# 11 Policy Committee

## Modification History

Action	Body	Date
Approved	State Council	2012-06-23
Amended	State Council	2013-11-09
Amended	State Council	2015-05-30
Amended	State Council	2019-06-01
Amended	State Executive	2019-08-15

## Scope

1. The “Policy Committee” is the “The Policy Steering Committee” referred to in Chapter 6 of the AGV State Constitution.

## Functions

2. This bylaw operates in conjunction with Sections 58-61 of the AGV Constitution, which defines the function of the Policy Committee as follows (Section 59.2):
  - 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.

In addition to those functions the Policy Committee shall have the following functions and powers in relation to State Policy:

- e) to recommend policies to State Council for adoption;
  - f) to correct any formal, drafting or typographical errors in any Policy which has been adopted by State Council;
  - g) when authorised to do so in respect of any particular policy, to edit a policy to up-date it or to remove provisions which have become irrelevant;
  - h) ensuring wide involvement of members, Branches and other party bodies in formulation of Policy;
  - i) recommending specific Policy debates/issues for consideration by Branches and by State Council; and
  - j) directing the work of the Policy Sub-Committees.
3. In relation to the Federal Policy (policy of the Australian Greens) the Committee is empowered to determine after consultation with the National Conference Committee a process for consultation with members Branches and other party bodies about the formation of Federal Policy.
  4. The policy Committee must be advised of Local policies adopted by Branches or Regions, and shall have the power to recommend local policies for adoption, and to advise State Council of any

circumstance where it considers that there is an inconsistency between a Local Policy and a State Policy.

## **Composition**

5. The Policy Committee shall consist of:
  - a) The Policy Convenor
  - b) The AGV State Convenor or AGV State Secretary or AGV State Assistant Secretary or an Executive Member appointed by the Executive. The method for determining which of these shall be the member shall be that the AGV State Convenor, unless the AGV Convenor declines, in which case it shall be the State Secretary unless the State Secretary declines, and so on.
  - c) Four General Members (\*see procedure for election of General Members of Standing Committees)
  - d) Up to two members recommended by the Policy Committee to State Council after an appropriate call for expressions of interest to party members, appointed on basis of achieving additional expertise or balance among Policy Committee members.
  - e) One federal MP as nominated collectively by Victorian federal MPs (or their representative), who shall be a voting member for decisions on federal policy. Where this position is filled by a representative who is not a federal MP, that person shall not have a vote.
  - f) One State Member of Parliament nominated collectively by Victorian State Members of Parliament (or their representative), who shall be a voting member for decision on State policy. Where this position is filled by a representative who is not a member of state parliament, that person shall not have a vote.

## **Policy Sub-Committees**

6. To deal with specific policy areas, the Policy Committee is empowered from time to time to establish or disestablish up to 3 Policy Sub-Committees, each convened by a member of the Policy Committee, and consisting of that member and up to 10 other Party members appointed by the Policy Committee. It is the intention of State Council that these would be generalist committees, and would have responsibility for acting on behalf of the Policy Committee, for example in consulting experts, consulting members, and preparing draft policies for the Policy Committee to consider.

## **Policy Working Groups**

7. State Council may establish or disestablish Policy Working Groups as it considers necessary and determine the number of members to be elected to Policy Working Groups. It is the intention of State Council that these would be specialist committees, and would have responsibility for assisting the Policy Committee through research and consultation on the review and development of policy within their terms of reference.

## **Schedule 1**

### **NAME**

1. The name of the group shall be [NAME] (PWG).

### **PURPOSE AND ROLES**

2. It is the purpose of the PWG, in co-operation with the Policy Committee and as per the State Council approved policy processes, to:
  - a) develop and review policy in the area of [specific policy or policies] during the four-yearly

- substantive policy review;
  - b) monitor developments in its policy area(s), and recommend further variation to policy as necessary;
  - c) provide support to elected representatives and other spokespersons of the Greens, at their request;
  - d) provide interpretation advice to the Policy Committee on any question relating to the policy area(s);
  - e) act as a forum for members of the party to discuss issues in all aspects of the policy area with the view of engaging members in the policy review process, engaging and informing members through discussion on interesting aspects of the policy area, and providing support in the policy area(s) for AGV campaigns; and
  - f) ensure that internal members-only discussions, including online forums, follow Greens safe-meeting practices.
3. While the PWG does not have the responsibility for developing or implementing political strategy in the policy area(s), or implementing specific initiatives, action plans or campaigns, these will be developed in consultation with the PWG where time permits.

## **LIAISON**

4. The PWG will consult, as relevant and appropriate, with:
- a) the Policy Committee;
  - b) constituent groups of the AGV;
  - c) comparable Greens groups in other states and territories, the federal party, and international Greens groups; and
  - d) other individuals with expertise or interest in the policy area.
5. The Policy Committee or State Council may request a report or research on any policy matter within its area, at any time during the life of the PWG.

## **TERM OF OPERATION**

6. The PWG will commence operations when endorsed by the State Council meeting.
7. The PWG is an ongoing working group.

## **MEMBERSHIP**

8. Any financial members of the AGV shall be eligible to stand for election to the PWG.
9. State Council will elect [number] PWG members annually from among all the members of the party. In addition, the parliamentary portfolio holder or spokesperson shall be a member of the PWG. Where appropriate and determined by State Council, a local councillor selected by the local council representatives shall be added to the PWG.
10. Where an extraordinary vacancy exists after an election has been held, PWG members may be appointed by approval of the State Council.
11. Members have an obligation to actively participate in and contribute to the development or review of a policy.
12. A membership attendance list will be kept and registered with the State Secretary.
13. Attendance and participation at meetings, as per meeting procedures below, is open to all members of the AGV.
14. A PWG member will cease to be a member following absence from three consecutive meetings without notice, provided that the Convener may grant special leave of absence from meetings of

the PWG to any member.

## **OFFICE BEARERS**

15. Members of the PWG shall annually elect from among themselves a Convener and Secretary.
16. Where an extraordinary vacancy exists, an office bearer may be appointed by agreement of the PWG.

## **MEETINGS**

17. The PWG shall meet at least once per quarter, either in person or remotely.
18. Notice of meetings will be advertised in advance through the AGV e-bulletin, and per email to branch secretaries and members registered with the PWG.
19. A quorum of any meeting of the PWG shall be at least half of PWG members.
20. A meeting agenda will be provided to all PWG members and other AGV members registered with the PWG prior to the meeting, and will be confirmed at the beginning of the meeting.
21. Actions agreed and decisions made at a previous meeting will be taken as 'not for further discussion', unless a specific agenda item with a written proposal is forwarded to the Convener prior to the meeting.
22. Decisions are generally made by consensus of all present at a meeting. However, in the event that consensus cannot be reached, a 75% majority of PWG members present can be taken as the decision.

## **REPORTING AND ACCOUNTABILITY**

23. A list of decisions made by the PWG will be minuted and distributed to members of the PWG and to the Policy Committee.
24. The Convener will keep the State Council and Policy Committee informed of progress and activities as appropriate, with an annual written report on the group's activities.
25. The Convener must respond to any written correspondence from the Policy Convener or State Secretary.
26. In the event that the PWG fails to meet its minimum meeting and reporting requirements, or in any instance where the PWG is seen to be breaching party rules, the State Council may choose to dissolve the group.
27. The PWG shall not make any public statements without the prior approval of the relevant AGV spokesperson.

## **POLICY CONTENT CHANGES**

28. Any agreed recommendations for policy changes by the PWG are to be presented to the Policy Committee for review and presentation to State Council for ratification. Whether the recommendations have been agreed by consensus or by the standard 75% vote shall be indicated to the Policy Committee.



## 12 Audit and Finance Committee

### Modification History

Action	Body	Date
Approved	State Council	2012-06-23
Amended	State Executive	2015-03-18
Amended	State Executive	2019-06-20
Amended	State Executive	2019-08-22
Amended	State Council	2019-10-02

### Scope

1. This by-law gives effect to Section 69 of the Constitution, which states as follows:  
*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.*
2. The Audit and Finance Committee has the functions set out in the Constitution and this by-law and is independent of other party bodies and shall determine its own procedures.
3. For the purpose of this by-law appropriate accounting qualifications shall mean membership of, or eligibility for membership of, the Institute of Public Accountants, the CPA Australia, the Institute of Chartered Accountants Australia (IPA, CPA or ICAA) as established to the satisfaction of an Office Bearer.
4. Members may be appointed from time to time by the State Conference and State Council, and such an appointment must be included on the agenda of any meeting of the State Conference. At least once in every calendar year, an advertisement must be included a party-wide publication, seeking expressions of interest, in particular from those with appropriate accounting qualifications.
5. An appointment may not be made to the Audit and Finance Committee unless following that appointment at least half of the members of the Committee have appropriate accounting qualifications.
6. The term of office for each member appointed is from when a person is appointed to the Committee until the end of the third State Conference following the appointment, provided that no person may be appointed nor does any person continue to be a member if they are, become or have been during the previous twelve months, a member of the State Executive or of the National Council, a holder of public office, or an employee of the Australian Greens Victoria or the Australian Greens or a member of the staff of a public office holder or the holder of any office of profit under any Green Party.
7. The Committee shall issue such reports and recommendations as it considers appropriate from time to time, to State Conference, State Council or State Executive, and may require that the State Executive publish a Report to the membership generally. All reports and recommendations must be in writing, and must be provided to the Treasurer not less than three days before it is presented.
8. The Audit and Finance Committee shall have access to any financial or related records of the Party, or of any party body.

## **Schedule 1**

The process for the appointment of a member to the Audit and Finance Committee is that:

1. The notice of vacancy, seeking expressions of interest from suitable members, is distributed to the membership.
2. Expressions of interest and curriculum vitae forwarded to FAIC Convenor
3. The prospective member will be interviewed by a panel of between two and four persons drawn from a list of the current members of the Audit and Finance Committee, the Finance Administration and Infrastructure Committee Convenor, the State Treasurer, the State Convenor and the State Director (or their delegate), as mutually agreed.
4. The panel will:
  - a) discuss the responsibility of the position, in particular trust implications
  - b) ensure the applicant understand the duration of the appointment
  - c) ensure the applicant is prepared to sign a confidentiality agreement on appointment
  - d) ensure the applicant indicates their preparedness to develop a work plan and timetable for the year and to report this to State Executive annually
  - e) ensure that the applicant has the personal and professional aptitude to fulfil the intent of the Constitution.
5. That panel will make a recommendation to FAIC and if approved
6. FAIC will make a recommendation to State Council

## 13 Finance Administration and Infrastructure Committee

### Modification History

Action	Body	Date
Approved	State Council	2012-06-23
Amended	State Council	2014-02-01
Amended	State Council	2014-05-24
Amended	State Council	2020-03-28

### Introduction

This by-law should be read in conjunction with the [Expenditure Administration By-law](#).

### Functions

1. The functions of the Finance Administration and Infrastructure Committee are as follows:
  - a) To publish and distribute to each State Councillor a recommended State budget for the party not later than two months prior to the end of any period during which a current budget is due to expire;
  - b) To prepare proposed amendments to the State Party budget for approval of the State Council or State Executive, either of its own motion or when requested to do so;
  - c) Monitor current financial year actual performance against budget. Identify significant departures and recommend remedial action where appropriate
  - d) Determine any rules or procedures for the presentation or structure of financial reports or budgets;
  - e) Write off property or bad debts up to a limit of \$2,000 in respect of any particular item;
  - f) Approve any proposed contra budget appearing within the State Budget, and approve the expenditure of funds within that contra budget, but only up to a limit of \$20,000 in respect of any contra budget;
  - g) Determine administrative and financial procedures (including rules about the operation of the State Office and use of Party property) consistent with any decisions of the State Executive;
  - h) Consider and recommend responses to any report of the Audit and Finance Committee;
  - i) Make recommendations to State Council or State Executive regarding the location, purchase rental and disposition of any Party premises or property under the control of the State Party;;
  - j) Make and amend from time to time a schedule of reimbursement of travel and like expenses for members engaged on Party business other than in relation to expenses incurred in connection with election campaigns.
  - k) Approve the reallocation of values between budget lines in consequence of
    - i. An unanticipated cost overrun or failed to achieve budgeted income in respect of an activity or item within a budget line;
    - ii. An unanticipated saving or an unanticipated windfall in respect of an activity or item within a budget line.

But not;

- iii. So as to increase the overall projected deficit or to reduce the projected surplus beyond what was set by State Council in respect of the current budget period; and
- iv. So as, by implication, to render the termination for redundancy of an employee necessary (but this may be recommended to the Executive).
- v. Reducing any expenditure line within the discretion of the Campaign Committee, without its consent (but this may be recommended to the Executive).

And;

- vi. To avoid doubt, in making an adjustment of the type described by (a). above, then subject only to (c) to (e), action may include reduction in other items provided that items such as contingencies are used first.

To avoid doubt, nothing in these functions is taken to limit the powers of the State Executive to act in relation to any of the matters listed above.

## **Composition**

- 2. The Finance Administration and Infrastructure Committee shall consist of:
  - a) An Executive member (to be Convenor of the Committee);
  - b) the State Treasurer;
  - c) the State Secretary, or in their absence, the Assistant State Secretary;
  - d) the Assistant Treasurer (whenever this position is filled);
  - e) 4 General Members

# 14 Membership Engagement Committee

## Modification History

Action	Body	Date
Approved	State Council	2012-06-23
Amended	State Council	2014-10-18
Amended	State Council	2015-03-28
Amended	State Council	2016-11-05
Amended	State Council	2017-02-04
Amended	State Council	2019-06-01
Amended	State Executive	2019-09-19

## Functions

1. The functions of the Membership Engagement Committee are as follows:
  - a) Making recommendations for appropriate by-laws and subject to those by-laws, establishing and revising policies and procedures governing communication by way of publications between the Party and its members;
  - b) Establishing and revising policies and procedures within the Party to enable the Party to reflect the diversity of the Victorian community;
  - c) Planning and reviewing Party organisational training and education (including publications and resources for the use of members and Branches, etc.), other than that connected with the conduct of election campaigns; in consultation with Branches, Regions and other relevant standing committees;
  - d) Supporting the development of, and overseeing, the operation of identity based internal Party working groups;
  - e) Developing strategies to engage and grow Party membership, and supporting Branches in this endeavour;
  - f) Preparation of plans and strategy proposals in relation to any matters referred to it by State Council or State Executive, and;
  - g) Making recommendations about the above matters to State Council and State Executive.

## Composition

2. Membership Engagement Committee shall consist of:
  - a) The Membership Engagement Convenor elected by postal or electronic ballot of members of the AGV
  - b) The AGV State Convenor or AGV State Secretary or AGV State Assistant Secretary or an Executive Member appointed by the Executive. The method for determining which of these shall be the member shall be that the AGV State Convenor, unless the AGV Convenor declines, in which case it shall be the State Secretary unless the State Secretary declines, and so on.

- c) Three General Members
- d) Up to three members with related specialist experience recommended by the Committee to State Council after an appropriate call for expressions of interest to party members
- e) The most senior staff member of the AGV (or their representative), who shall not have a vote

# 15 Standing Electorate Campaign Committees

## Modification History

Action	Body	Date
Endorsed	State Council	2016-01-30
Amended	State Executive	2018-07-19
Amended	State Executive	2019-02-21
Amended	State Executive	2019-06-20
Amended	State Executive	2019-09-19

## Scope and purpose

1. This bylaw gives effect to clause 55.5 of the Constitution.

## Jurisdiction and Review of Standing Electorate Campaign Committees

2. The State Executive will appoint a person or establish a committee prior to 31 January in each year, which will be responsible for drafting a proposal (the draft report) to determine the number and jurisdiction of standing electorate campaign committees in accordance with this bylaw. The person or committee may be the same as that appointed under clause 14.1 of the Constitution.
3. The person or committee will receive all necessary support from AGV constituent groups, to enable that person or committee to present the draft report to the State Executive by 30 April in each year.
4. The person or committee will, by 14 April, set out as part of the draft report:
  - a) Each Victorian Legislative Assembly and House of Representatives lower house electorate with its newest boundaries (i.e. current boundaries or boundaries gazetted which will take effect at the next general election, whichever are newer), and whether each electorate will or will not be governed by a standing electorate campaign committee. In doing so, the person or committee will set out in the case of each electorate:
    - i) Whether it does not fall wholly or partly within the jurisdiction of a Branch, and therefore clause 55.4 (b) of the Constitution applies; or
    - ii) Whether it falls wholly or partly within the jurisdiction of a Branch, and therefore clause 55.4 (a) of the Constitution applies, and:
      - (1) It is an electorate where on the best information available the person or committee appointed under clause 2 above understands that all Branches in existence with coverage of that electorate have decided that there should not be a standing electorate campaign committee, including past decisions which have not been superseded, in which case there will be no standing electorate campaign committee; or
      - (2) All circumstances other than described in sub clause (1) above, in which case there will be a standing electorate campaign committee.
  - b) Key information about each standing electorate campaign committee. In doing so, the person or committee will set out in the case of each standing electorate campaign committee:

- i) Its name (which will usually take the form “[Electorate/s] State ECC” or “[Electorate/s] Federal ECC”);
  - ii) The electorate/s it covers (a committee can cover up to 3 State electorates or up to 2 Federal electorates (but not a combination of State and Federal electorates) if on the best information available the Branches in the relevant areas wish it to be the case, or if the pre-existing structure has allowed for it, otherwise there will be one committee per electorate. Where there is an incumbent Greens MP or by a decision of State Council including through the adoption of a campaign strategy identifying priority or winnable electorates, there will be one committee per electorate);
  - iii) Based on the report provided to the State Executive under clause 14.5 of the Constitution, the number of representatives each Branch is entitled to appoint as member of the committee, such that:
    - (1) If there is only one Branch which falls wholly or partly within the jurisdiction of the committee, that Branch shall be entitled to appoint 4 or 5 representatives;
    - (2) If there are two or three Branches which fall wholly or partly within the jurisdiction of the committee there will be six Branch representatives in total.
    - (3) If there are four or more Branches which fall wholly or partly within the jurisdiction of the committee there will be seven Branch representatives in total.
    - (4) The number of positions appointed by each Branch will be as closely as possible consistent with that Branch’s proportion of the membership in the relevant electorate(s), provided that then, without increasing the number, any Branch without a representative will be allocated one. Where any Branch entitled to one representative has advised that it does not wish to appoint such a representative, the number of positions determined in this clause will not take into account such a Branch.
  - iv) Whether the committee is currently suspended under clause 55.9 of the Constitution and when the suspension is to be lifted, if known.
5. The person or committee will then:
- a) Forward the draft report to all Branches, existing standing electorate campaign committees and the Victorian Campaign Committee for comment, not less than 14 days before its scheduled consideration by the State Executive;
  - b) Consider comments on the draft report which are received not less than 7 days before the draft proposal’s scheduled consideration by the State Executive, and any other comments as it chooses; and
  - c) Provide to the State Executive an updated draft report incorporating any amendments which are necessary due to the identification of any errors or due to new information being disclosed in relation to clauses 4(a) or 4(b). Other comments received which did not result in amendment/s will be attached to the updated draft report.
6. Upon receiving the updated draft report the State Executive will, by 30 April, either: endorse it; or amend it to reflect comments made, including those made by a Branch, existing standing electorate campaign committee or the Victorian Campaign Committee, or to correct any error.
7. Upon endorsing the report and by 7 May, the State Executive will release the endorsed draft report (the final report) to State Council members, Branches, existing standing electorate campaign committees and members of the Victorian Campaign Committee, and the findings of the final report will come into effect and be binding as at 1 July. If there is an objection to the decision made by the State Executive under this clause, the State Executive may refer a matter to the State Council if it considers appropriate, or may vary its own decision.
8. By 14 May, the State Secretary or delegate will write to all office bearers of Branches and existing standing electorate campaign committees within the jurisdiction of each standing electorate campaign committee which will come into (or have continuing) effect as at 1 July and which is not suspended, setting out the name, jurisdiction, powers, responsibilities and membership structure of the committee, so as to



ensure that Branches and existing standing electorate campaign committees are specifically aware of any changes to campaign structures and are reminded of Branch representative appointment entitlements.

## **Powers and Responsibilities of Standing Electorate Campaign Committees**

9. With full and ongoing support from the relevant branches, standing electorate campaign committees will have the power and responsibility to do the following in relation to the electorates within its jurisdiction:
  - a) Conduct (but not determine the method of) preselection;
  - b) Determine the campaigning strategies to be used within the area under their jurisdiction, by complementing and by not contradicting endorsed strategies and decisions of the Victorian Campaign Committee and State Council (and the National Council in the case of Federal electorates);
  - c) Develop a budget and make expenditures in line with established campaign goals;
  - d) With the approval of the most senior staff member of the AGV, conduct any staff employment process, noting however that only the most senior staff member of the AGV may sign employment contracts;
  - e) Establish, if it considers appropriate, a campaign management team to coordinate the campaign on a day to day basis, and delegate to that team clearly defined powers other than the power to alter the endorsed budget, or to make expenditure decisions which are not consistent with the endorsed budget. If a campaign management team is established, it will be required to record its decisions and report in writing to each meeting of the committee advising of all substantive decisions it has made;
  - f) Appoint a Returning Officer, either for a specific election, or on an ongoing basis;
  - g) Contribute to a supportive and accountable working environment for all people working on the campaign;
  - h) Manage local access and appropriate input to information systems to maintain data integrity; and
  - i) Co-opt committee members in accordance with clause 12(f).
10. Standing electorate campaign committees are at all times accountable for:
  - a) Ensuring its financial management is undertaken in accordance with the Financial Management and Reporting Bylaw;
  - b) Ensuring its financial record keeping is undertaken in accordance with clauses 55.7 and 55.8 of the Constitution and any advice issued by the State Council or its standing committees;
  - c) Ensuring that donations received by the committee are managed in accordance with the Donations and Loans Bylaw;
  - d) Providing all necessary information to the State Convenor, the Secretary and the Treasurer, Party Agent and Registered Officer for the purposes of compliance with relevant Commonwealth or Victorian legislation; and
  - e) Complying with directives of the State Council and/or the Victorian Campaign Committee.
11. Standing electorate campaign committees must provide a written report within three months of the conclusion of an election for the electorate/s it covers to its constituent Branches and the Victorian Campaign Committee, setting out the findings and recommendations of the committee in relation to the campaign. The Victorian Campaign Committee may direct that the written report take a particular form.

## **Membership of and Roles Within Standing Electorate Campaign Committees**

12. Standing electorate campaign committees will consist of:

- a) Branch representatives as set out in the report endorsed and released by the Executive under clause 7, plus one Branch representative from any Branch which falls partly or wholly within the electorate(s) overseen by the committee and which was established after the endorsement of the report in respect of any year, who shall be voting members;
  - b) The endorsed candidate/s for the electorate/s within the jurisdiction of the committee, who shall be voting members;
  - c) Where there is an incumbent Greens MP in the electorate within the jurisdiction of the committee, that MP or an AGV Member appointed by that MP, who shall be a voting member;
  - d) At the Victorian Campaign Committee's discretion, an AGV member appointed by the Victorian Campaign Committee, who shall be a non-voting member of the committee and who may not block consensus on any question before the committee;
  - e) The most senior staff member (who is an AGV member) employed to work on a campaign for an electorate covered by the committee, who shall be non-voting members of the committee and who may not block consensus on any question before the committee;
  - f) Any AGV Member the committee decides to co-opt, including:
    - i) Persons with the responsibility of liaising with other campaign committees operating in the same area, for example a Local Government election campaign committee established by a Branch. Such persons will be non-voting members;
    - ii) One member from a Branch which falls partly or wholly within the electorates overseen by the committee, if the Branch is not already represented on the committee (that is, a Branch which had a resolution that it did not wish to appoint such a representative which was current at the time of determination of the report under clause 7, but where that Branch has later resolved that it does wish to appoint such a representative). Such a person will be a voting member;
    - iii) Any member of the campaign management team, if one has been established, who is not otherwise a member of the committee. Such a person will be a non-voting member; and
    - iv) Any other person to complement the skills of existing committee members. Such persons will be non-voting members.
13. Branch representatives will be elected by their Branches from time to time such that:
- a) If a Branch has not had a general election for its fully entitled number of Branch representatives on the committee since its previous Annual General Meeting, a fresh election for all the Branch's representatives must be held at the Annual General Meeting; and
  - b) A Branch may fill any casual vacancy for one or more of its representatives at any time.
14. Branch representatives are expected to report committee activities and decisions to their Branches and to communicate the expectations of their Branches to the committee.
15. A Branch representative member may be removed at any time by a Branch, or by a two-thirds majority vote of a standing electorate campaign committee, upon which the Branch may appoint a new representative.
16. Standing electorate campaign committees will appoint office bearers, being a Convenor (or co-Convenors), a Secretary (or co-Secretaries) and a Treasurer (or co-Treasurers), on an annual basis at their first meeting after 1 July, or at the next general meeting of the committee where there is any vacancy in any office.
17. The Convenor (or co-Convenors) shall be responsible, among other things, to facilitate meetings or appoint meeting facilitators, be the main contact person/s for the committee and provide the Victorian Campaign Committee with written reports on the activity of the standing electorate campaign committee as and when requested.
18. The Secretary (or co-Secretaries) shall be responsible, among other things, to provide notice of meetings and prepare and distribute meeting agendas after consulting the Convenor, and prepare and distribute meeting minutes, keep a record of all committee correspondence and other documentation, and provide the AGV State Secretary with any committee documentation requested.

19. The Treasurer (or co-Treasurers) shall be responsible, among other things, to lead the committee's budget planning process, provide financial reports to meetings of the committee (except where a staff member has been employed to undertake this role), lead the committee's financial management and record keeping work (except where a staff member has been employed to undertake this role), and provide the AGV State Treasurer with any committee documentation requested.
20. The standing electorate campaign committee will choose one of its members to be the campaign co-ordinator for the purposes of clause 55.7 of the Constitution. This will normally be an office bearer or a staff member employed to work with the committee.

## **Meetings of Standing Electorate Campaign Committees**

21. Quorum of any meeting of any standing electorate campaign committee shall be a majority of all voting members appointed as at the date of the meeting, or 3, whichever is more.
22. Standing electorate campaign committees will meet at least once per year, and:
  - a) If the committee covers a State electorate/s, at least quarterly during the 12 months preceding a State general election; or
  - b) If the committee covers a Federal electorate/s, at least quarterly during the period between two years following a Federal general election and the next Federal election.
23. Where the date for the next meeting has not been set in advance by a meeting of a standing electorate campaign committee, the committee Secretary, after consulting the Convenor, shall be responsible for advertising the next meeting with at least five days notice. Meetings may be called with less than five days notice if the Convenor and Secretary can reasonably establish an urgent reason to do so.

## **Transitory Provisions Upon Dissolution or Change of Jurisdiction of Standing Electorate Campaign Committees**

24. Where, in advance of 1 July of any year and in accordance with the report endorsed and released by the Executive under clause 7 a standing electorate campaign committee is anticipated either to be dissolved or to change its jurisdiction in a way which alters the Branch representative makeup of the committee (i.e. different Branch/es will fall within the committee's jurisdiction and/or Branch representative entitlements change), the committee will, by 30 June, attempt to decide how any funds or other resources held by the committee will be redistributed. Any decision on this question must be by consensus, and any funds held by the committee may not be transferred to a Branch except with the permission of the Finance, Administration and Infrastructure Committee. Where any committee has failed to reach consensus on this question, the State Executive may determine the fair redistribution of any funds held by the committee.
25. Where, in advance of 1 July of any year, a standing electorate campaign committee is anticipated to materially change its jurisdiction (i.e. different Branch/es will fall within the committee's jurisdiction) in accordance with the report endorsed and released by the Executive under clause 7, Branches should elect their representatives to the post 1 July committees as soon as practicable after the release of the report.

## **Special Provisions in the event of redistributions**

26. The State Executive may, if it deems that clause 4 (a) will not adequately allow for Standing Electorate Campaign Committees to be formed on newly gazetted boundaries of electorates within the relevant 12 month period, establish a process to review the scope and jurisdiction of Standing Electorate Campaign Committees affected by the gazetted new boundaries following the redistribution.
27. Any review under clause 26 must have its parameters determined by the Executive, and generally be consistent, where relevant, with clauses 2 to 8 of this bylaw, disregarding the time period requirements.

## **Interpretational Issues**

28. Wherever this bylaw provides for a Branch to provide advice to another body or person, or to agree or not agree to any act matter or thing, that body or person shall be entitled to rely upon written advice (or agreement, etc.) from the relevant Branch Secretary or Convenor as representing the Branch's position.

## 16 Working Groups

### Modification History

Action	Body	Date
Endorsed	State Council	2019-02-02
Amended	State Executive	2019-06-20

1. The State Council and constituent groups may establish Working Groups for specific purposes and in so doing will determine their membership, duration and other relevant matters which should be set out in a terms of reference. This bylaw applies to any such Working Groups, with the exception of Policy Working Groups, which are regulated under the Policy Committee bylaw.
2. Working Groups will be accountable to the State Council or the constituent group that established them ('the establishing body').
3. Working Groups are required to follow The Charter and policy frameworks of the Greens.
4. The establishing body shall appoint an interim Convenor to establish a Working Group. Once a Working Group is established, it shall elect a Convenor, Secretary and, where the group holds funds, Treasurer on an annual basis.
5. Working Groups may also be delegated specific decision-making powers by the establishing body and shall not make any decisions outside this delegation that commit the AGV. Decision-making processes of Working Groups shall follow the rules for decision-making set out in Chapter 3.6 of the Constitution.
6. A Working Group shall meet not less than every three months unless otherwise provided for in its terms of reference. If its terms of reference provide for the holding of an Annual General Meeting, a Working Group will convene such a meeting on a day during July, August or September in each year. If a Working Group does not meet as required by this part, the establishing body may undertake a review of the Working Group.
7. The quorum for a meeting of a Working Group shall be three, unless otherwise provided for in its terms of reference.
8. The Secretary of a Working Group shall ensure that meeting minutes are taken and submitted to the State Secretary or the Secretary of the establishing body.
9. Working Groups shall report to the establishing body at least annually.
10. The establishing body shall review the terms of reference of Working Groups annually.

# 17 Meeting Protocols

## Modification History

Action	Body	Date
Approved	State Council	2005-02-19
Amended	State Council	2012-06-23
Amended	State Executive	2019-04-18
Amended	State Executive	2019-05-23
Amended	State Executive	2019-06-27
Amended	State Executive	2019-08-15
Amended	State Council	2019-09-07
Amended	State Council	2019-09-18

## Notice of meetings

1. The incoming Executive must prepare a draft schedule of meeting dates for State Executive, State Council and State Conference for the following twelve months, to be posted in the members-only section of the AGV website. This schedule will be updated as necessary.
2. Notice of the date, time and venue of an Executive meeting must be posted in the members-only section of the AGV website no later than seven days before that meeting or as soon as the meeting is called, whichever is later.
3. Notice of the date, time and venue of the State Council meeting must be posted in the members-only section of the AGV website and sent out to all State Councillors no later than 7 weeks before the meeting.
4. Notice of the date, time and venue of the State Conference meeting must be posted in the members-only section of the AGV website and sent out to all members no later than 6 weeks before the meeting. Where a member elects not to receive party communication by email, they are entitled to receive a hard copy notice.
5. Notice of the time and place of a Branch or Regional Council Annual General Meeting, including notice of the calling of nominations for any election of an office bearer of the Branch or Regional Council, must be given to all Branch or Regional Council members in good time. Where a member elects not to receive party communication by email, they are entitled to receive a hard copy notice.

## Agenda items

6. Agenda items for State Council and State Conference must be lodged with the State Secretary no later than 6 weeks before the meeting.
7. Agenda items for State Executive must be lodged with the Assistant State Secretary no later than 3 days before the meeting.
8. The agenda of any party meeting will specify that the beginning of each meeting will, before any substantive matters are discussed, include:
  - a. an acknowledgement of traditional landowners; and

- b. a reminder of the party's Code of Conduct, complaints process and the contact person for that meeting.
9. Branch meetings will include an agenda item to discuss policy related matters unless the Branch has put other provisions for policy discussion by Branch members in place.

## **Late agenda items**

10. The State Convenor/s and State Secretary are jointly responsible for deciding whether to accept late agenda items for urgent consideration by State Council or State Conference. Unless absolutely necessary, late agenda items should only be considered under 'Other Business'.
11. The Assistant State Secretary is responsible for deciding whether to accept late agenda items for urgent consideration by State Executive, taking into account other options such as QDMG. Unless absolutely necessary, later agenda items should only be considered under 'Other Business'.

## **Timeline for agenda**

12. The draft agenda for an Executive meeting must be posted in the members-only section of the AGV website no later than 48 hours before that meeting.
13. The draft agenda for a State Council or State Conference meeting must be posted in the members-only section of the AGV website and sent out to all State Councillors no later than 5 weeks before the meeting.

## **Supporting documents**

14. Documents relating to substantive proposals on the agenda of a State Council or State Conference meeting must be posted in the members-only section of the AGV website and sent out to all State Councillors no later than 4 weeks before the meeting.
15. The State Convenor/s and State Secretary are jointly responsible for deciding whether to accept agenda items for State Council or State Conference not accompanied by explanatory notes or discussion papers.

## **Reports**

16. Reports to State Council or State Conference may be posted in the members-only section of the AGV website and distributed to all State Councillors up until one week before the meeting. Items for report only may not contain substantive proposals or decisions for ratification

## **Distribution of minutes**

17. Draft Executive minutes must be circulated to Executive members within one week of the meeting they relate to, and the final version must be posted in the members only section of the AGV website within one week of their confirmation at the following Executive meeting.
18. If Executive minutes are not confirmed within five weeks of the original meeting, the unconfirmed minutes must be posted in the members only section of the AGV website in lieu of the final version. If the unconfirmed minutes are unavailable, a report by the Assistant State Secretary must be sent to State Councillors within five weeks of the relevant meeting explaining why the minutes are not available, and providing a substantive report on the proceedings and decisions of the meeting.
19. Draft State Council minutes must be sent out to all State Councillors, Branch Secretaries and the National Secretary within three weeks of the State Council meeting, inviting corrections or proposed amendments to be sent to the State Secretary. A final draft incorporating non-contentious corrections, and listing proposed amendments (if any) as an appendix, must be included with the papers for the next State Council meeting.

20. Draft Annual or Special State Conference minutes must be included with the papers for the next State Council meeting. Time will be set aside at the State Council meeting for business arising from the State Conference minutes, including debate (if any) over their accuracy; however, the minutes cannot be confirmed until the next State Conference.

## **Posting on website**

21. All meeting documents (that is, all agendas, minutes and papers) for meetings of State Conference, State Council, and State Executive must be posted in the members-only section of the AGV web-site.

## **Saving provision**

22. Failure to comply with this bylaw shall not in itself affect the validity of any meeting, provided other requirements have been met under the Constitution, bylaws or relevant legislation.



# 18 Standing Orders of State Council

## Modification History

Action	Body	Date
Approved	State Council	2011-02-26
Amended	State Council	2011-12-10
Amended	State Council	2012-06-23
Amended	State Council	2019-02-02
Amended	State Council	2019-07-06
Amended	State Executive	2019-07-18
Amended	State Executive	2019-08-15
Amended	State Council	2019-09-18
Amended	State Executive	2019-09-19
Amended	State Council	2019-10-02

Note: excerpts or descriptions of the State Constitution are shaded in grey and are for reference only; such references do not themselves constitute Standing Orders.

## Purpose

1. The Standing Orders, along with the State Constitution, are the principal source of procedural authority for meetings of State Council. All meetings of State Council are to be conducted within the framework provided by these Standing Orders. Adherence to these Standing Orders is required for the proper conduct of State Council meetings.

## Agenda

The agenda is set by the State Secretary in line with the State Constitution and by-laws.

2. The agenda will specify the order and substance of matters for reporting or for debate.
3. The agenda will include the full text of any and all Proposals (see Standing Orders: Proposals).
4. The State Secretary may in framing the Agenda list a matter for “Discussion” or for “Formal Decision or Approval”. The agenda will include the words “For report only” or “Formal Decision or Approval” at agenda items where it is proposed that no discussion be entered into.
5. The name of the facilitator for any and all parts of any State Council meeting will appear in the agenda. The facilitator will be the State Convenor, or appointee of the State Convenor.
6. The agenda will specify that the beginning of each meeting will, before any substantive matters are discussed, include:
  - a) an acknowledgement of traditional landowners;
  - b) a reminder of the party’s Code of Conduct and complaints process and the contact person for that meeting;

- c) a determination by the facilitator of whether or not the meeting is quorate (see Standing Orders: Quorum);
- d) a declaration of observers;
- e) a report of State Councillors absent with apologies;
- f) the Proposal “that the proposed agenda and facilitators be agreed to”. To this Proposal, State Councillors may propose amendments to:
  - i. select different facilitators for any particular agenda item;
  - ii. add agenda items;
  - iii. add or delete the words “For report only” as appropriate to any part of the agenda;
  - iv. move any items marked “For Formal Decision or Approval” to items for discussion; or
  - v. propose a variation to the time allocation;
- g) a moment where the facilitator will ask State Councillors to disclose any material personal interest they have in relation to any scheduled agenda item. State Councillors must disclose any material personal interest in relation to any matter being considered at this point or as soon as they become aware of their interest in the matter. Any disclosure must:
  - i. give details of the nature and extent of the interest;
  - ii. give details of the relation of the interest to the matter being considered; and
  - iii. be recorded in the minutes, with brief details.

Any State Councillor who has a material person interest must not be present, block consensus or vote while the relevant matter is being considered, and must disclose the nature and extent of their interest in the matter at the next State Conference.

## Quorum

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.

7. The facilitator will determine whether State Council is quorate at the beginning of every meeting. No decision of State Council is valid unless the facilitator has declared that the meeting is quorate.
8. State Council is deemed to be quorate until the meeting is closed by the facilitator, except if any State Councillor draws the attention of the facilitator to a possible lack of quorum at any time during a meeting, whereupon the facilitator will count State Councillors present to determine whether or not the meeting is still quorate.

## Discussion

9. The facilitator will allow discussion at any point in the agenda where the words “For report only” or “For Formal Decision or Approval” do not appear. State Councillors should refrain from seeking recognition to speak during times that the facilitator has not opened discussion unless there is good reason to do so.
10. A State Councillor wishing to speak must indicate and be recognised by the facilitator before speaking.
11. If two or more State Councillors seek recognition to speak, the facilitator will keep a list and allow any State Councillor making a proposal to speak first and take any questions from the floor, and thereafter recognise State Councillors in the order in which recognition was sought. The facilitator will be flexible with the order of recognition of speakers (for example, in the interests of affirmative action or to ensure the maximum participation of all involved or to allow for discussion of different views).
12. The facilitator may choose to allow observers to address the meeting. If so, the above will apply.

13. The facilitator will have the right to speak at any time. Minimal discussion on substantive matters will be entered into by the meeting facilitator.
14. The facilitator will close discussion when the time allotted for the agenda item has expired. An extension of time will only be permitted if a procedural question is agreed to (see Standing Orders: Procedural Questions).

## **Order**

15. State Councillors will at all times during meetings adhere to the Code of Conduct and also:
  - a) respect the authority of the facilitator to facilitate debates and maintain order; and
  - b) adhere to requests from the facilitator for silence at any point.
16. A point of order may be raised with the facilitator by any State Councillor at any time if the State Councillor believes the standing orders are being breached. After the point of order has been raised with the facilitator, debate on all other matters will be suspended until the facilitator has addressed the matter.
17. If the facilitator deems the frequency or substance of points of order from any one State Councillor to be deliberately vexatious, that State Councillor must abide by any request of the facilitator to cease raising points of order for a period of time stated by the facilitator.

## **Decision-making Process**

18. Every proposed decision of State Council will:
  - a) begin with the word “that”;
  - b) be recorded in the minutes; and
  - c) have the outcome recorded in the minutes in the terms “agreed to” or “not agreed to”.
19. For the purposes of the Standing Orders, all proposed decisions before State Council will be classified in one of two ways:
  - a) proposals relating to substantive matters (see below); or as
  - b) procedural questions relating to procedure (see below).

## **Proposals**

20. Proposals are important questions of substance (not procedure) to which the principles of consensus decision-making will be fully applied.
21. Proposals will only be considered if:
  - a) they appear in the agenda; or
  - b) a procedural question to allow consideration is agreed to (Standing Orders: Procedural Questions); or
  - c) a workshop held earlier during the meeting has constructed a Proposal that is directly relevant to the agenda item.
22. Proposals will be written.
23. Proposals will be numbered, with numbering beginning at 1 at the beginning of each new agenda item.
24. Proposals will be minuted consistently as follows:
  - a) If a Proposal is dealt with in the usual way:
    - i. *PROPOSAL [number]: that [text of proposal in full].*
    - ii. *PROPOSAL [number] [not] agreed to.*
  - b) If a Proposal lapses:

- i. PROPOSAL [number]: that [text of proposal in full].*
    - ii. A procedural question, “that the proposal lapse”, was agreed to.*
    - iii. PROPOSAL [number] lapsed.*
  - c) If a Proposal is deferred:*
    - i. PROPOSAL [number]: that [text of proposal in full].*
    - ii. A procedural question, “that the Proposal be considered at [a later time this day / the next meeting]”, was agreed to.*
    - iii. PROPOSAL [number] deferred.*
  - d) If a Proposal is put to a vote as required by a procedural question being agreed to:*
    - i. PROPOSAL [number]: that [text of proposal in full].*
    - ii. PROPOSAL [number] not agreed to.*
    - iii. A procedural question “that the proposal be put to a vote” was agreed to.*
    - iv. PROPOSAL [number] was put to a vote and was [not] agreed to ([number] Ayes; [number] Noes; [number] Abstentions).*

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

## **Amendments to Proposals**

25. Amendments to Proposals will, if longer than ten words, be written.
26. Amendments will be determined by consensus or, if required, by straw poll (50% +1 required to carry).
27. If an amendment is accepted, the original Proposal as amended, becomes the substantive Proposal, otherwise the original Proposal stands.
28. Further amendments, if any, will be dealt with sequentially as above, provided that:
  - a) amendments to amendments (other than grammatical improvements) will not be permitted; and
  - b) concurrent consideration of two or more amendments will not be permitted.
29. When all amendments raised have been determined, the substantive Proposal (as amended or not) is put for determination by the meeting according to normal decision making procedures.

## **Procedural questions**

30. Procedural questions are administrative in nature and must be dealt with immediately once raised.
31. Procedural questions may be raised by any State Councillor at any time. If the facilitator deems the frequency or substance of procedural questions from any one State Councillor to be deliberately vexatious, that State Councillor must abide by any request of the facilitator to cease raising procedural questions for a period of time stated by the facilitator.
32. Once a procedural question is raised by a State Councillor, that State Councillor may briefly state a reason for raising it and the facilitator must then immediately ask State Councillors if there is any dissent to the procedural question being agreed to. Following this:
  - a) if there is no dissent, the procedural question is agreed to; or
  - b) if there is dissent, the facilitator may allow the reasons for dissent to be stated briefly, then must ask for a show of hands of State Councillors. A simple majority is required for the procedural question to be agreed to, with the exception of the procedural questions to put a proposal to a vote or to suspend Standing Orders, which require a 75% super majority for the procedural question to be agreed to.

33. Procedural questions will only take the form of one of the following phrases or of those referred to elsewhere in these Standing Orders:
- a) “that time for discussion on the Proposal now expire”
    - i. The effect of this procedural question being agreed is to require the facilitator to immediately test for consensus on the Proposal, that is, to end any discussion immediately.
    - ii. It should not be used in an attempt to silence dissent, and generally should only be used if the time allotted to debate is nearing its end.
  - b) “that the Proposal be considered at a later time this day”
    - i. The effect of this procedural question being agreed is to require the State Secretary to schedule time later in the day for further consideration of the Proposal at hand.
  - c) “that the Proposal be considered at the next meeting”
    - i. The effect of this procedural question being agreed is to require the State Secretary to include the Proposal, in its exact form, on the agenda for the next State Council meeting.
  - d) “that the matter be considered at the next meeting”
    - i. The effect of this procedural question being agreed is to require the State Secretary to schedule time on the agenda for the next State Council meeting for debate on the substantive matter at hand, but allows flexibility for the redrafting of any Proposals.
  - e) “that the Proposal lapse”
    - i. The effect of this procedural question being agreed is to defeat, rather than defer, a Proposal, without first testing for consensus. It should only be put if it has become apparent that a decision on the matter is not required.
  - f) “that Proposal [number] be now considered”
    - i. The effect of this procedural question being agreed is to consider a Proposal in a different order to that stated on the agenda.
  - g) “that the Proposal be put to a vote”
    - i. The effect of this procedural question being agreed is to put the Proposal at hand to a vote.
    - ii. It should only be put for the reasons stated in the State Constitution; that is, that “if, after a reasonable period of time, disagreement persists and a decision cannot be deferred, the question will be resolved by vote.”

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 vote. The procedural question to this effect will be deemed to have been carried if it is supported by at least a 75 per cent majority.

- h) “that the names and votes of State Councillors voting be recorded”
  - i. The effect of this procedural question being agreed is for the names of those State Councillors voting for, against, or abstaining from the previous Proposal, to be recorded in the minutes.
  - ii. The procedural question must be put within five minutes of the facilitator declaring the outcome of the Proposal in question.
  - iii. In the event that the list of names by vote type contradicts the total recorded in the minutes, the totals will be amended to reflect the list.
- i) “that a Proposal regarding [very short description of substance of proposal] be considered”
  - i. The effect of this procedural question being agreed is for State Council to consider a Proposal that did not appear on the agenda.

- j) “that consideration of this agenda item be extended for [number] minutes”
    - i. The effect of this procedural question being agreed is to extend time for discussion beyond the time allowed for in the agenda.
  - k) “that the words ‘For report only’ be removed from the agenda”
    - i. The effect of this procedural question being agreed is to open discussion at a time when the agenda does not allow for open discussion (see Standing Orders: Discussion).
    - ii. In all but the most important of cases, State Councillors should only seek to have the words “For report only” removed from parts of the agenda at the beginning of the meeting.
  - l) “that the ruling of the facilitator be overturned”
    - i. The effect of this procedural question being agreed is to overturn the facilitator’s most recent ruling on a procedural matter.
    - ii. It must only be raised in the most serious of cases.
  - m) “that the facilitator step down”
    - i. The effect of this procedural question being agreed is to require the facilitator to step down, and for the State Convenor to choose another facilitator.
    - ii. It must only be raised in the most serious of cases.
  - n) “that [Name] cease raising procedural questions”
    - i. The effect of this procedural question being agreed is to disallow any one State Councillor from raising procedural questions for the rest of the meeting.
    - ii. It must only be raised in the most serious of cases.
  - o) “that the standing orders be suspended for [number] minutes to allow for [details of matter]”
    - i. The effect of this procedural question being agreed is to suspend the standing orders for a determined amount of time.
  - p) “that the meeting go in camera to discuss [details of matter]” and, if necessary, “and that [observers’ names] be permitted to stay due to [short rationale]”
    - i. The effect of this procedural question being agreed is for the meeting to go in camera and, if necessary, for certain observers to be permitted to stay.
    - ii. This procedural question should only be raised when absolutely necessary.
34. Procedural questions will be minuted consistently as follows:  
A procedural question, “that [text of question]”, was [not] agreed to.
35. Unlike for the recording of the outcomes of Proposals, if procedural questions are put to a vote by show of hands, votes, including abstentions, are not recorded in the minutes.

## **Items for Discussion**

36. As far as reasonably practicable items listed for Discussion should fall into two categories:
- a) Items listed for short discussion, which generally should be:
    - i. very limited in number;
    - ii. limited to 10 minutes duration; and
    - iii. either uncontroversial (e.g. a motion of thanks, which it would be inappropriate to put through without consideration) or necessary (e.g. because the information on which a recommendation could be based could only be available at the last minute, such as legal advice or a cost-quote, but where the matter was otherwise uncontroversial).
  - b) Items listed for full discussion, which should generally:

- i. be no more than 3 or 4 in number;
  - ii. be given a minimum of one hour each on the Agenda, or a workshop plus at least half an hour; and
  - iii. as far as practicable, contain a brief summary of:
    1. the history of the matter;
    2. the contending views. (Only in unusual circumstances should a matter be listed for major discussion where there were no serious and contending views. As far as practicable, where there are contending views, any proposals which those holding those contending views would like to see adopted, should be circulated); and
    3. links to relevant articles etc.
37. Proposals with budgetary implications must indicate where changes to income and/or expenditure would need to be made in order to balance the current budget.
38. It is the particular responsibility of State Councillors representing Branches to report before the meeting on what the issues are which are listed for major discussion, and on the outcomes of these discussions.

## **Decisions and Recommendations of Standing Committees**

39. For a Decision or Recommendation to be on notice, it must have been drawn to the attention of State Councillors by way of a Notice Paper that lists all of the Decisions and Recommendations made by the Standing Committees since the last State Council meeting 7 clear days prior to State Council.
40. Where a decision or recommendation of a Standing Committee has been omitted or abridged in part or whole, for reasons of confidentiality, any State Councillor may request that the full decision or recommendation be made available to them.

## **Decisions of Standing Committees**

41. All Decisions made by Standing Committees which are “on notice” shall not unless listed be the subject of any consideration by State Council unless formal objection is received from either:
- a) Three members of State Council (extending beyond the membership of one Branch) given in writing to the State Secretary and to the Convenor of the relevant Standing Committee at least 2 clear days prior to the meeting (e.g. Wednesday for a Saturday meeting), or
  - b) Ten members of state council given in writing to the State Secretary and to the Convenor of the relevant Standing Committee, if present, (and in any case the facilitator of the meeting) within 30 minutes of the commencement of the meeting;
- and stating the Decision to which objection is taken and briefly stating the grounds of objection.
42. State Councillors must not object pro forma.
43. The giving of this notice shall permit a procedural proposal to be put as follows by “That State Council considers proposals for the disallowance or amendment of the [identified] Decision of the [named] Standing Committee”.
44. After allowing not less than one speaker in favour of the procedural proposal, it shall be put to a vote, and if carried, the Agenda of that meeting will be altered accordingly.
45. Any Decisions of any Standing Committee which have been made but are not “on notice” must (unless confidential – see above) either be read out to the State Council meeting or distributed early in the meeting in written form. In these circumstances the procedural resolution described above may be moved by any State Councillor during the meeting. (Note- this is a reason why as a general proposition Standing Committee meetings should be held at least 10 days before State Council.)

## **Recommendations of Standing Committees**

46. All the recommendations of standing committees which are on notice and which are listed "For Formal Approval" shall be put to State Council as a single proposal in the following form, for which consensus shall be tested: "That all recommendations on notice of Standing Committees not listed for discussion, and listed only for formal approval, be approved." If formal objection is received from 3 State Councillors (not all being from one Branch) in writing to the Secretary (with a copy to the Convenor of the relevant Standing Committee) at least 2 clear days prior to State Council, the relevant recommendations shall be included as normal agenda items.
47. If consensus is not reached on the proposal described above ("That all recommendations on notice of Standing Committees not listed for discussion, and listed only for formal approval, be approved") discussion will be adjourned forthwith, after the facilitator has determined which State Councillors object to which recommendation(s), and the testing for consensus on the remaining Recommendations to which no objection is taken. It shall then be the responsibility of the State Secretary or Assistant State Secretary, the State Councillors and the Convenors (or if absent other members) of the relevant Standing Committee to discuss in respect of each objection:
- a) Whether there is an amendment which does not alter the character of the proposal but which can meet the objection, and that consensus be sought on that revised version of the recommendation; or
  - b) Whether it should be referred back to the Standing Committee for further consideration;
  - c) Whether the item needs to be listed for discussion, and if so at the present meeting or at a later meeting.
- It is the responsibility of the State Secretary or Assistant Secretary (as the case may be) to bring back to the meeting a procedural proposal for a course of action in respect of each Recommendation, consistent with the above.
48. Recommendations which do not meet the definition of on notice (7 clear days) must either be listed for discussion, or deferred to the next meeting.
49. Recommendations from the State Executive are to be treated in the same manner as recommendations from a Standing Committee. This is by way of distinction from Decisions of the Executive, which require ratification.



# 19 Confidential Information and In Camera Matters

## Modification History

Action	Body	Date
Endorsed	State Executive	2019-08-15
Amended	State Executive	2019-09-19

1. The AGV has a commitment to openness and transparency. However, the unauthorised disclosure of confidential information and in camera matters may harm the AGV. There are also serious legal, privacy, reputational and natural justice risks in sharing such matters. To avoid doubt, this bylaw confers no rights on persons who are not members of the AGV.

## Confidential Information

2. For the purpose of this bylaw, “confidential”, in relation to any information, such as a record or document of any kind, means that access is only available to those persons:
  - (a) who, are required in the execution of their duties as an authorised office- bearer of the AGV or its constituent groups or as a member of any appointed or elected Committee (including of any body established under these rules) to have such access;
  - (b) who are required in the performance of their duties as a duly appointed or authorised employee or agent of the AGV to have such access;
  - (c) who have been authorised to have access to that information by the office-bearer or the most senior staff member who has the care custody or control of such information;
  - (d) who have access pursuant to a decision of the State Executive or the State Council;
  - (e) who are investigating a relevant matter as a member of the Misconduct or Administrative Review Panels, or who are required to see such information as part of an effective investigation; and
  - (f) to whom in all the circumstances the release is harmless and reasonable.
3. Any constituent group may (subject to any contrary decision of State Council) determine that any information is confidential and limit access to a particular record or class of records to certain named persons or officers, but should do so only on reasonable grounds.
4. Until and unless a decision is otherwise made under this bylaw, the following information is confidential:
  - (a) minutes of and matters discussed in meetings held in camera;
  - (b) records relating to the performance, selection, appointment or termination of individual staff;
  - (c) records relating to litigation or potential litigation, or like dispute, where the release of such records might prejudice the position of the Party;
  - (d) records relating to any commercial negotiation where the release of such records might prejudice the position of the Party;
  - (e) records relating to any individual donation or like payment to the party, except as otherwise provided for in the bylaws;
  - (f) any financial records of the organisation where the release of such records might prejudice the position of the Party;
  - (g) any record or document provided on a bona fide confidential basis by a third party, but not where provision was primarily made in order to render the document confidential;

- (h) any document in relation to campaigning or an electoral matter whose value consists in its contents not being widely known;
  - (i) any document whose release would be, in the opinion of the office-bearer or the most senior staff member having care custody or control of that record, highly prejudicial to the Party or unreasonably and unfairly damaging to a third party, provided that where access is denied to any member only on this ground and no other, the member seeking access may appeal to the next meeting of the State Executive, and shall have an opportunity to address the State Executive, in person or in writing, as to why access should be granted, and unless the State Executive confirms the denial, access will be granted;
  - (j) mediation or conciliation and any agreement entered into as a result of mediation or conciliation;
  - (k) complaints of bullying and harassment;
  - (l) complaints of sexual harassment;
  - (m) all aspects of a misconduct allegation, including the fact that it was made and any Notices of Decision;
  - (n) proceedings before the Endorsement Review Committee;
  - (o) nominations for Member Recognition Awards;
  - (p) deliberations of the Probity Panel; and
  - (q) records of nominations for preselection.
5. Persons who receive confidential information of any kind must keep that information confidential.
6. State Council may determine that any confidential information can be made available to party members or publicly.
7. Where a member is authorised to release confidential information on a restricted basis, they must inform the people receiving the information that it should not be released more broadly without the express permission or instructions of State Council.
8. Breaches of confidence may be referred to the Misconduct Panel and may result in a finding of misconduct.

## **In Camera Matters**

9. In camera sessions are closed parts of meetings. At meetings of constituent groups consisting of elected representatives or delegates, a meeting may decide to go in camera and only members of the relevant constituent group are entitled to attend, but the group may also decide to invite specified non-members of the relevant group to attend.
10. In camera sessions should be avoided. Meetings should only go in camera when absolutely necessary to maintain the confidentiality of matters discussed.
11. If a meeting goes in camera, this shall be recorded in the minutes along with:
- (a) the general reason the meeting went in camera (identified to the level of 'Staff Issue', 'Member Dispute', 'Campaign Strategy', 'Legal Issue', or similar); and
  - (b) the number of decisions made in camera.
12. Any decisions made in camera shall be recorded in a separate set of in camera meeting minutes with sufficient information and documents to ensure it is clear what has been decided.
13. In camera minutes of meetings shall not be available for viewing by anyone except the members of that group or of the State Executive, and such other persons the group or State Executive authorises.
14. Any State Executive decisions made in camera shall be reported to State Council for ratification in accordance with the Constitution. State Executive may determine that this reporting shall occur at the next meeting of State Council, in writing or otherwise, rather than being included in the circulated minutes.

However, the fact that such a report shall be given shall be included in the agenda of the relevant State Council meeting.

15. Any decisions of another party body made in camera shall be reported to State Executive.
16. State Council may decide to open in camera minutes of any constituent group for viewing by State Councillors at a State Council meeting, or by such members of State Council or the Misconduct or Administrative Review Panels, as it determines.

## 20 Social Media

### Modification History

Action	Body	Date
Endorsed	State Council	2019-02-23
Amended	State Executive	2019-04-18
Amended	State Council	2019-05-02
Amended	State Executive	2019-06-20
Amended	State Executive	2019-09-19

### Definitions

<b>Content</b>	Any posts to social media or an e-list, including comments, images, audio clips or video clips.
<b>Online asset</b>	Any presence on a social media platform branded with the Party name, logo, or other branding element used in such a way as to indicate, whether accurately or not, representation of the Party.
<b>State Level online asset</b>	Any online asset representing the party at a State level.
<b>Group online asset</b>	Any online asset representing a constituent group.
<b>Candidate online asset</b>	Any online asset representing an endorsed local, state or federal Candidate.
<b>Private group</b>	Any social media group or e-list that is exclusively administered by an accredited constituent group of the Party with the clear goal of assisting with party organising or facilitating discussion between Party members and/or volunteers.

### Guidelines for Online Assets

- Content posted by Administrators to online assets will not conflict with:
  - the AGV policies, Constitution or Bylaws; or
  - the Australian Greens policies, Constitution or Bylaws.and will not include internal party matters.
- Administrative rights and responsibilities of State Level online assets must be held by the most senior staff member.
- Administrative rights and responsibilities of a Group online asset must be held by:
  - the most senior staff member; and
  - an officer bearer who is authorised to utilise social media by the relevant Group.
- Administrative rights and responsibilities of a Candidate online asset must be held by:
  - the most senior staff member; and
  - an office bearer who is authorised to utilise social media by the relevant Campaign Committee; and
  - the relevant Candidate.

- 8A. Online assets may only be created in accordance with this bylaw.
5. Group online assets must only be created by a ratified Office Bearer of the relevant Group.
6. Candidate online assets must only be created by:
  - (a) an office bearer of the relevant Campaign Committee; or
  - (b) the relevant Candidate.
- 10A. Candidate online assets will be removed a reasonable time after the election unless:
  - (a) the candidate is elected; or
  - (b) the Victorian Campaign Committee agrees otherwise, in which case the Party name, logo, or other branding element used in such a way as to indicate, whether accurately or not, representation of the Party shall be removed.

## **Guidelines for Private Groups**

7. Any constituent group may create its own private group through AGV decision-making procedures.
8. The constituent group is responsible for informing the Membership Engagement Committee of the formation, purpose and termination of the private group, and the Membership Engagement Committee is responsible for maintaining a list/register of the private groups and making it available on the internal AGV website.
9. Private groups must have clear guidelines on who is eligible to be a member of the group. Group administrators will provide access to those who meet the criteria and remove those who cease to meet the criteria.
10. Group administrators must include:
  - (a) at least one office bearer or delegate for the appropriate constituent group; and
  - (b) if the constituent group or State Council agrees, the most senior staff member.
11. The constituent group responsible for the private group may appoint other AGV members as group administrators, so long as the persons appointed have read and understood the Code of Conduct.
12. The Code of Conduct applies to all conversations within private groups.
13. Group administrators may:
  - (a) delete posts that arguably could breach the AGV Constitution and Bylaws; and
  - (b) permanently remove or temporarily suspend from the group anyone whose actions appear to seriously or repeatedly breach the AGV Constitution or Bylaws or who disseminates materials from inside the group to outside the group, in consultation with the office bearers of the relevant constituent group.
14. A clear statement of rules for participation in the private group, including reference to the Code of Conduct, must be made prominently known to members. The rules will include notification that group members who seriously or repeatedly breach the AGV policies, Constitution or Bylaws can be permanently removed or temporarily suspended from membership of the group.
15. Where the criteria for membership of the private group includes non-members of the AGV, discussion of internal party matters is not permitted in that group. AGV staff are considered to be members of the AGV for this purpose.

## **Empowered and Authorised**

16. An Administrator may use this access to:

- (a) immediately hide or remove any content:
  - (i) that is arguably a clear and serious breach of the Party's Constitution or Bylaws; or
  - (ii) if directed to do so by the State Executive or Victorian Campaign Committee;
- (b) immediately suspend or remove a person's administrative access if:
  - (i) content from that person is arguably a clear and serious breach of the Party's constitution or bylaws; and
  - (ii) directed to do so by the State Executive or Victorian Campaign Committee;
- (c) permanently close down a Group or Candidate online asset or private group if directed to do so by State Council.

17. The most senior staff member may not use this access to post content to Group or Candidate's online assets, unless authorised by the Group or Candidate.

18. The most senior staff member may appoint or instruct other employees to assist in the implementation of these responsibilities, but retains overall responsibility for any actions carried out under this section.

## **Concerns or Complaints**

19. Concerns or complaints about content posted to online assets or private groups may be directed to:
- (a) an Administrator, in the first instance; or
  - (b) the Misconduct Panel, if misconduct occurs.

## 21 Membership

### Modification History

Action	Body	Date
Approved	State Executive	2010-06-10
Amended	State Council	2012-06-23
Amended	State Council	2014-03-15
Amended (with effective date of 1 July 2017)	State Council	2017-04-08
Amended	State Executive	2019-06-27
Amended	State Executive	2019-07-18
Amended	State Council	2019-09-07
Amended	State Executive	2019-09-19

### Scope

1. This bylaw adds to the rules of the party in relation to membership and must be read in conjunction with relevant sections of chapters 2, 3.1 and 3.2 of the AGV Constitution

### Joining the AGV

2. A member's 'joining date' is the first day of the month in which their membership application is approved and their membership term starts from the joining date.
3. Each member should provide a current residential, mailing and email address must ensure that they advise the AGV of any changes to residential, mailing or email address.

### Membership fees

4. The annual amount of membership fees payable will be paid by each member as follows:  
\$1 First Nations  
\$30 Concession  
\$90 Regular  
\$180 Keen Green
5. Members may make arrangements to pay membership fees in instalments.
6. A person facing difficult financial circumstances may apply to State Executive for a reduction in their membership fees and State Executive may approve such a reduction to be reviewed after two years.

### Membership renewal

7. Each member will be sent a Renewal Notice not more than 40 days before their membership is due for renewal. Where a member elects not to receive party communication by email, they are entitled to receive a hard copy notice.

## 22 AGV Constituent Bodies Financial Management and Reporting

### Modification History

Action	Body	Date
Approved	State Executive	2009-08-13
Amended	State Executive	2011-08-11
Amended	State Council	2014-02-01
Amended	State Council	2016-01-30

### General Financial Operations

1. The conduct, recording and reporting of all financial transactions shall be in accordance with standards and procedures as set from time to time by the AGV State Treasurer and as documented in the AGV "Victorian Treasurer's Handbook for Party Bodies".
2. Party bodies shall notify the AGV State Treasurer within seven days of any change in treasurer.
3. For the purposes of this bylaw, 'party body' includes a branch, regional council or regional campaign committee.

### Petty Cash

4. The maximum petty cash balance that a party body can hold is \$100. Amounts greater than \$100 must be held in a bank account managed by either:
  - a) the party body itself;
  - b) in the case of a branch or regional campaign committee that does not hold a bank account, its regional council; or
  - c) the AGV State Treasurer.
5. All petty cash transactions shall be recorded in a petty cash journal.

### Bank Accounts

6. All party body bank accounts shall be opened through the AGV State Treasurer.
7. All party body bank accounts shall be closed through the AGV State Treasurer.
8. All party body bank accounts shall be operated in a manner as specified by the AGV State Treasurer.
9. All party body bank accounts shall have a minimum of three signatories, two of whom must sign to approve any transaction, including the addition or deletion of signatories.
10. Additions or deletions of account signatories other than the State Treasurer or Finance Officer must first be decided by the party body holding the account, and minuted accordingly.
11. The AGV State Treasurer shall be a signatory on all party body bank accounts.
12. The AGV Finance Officer, or an alternate AGV staff member nominated by the AGV State Treasurer, shall be a signatory on all party body bank accounts.



13. The AGV Finance Officer, or alternate nominated signatory as described in section 11, shall not initiate or approve any transactions on party body bank accounts unless authorised by the AGV State Treasurer.
14. The AGV State Treasurer shall not conduct or authorise any transactions on party body bank accounts unless a written request to do so has been received from two party body office bearers or the party body has been declared non-compliant with their financial obligations as defined in sections [30 to 33](#).

## **Income**

15. All income received shall be deposited either to petty cash or to a bank account before any costs or other outgoings are paid from the income.
16. A receipt shall be issued for each income amount of \$50 or more received from a single source.
17. An official tax receipt book issued by the AGV state office shall be used for all receipts issued.

## **Expenditure**

18. No financial commitments shall be made unless the funds to cover the commitment are already available in the accounts of the party body.
19. All expenditure decisions shall be made at a quorate meeting of the party body and documented in the meeting minutes. An expenditure decision may delegate the spending, up to an approved amount, to a nominated individual or committee.
20. If a party body has a defined Quick Decision Making Group and process, this may be used to approve urgent expenditure.
21. An official tax invoice/receipt should be received and kept for all payments made.
22. An AGV expenditure claim form should be submitted by any party member wishing to claim reimbursement for money spent on party activities.

## **GST**

23. Party bodies shall pay via the AGV state office, on a quarterly basis unless otherwise specified by the State Treasurer, GST on all income they receive that is liable for GST. Donations and bank interest are GST exempt.
24. Party bodies shall be refunded via the AGV state office, on a quarterly basis unless otherwise specified by the State Treasurer, GST on any payments they make for which the party can claim a refund from the ATO.

## **Reporting**

25. Party bodies shall report all financial transactions to the AGV Finance Officer on a quarterly basis.
26. Quarterly reports shall be provided by due dates as specified by the AGV State Treasurer.
27. Quarterly reports shall include:
  - a) record of all financial transactions made during the quarter;
  - b) record of all donations received during the quarter;
  - c) all bank account statements for the quarter;
  - d) all invoices/receipts received for expenditure made during the quarter;
  - e) all expenditure claim forms for which expenditure was reimbursed during the quarter;
  - f) any other relevant financial documents.

28. Quarterly records of financial transactions and donations shall be in a format as specified by the AGV State Treasurer.
29. All complete or partially complete cheque books, deposit books and receipt books shall be made available on request to the AGV Finance Officer with the final quarterly report for the financial year.

## **Non-compliance**

30. Party bodies that are not in compliance with AGV financial requirements as detailed in the AGV Constitution, AGV Bylaws and the “Victorian Treasurer’s Handbook for Party Bodies” may be issued with a notice of non-compliance by the AGV State Treasurer.
31. The notice of non-compliance shall be sent to all party body office bearers as registered with the AGV state office.
32. The notice of non-compliance shall specify the areas of non-compliance and state that these matters are to be rectified within 30 days from the notice date.
33. If the non-compliance is not rectified by the specified date, the AGV State Executive may authorise the AGV State Treasurer to take over the financial operations of the party body.

## 23 Expenditure Administration

### Modification History

Action	Body	Date
Approved	State Council	2014-02-01
Amended	State Executive	2019-09-19
Amended	State Council	2019-10-02

1. All expenditure approvals must be allocated to an item in the current approved AGV budget.
2. Once the AGV budget is approved, any AGV members who are solely or jointly responsible for expenditure decisions are responsible for only approving expenditure within the approved budget, unless they gain approval from FAIC for a budget adjustment to accommodate the increased spend.
3. The State Director is responsible for authorising expenditure within the AGV budget, subject to the following conditions:
  - a) The State Council has approved that a committee or working group is accountable for a specific budget item, in which case responsibility passes to that committee or working group.
  - b) The State Director has delegated expenditure authorisation for specific budget items to AGV staff. In such an event, the State Director still retains accountability for the budget item against which the authority has been delegated.
  - c) Where expenditure will result in the relevant budget item being exceeded by no more than \$5,000, the State Director must nominate an alternate budget item or items to be reduced by the same value.
  - d) An expenditure increase of more than \$5,000 shall be referred to FAIC for consideration and if appropriate, funds reallocation within the approved budget.
  - e) In event that the State Director takes leave, they must delegate their authorities temporarily to another AGV staff member/s or State Office Bearer.
  - f) Delegation of authority shall be in writing and shall indicate the period for such delegation applies and/or when such delegation expires.
  - g) In the event that State Council or State Executive has revoked a delegate's authorities and the State Director is on a leave of absence, authorities pass to the AGV Secretary.
  - h) The AGV Secretary can temporarily assume the authorities of the State Director in the event of:
    - i. The State Director is on a leave of absence and has not delegated their authorities; or
    - ii. The State Director or AGV staff member to whom authority has been delegated in the State Director's absence, is unable to make the authorisation before the payment by the time it falls due.
4. In the event that a committee or working group is allocated a budget, the convener of the committee or working group is accountable for:
  - a) Creating a detailed budget for how the funds allocated to the group or committee should be spent.
  - b) Approving spending in accordance with that budget.
  - c) Ensuring that expenditure is only made in accordance with that budget.
5. FAIC and State Executive must be notified by email or other written communication of any delegation of spending authority.

6. Any AGV member or Party body may put forward an expenditure or income proposal to FAIC for review. The proposal should include details of the expenditure (or income) including, but not limited to, the cost and benefits of accepting the proposal.
7. Following FAIC's review of the expenditure/income proposal, FAIC can do any of the following:
  - a) approve the proposal if the amount in question is less than \$5000 and corresponding budget offsets can be found or in line with the powers granted in the Finance, Administration and Infrastructure Committee Bylaw.
  - b) recommend the proposal to State Council for approval; or
  - c) return the proposal to the proposer requesting further detail; or
  - d) choose not to recommend the proposal for approval.
8. State Council must approve expenditure outside the existing AGV budget that will alter the bottom line. By approving such proposals, State Council is acknowledging that the additional expenditure will result in a reduction in the surplus or increase in the deficit.

## 24 Donations and Loans not from Financial Institutions

### Modification History

Action	Body	Date
Approved	State Executive	2007-05-10
Amended	State Executive	2009-05-28
Amended	State Council	2013-05-04
Amended	State Executive	2013-06-20
Amended	State Executive	2013-07-14
Amended	State Council	2015-07-25

1. The Australian Greens - Victoria (AGV), as a party committed to enhancing Australia's democratic process, will pursue the model of publicly funded elections at all levels of government. Publicly funded elections would promote more equitable access and reduce the risk of corruption associated with donations.
2. AGV will accept donations, including gifts-in-kind as defined by the Australian Electoral Commission, using transparent practices.
3. Gifts in-kind will be treated as any other donation to the AGV (for further details please see the Treasurer's Handbook).
4. AGV may reject any donation or refund any donation at any time
5. AGV will ensure that where any donor's one-off or cumulative donations to AGV totals \$1,000 or more within a financial year their donations are subject to ethical review.
6. Any party member may request that the AGV conduct an ethical review of any donation.
7. At times AGV may also seek to finance its expenditure through loans that are not provided by financial institutions. These loans will be subject to ethical review where either:
  - a) the value of the loan is \$10,000 or more; or
  - b) the loan agreement has conditions under which the loan could convert into a donation and the value of the loan is \$1,000 or more.
8. Ethical review of donations and non-commercial loans will be undertaken by AGV State Council (or State Executive or State Quick Decision Making Group depending on amount and urgency) and will:
  - a) seek to ensure that the values and aspirations of all donors and lenders are not inconsistent with those encapsulated in the goals, policies and the Charter of the Australian Greens Victoria;
  - b) accept donations and loans only for supporting the aims of the Party;
  - c) refuse any donation or loan if any conditions are imposed by the donor or lender;
  - d) refuse any donation or loan if it gives rise to or is likely to give rise to a conflict of interest as defined below.
9. The person verifying that the requirements of clause 8 have been met:
  - a) will not be associated with the donor in any way as far as practicable (i.e. the verifying person should not be a relative of the donor, co-habituating with, etc.)
  - b) will not be a candidates for election, nor that person's campaign manager with regard to donations to their own or any other campaign being conducted at the same time.

- c) should contact the donor to confirm that the requirements are met. Further a full audit trail of the process should be kept (i.e. emails/correspondence confirming that the requirements have been met).
10. Further, AGV will:
- a) ensure that any donations solicited or accepted on behalf of the AGV by members or supporters of the AGV are used for AGV endorsed activities and not for the personal use of the member or supporter;
  - b) maintain transparency in donor identity by reporting within 3 months of the end of each financial year all donors and the cumulative total of their donations to AGV over the previous financial year where those cumulative totals amount to \$1,000 or more;
  - c) maintaining transparency in donor identity by including in the party's Annual Returns to the Australian Electoral Commission details of all donations which cumulatively total more than \$1,000 for the financial year"; and
  - d) ensure that any donations or loans received that are subsequently rejected as a result of this bylaw are returned to the donor or lender at the earliest opportunity;
  - e) report all donations to local, state and federal electoral authorities as required by laws applicable and current at the time of the donation;
  - f) advise potential and/or intending donors of disclosure requirements of laws referred to in 8(e) above.
11. The acceptance of any donation by AGV does not imply endorsement of the activities, undertakings or processes of the donor.
12. It is the responsibility of the AGV State Treasurer to monitor all donations and loans received or offered to AGV and ensure all donations and loans which are subject to review, or may be subject to rejection under this bylaw are promptly referred for review.
13. To support the application of this bylaw:
- a) donations may only be directed to the AGV state party, regional councils, branches or electoral campaigns. Donations may be directed to campaigns for a specific election or electorate. Donations may not be directed to individual members (including candidates and elected representatives);
  - b) any donation of \$1,000 or more, or any donation which there is reason to think may bring the total donation for a particular donor to \$1,000 or more in a financial year, shall be referred to the AGV State Treasurer for review prior to the donation being accepted;
  - c) the AGV website and other relevant documentation shall provide donors with information on statutory disclosure requirements and the disclosure principles embodied in this by-law;
  - d) an official AGV receipt will be issued and the name and address of the donor recorded for all donations unless the donor requests the donation be anonymous. Any donation of \$50 or more must have an official AGV receipt issued and the name and address of the donor recorded. Anonymous donations of \$50 or more cannot be accepted. This is to facilitate monitoring cumulative individual donations against the \$1,000 disclosure limit;
  - e) Where the donor of a donation in excess of \$50 cannot be identified within 3 months of the donation, the money will be moved to a trust account where it may be held for a period of up to 6 months to facilitate a further attempt to identify the donor. If after this time the donor cannot be identified the money will be forwarded on to a charity of FAIC's choice. These transactions may be authorised by the Senior Most Staff member or their delegate;
  - f) any donations accepted on behalf of the AGV shall be deposited into an AGV bank account or petty cash fund within 7 days;
  - g) all donations received by branches, regional councils or election campaign committees shall be reported to the AGV Finance Officer quarterly. This report shall include an itemized list of donations including the name and address of each non-anonymous donor.

## Definitions

### Donations:

(from [www.aec.gov.au](http://www.aec.gov.au) "Funding and Disclosure Handbook for Donors and Third Parties")

*A disposition of property or provision of a service for which no payment, or an inadequate payment, is received. The term includes cash and non-cash (gift-in-kind) transactions, but does not include commercial transactions or volunteer labour.*

(NB. This is a summary and the full AEC definition should be consulted.)

### Conflict of Interest:

AGV adopts the OECD definition of conflict of interest which is:

A 'conflict of interest' involves a conflict between the public duty and the private interests of a public official, in which the public official has private interests which could improperly influence the performance of their official duties and responsibilities.

**Public duty.** It is the duty of members of The Greens to uphold the Greens Charter and promote our policies. It is the public duty of elected representatives and other officials of The Greens to represent their constituents impartially and act without undue influence in the community interest.

**Private interests.** Candidates, elected representatives and other officials of The Greens are the beneficiaries of political donations directly or to the Party and hence have a private interest in those donations. They could be, or could be reasonably perceived to be, influenced by donations (and a desire to maintain them) in the conduct of their public duties. In general larger donations have a greater potential to give rise to the perception of a conflict of interest.

**Conflict.** Conflict arises where decisions are actually, potentially or perceived to be made against the public interest and/or duty as a result of private interests. In addition a conflict of interest exists if the donor is likely to receive a material benefit from a reasonably foreseeable decision that could be made by the Party or an elected Green, unless such benefit is likely to occur as a result of the donor being a member of such a broad class of beneficiary that their individual benefit is not readily identifiable or known or distinguishable from other members of that class.

A conflict of interest also still exists where a donation is received from a third party or associated entity related to the individual or entity where the conflict of interest originates.

## 25 Travel and Reimbursement

### Modification History

Action	Body	Date
Approved	State Council	2012-06-23
Amended	State Council	2015-03-28
Amended	State Executive	2019-08-15
Amended	State Council	2019-10-02

### General Expenditure and Reimbursement.

1. Members and supporters are entitled to be fully reimbursed for any authorised expenditure made in the course of their duties for the Party where:
  - a) such expenditure has been budgeted for
  - b) such expenditure has been authorised.
2. Expenditure can only be authorised by:
  - a) Bodies properly constituted by or under the Constitution of the Australian Greens – Victoria “with an agreed budget of their own.
  - b) The Most Senior Staff Member.
  - c) The state-wide Campaign Manager (where appointed) for campaign related expenditure.
3. Expenditure to be reimbursed must appear in the budget for the authorising body.
4. All expenditure to be reimbursed must be minuted in the minutes of the authorising body except where such expenditure is authorised by the Most Senior Staff Member in line with their delegated limits.
5. Minutes used to support or authorise expenditure should include:
  - a) the decision to authorise the expenditure
  - b) the decision to make the reimbursement, when it occurs,
  - c) attached copies of supporting documentation and
  - d) such other information as the AGV’s Most Senior Staff Member may reasonably require.
6. Reimbursement of expenditure can only occur where the relevant supporting documentation is provided.
7. Relevant supporting documentation includes, but is not limited to: invoices, receipts, tickets, vehicle logs, signed and witnessed Statutory Declarations.
8. Liability for reimbursement will not extend beyond the body that authorised the expenditure except at the discretion of the AGV Treasurer.
9. Reimbursement for authorised expenses will be made within 30 days of the supporting documentation being presented to the relevant Party body where all the conditions above have been met. Any claim for reimbursement must be made within three months from the date of the expenditure.
10. Where expenditure is election-related, special rules, as established by the AGV’s Most Senior Staff Member, may apply. These rules may define or restrict what expenditure can be claimed, what documents are required to support such a claim and what processes are appropriate to authorise the expenditure (for example, purchase orders needing to be raised).



11. A member may only claim reimbursement up to the amount of actual expenses incurred as evidenced by the documentation.

## **Claimable Expenses**

12. An authorised event, for the purposes of reimbursement of expenses, will include any event an AGV member is required to attend as a nominated attendee, delegate, committee member or representative of the AGV. For the avoidance of doubt the following will automatically be authorised events:
  - a) meetings of the State Executive
  - b) meetings of the Standing Committees of State Council
  - c) meetings of the Constitution Review Panel
  - d) meetings of the Audit and Finance Committee
  - e) meetings of State Council and State Conference;
  - f) meetings of National Council and National Conference;
  - g) the Global Greens Congress; and
  - h) meetings of the Mediation, Misconduct or Administrative Review Panels.
13. Where a member attends any one of these events as an observer, rather than a nominated attendee, delegate or representative of the AGV, there is no entitlement for reimbursement of expenses.
14. Where the authorising and reimbursing body is the AGV, other events may be classified as authorised events at the discretion of the Most Senior Staff Member of the AGV.
15. Members are not entitled to claim accommodation expenses for meetings that take place within the State of Victoria unless the member must travel more than 100kms from their usual home address to attend an authorised event.
16. The reimbursement available for eligible persons for authorised events within the State of Victoria will be limited to the amount specified in the Reimbursement Schedule per person except where a higher amount of authorised expenditure has been provided for in the budget of the relevant party body.
17. For an authorised event:
  - a) Only those required to be in attendance will qualify for reimbursement. I.E. State Council members, State Office Bearers, the Representatives of Members Elected to Public Office, committee members, persons attending at the request of the AGV and persons attending to present to the meeting in question.
  - b) Only the cost of travel to and from the venue of the meeting will be eligible for reimbursement and this may include; airfares, public transport, taxis or the use of a private vehicle (which will be reimbursed based the maximum standard rate per kilometre as defined by the ATO).
  - c) For those eligible to have their transport costs reimbursed and where a ticket/receipt for transport cannot be produced, reimbursement will be made in line with current transport rates.
  - d) The AGV encourages the use of billeting where it is available however members who, for whatever reason, are required to attend events on behalf of the AGV and choose to make use of hotels or other similar facilities, are entitled to reimbursement up to the amount specified in the Reimbursement Schedule. Only the night before the meeting or the night following the meeting will be claimable unless determined otherwise by the Most Senior Staff Member of the AGV.
  - e) Members are entitled to claim childcare expenses for the period of the event (including the night either before or after in line with 17(d)) and the time taken to travel to and from the event. The rate of reimbursement for childcare is specified in the Reimbursement Schedule.
18. Where members agree to allow the AGV State Office to organise the travel and accommodation to an interstate or international authorised event, the following expenses will be eligible for **full** reimbursement:

- a) Transfers (travel to and from airports, stations, meeting venues and other related facilities)
  - b) Long distance travel by air, road, rail or sea.
  - c) Accommodation for the period of the event.
  - d) Food to the value of the amount specified in the Reimbursement Schedule per person per day.
  - e) Childcare at the rate specified in the Reimbursement Schedule
19. With regard to clause 18, the AGV undertakes to consult with any person travelling on behalf of the AGV to an authorised event about times, methods of transportation and accommodation with the understanding that the AGV's Most Senior Staff Member will make the final decision on what is acceptable.
20. The Reimbursement Schedule below may be altered from time to time as is considered appropriate by the Finance, Administration and Infrastructure Committee.

## **Reimbursement Schedule**

- Clause 16: \$150 per person.  
(maximum amount reimbursable for events within Victoria)
- Clause 17 (b): up to \$300 per person for airfares per event for interstate events and up to \$1,000 for airfares for international events.  
(maximum amount reimbursable for long distance travel)
- Clause 17 (d): Per night, as per the ATO Taxation Determination TD 2016/13 Table 1 (Employee's annual salary - \$117,450 and below). If booking for Melbourne or Sydney CBD, bookings are to be made from State Office as an arrangement is in place.  
(overnight accommodation reimbursement)
- Clause 17 (e): \$20 per hour.  
& 18 (e) (childcare reimbursement rate)
- Clause 18 (d): \$75 per person per day.  
(daily food allowance)

## 26 Assistant Treasurer

### Modification History

Action	Body	Date
Approved	State Council	2013-03-02
Amended	State Executive	2019-09-19

### Scope

1. The Constitution of the AGV provides for the establishment of the office of Assistant Treasurer in clause 20.2. This By-law governs the appointment and roles of that office.

### Appointment process

2. The position of Assistant Treasurer will be appointed by a consensus decision of the Finance, Administration and Infrastructure Committee, after seeking and considering expressions of interest from AGV members (by advertisement of the position in the AGV eBulletin or similar publication).
3. To be eligible for appointment to the position of Assistant Treasurer, a candidate must be a current member of the AGV and must not be a current State Office Bearer.
4. If the Finance, Administration and Infrastructure Committee is unable to make a consensus decision on the appointment of an Assistant Treasurer, the vacancy will be filled by ballot of State Council members held at the next State Council meeting.
5. Appointment to the position of Assistant Treasurer will be for a term ending at the beginning of the next State Conference of the AGV.

### Role

6. 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.
7. 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.
8. The Assistant Treasurer will be a signatory to each bank account that the State Treasurer is a signatory to, but in the ordinary course of business will authorise payments only when acting as State Treasurer.

## **27 Mutual Responsibilities Between Elected Representatives and Party Bodies, Officers and Members**

### **Modification History**

<b>Action</b>	<b>Body</b>	<b>Date</b>
Approved	State Council	2009-06-21
Amended	State Council	2019-02-23

1. All Greens public office-holders\* have a responsibility under the constitution and this bylaw to report regularly to relevant party bodies\* and to the Greens membership generally and within their own constituencies. Office bearers also have a responsibility to provide reports and information to elected public officeholders.
2. Reporting regularly is an important means by which public office-holders remain accountable to the party.
3. It is expected that all public office-holders of the party will attend State Conference whenever possible, and provide a verbal report, which will be listed for discussion.
4. At each regular meeting of State Council, a verbal report from the federal parliamentarians representatives, the state parliamentarians representatives and the local government representatives will be listed for discussion. Where no representatives are in attendance, a written report must be submitted.
5. Party members should not assume that, acting as individuals, they have any special or privileged access or rights in relation to elected representatives as compared to constituents generally. Similarly, elected representatives, while they have special expertise and knowledge, have no more right than other members to direct the work of Party bodies.

### **Reporting and Liaison Requirements**

6. The reporting arrangements need not be mechanical or prescriptive, but must ensure that:
  - a) in the case of public office-holders, the relevant bodies are provided with a verbal report (default) or written report (if attendance is not possible), which should aim to cover:
    - i. main activities undertaken;
    - ii. key decisions made as a public office-holder;
    - iii. major issues which are pending;
    - iv. the planned approach to these issues; and
    - v. issues in which they are involved where their position is likely to involve considerable public controversy or are likely to be controversial within the Party. In these circumstances, wherever possible, a report should be provided in sufficient time to allow relevant party bodies\* to consider the issue when that consideration will still be relevant;
  - b) in the case of office-bearers of relevant regions or branches, relevant public office-holders are advised of the views of relevant party bodies, about matters within the current work or priorities of the public office-holders, faithfully and in good time, particularly where issues have become or are likely to become controversial within the Party.

## Definitions

\*In this bylaw:

“Public office-holder” means a State or Federal Member of Parliament or an elected local government representative.

“Relevant Party body” and “relevant office-bearers” means as follows:

Position	Relevant Party body	Relevant office-bearers	Conditions
State or Federal Members of Parliament	State Council; State Executive; regions and branches within constituencies	State Convenor (or where not available, State Secretary); regional and branch convenors within constituencies.	Reporting to State Office Bearers will satisfy requirement of reporting to regional and branch office-bearers, except on issues of specifically local concern.
Local Government representative	Relevant branch	Relevant branch convenor (or if absent, regional or branch secretary)	Also to report to State Convenor on issues which have state-wide significance or may establish de facto Greens “policy”

## 28 Probity

### Modification History

Action	Body	Date
Endorsed in the interim	State Council	2015-03-28
Amended (but not endorsed)	State Council	2015-05-30
Interim Status Extended	State Executive	2015-06-02
Amended and Interim Status Extended	State Executive	2015-06-24
Interim Status Extended	State Council	2015-07-25
Amended and Interim Status Extended	State Executive	2015-09-16
Amended and Endorsed	State Council	2015-10-17
Amended	State Executive	2018-12-20
Amended (with an effective date of 1 March 2019)	State Council	2019-02-23
Amended	State Executive	2019-04-18
Amended	State Executive	2019-06-20
Amended	State Executive	2019-09-19
Amended	State Council	2020-02-22

### Definitions

**Election Period:** Defined as the period from when nominations for any election are opened until the election occurs.

**Probity Check:** A probity check investigates the background of an individual to determine their suitability to be a candidate.

**Decision-making period:** The period when the Probity Panel considers and comes to a decision about a nominee being the time commencing when all probity-related nomination documentation has been sent to the Probity Panel, and concluding when a probity decision has been reported to the Returning Officer.

### Probity Panel

1. There shall be established a Probity Panel whose duty it is to carry out all probity checks on all nominees for external positions.
2. The purpose of the Probity Panel is to judge the suitability of members who nominate to stand as candidates in external elections. In so doing, it is not the task of the Probity Panel to make conclusive findings of fact in relation to any matter adverse to a nominee, nor is this necessary for the Probity Panel to reject a nomination.
3. Noting that the AGV Constitution states [at 8.1] that

*“All AGV Members are entitled to the following benefits: ... (f) To be eligible to seek nomination for public office as a candidate for the Greens (NC 9.8), subject to clause 56.13”,*

probity should only be rejected where there are compelling and serious reasons why, in the interests of the AGV, the member should be deemed not suitable to stand as a candidate.

4. The paramount duty of the Probity Panel is to make decisions in the best interests of the AGV. The Probity Panel will, in this regard, consider the values, policy positions and political imperatives of the party in making all decisions.

## **Probity Panel Composition**

5. There will be a minimum of 11 people appointed to the Probity Panel.
6. Probity Panel members will be appointed by State Council, as per Schedule 1, for a term of 2 years. Their terms will run from the date of appointment to two years from the date of their appointment.
7. Members of the Probity Panel and any Sub-Panels should to the greatest extent possible be disinterested persons in relation any matter they consider.
8. The Probity Panel will appoint its convenor and secretary.
9. All Probity Panel members must be members of the Party.
10. A Probity Sub-Panel shall be comprised of between three and seven members.
11. Members of a particular Sub-Panel will be appointed by the Probity Panel as a whole, or by a person or persons assigned by the Probity Panel to do this, in which case the composition of each Sub-Panel so appointed will be reported to the next meeting of the Probity Panel.
12. Members of a Probity Sub-Panel must not include any individual:
  - a) appointed as Returning Officer or as an advisor to a Returning Officer for a position which the sub-panel is considering.
  - b) who is a nominee or nominator for a position which the sub-panel is considering.
  - c) who is a fellow branch member of a nominee for a position which the sub-panel is considering.
  - d) who would be perceived to have a conflict of interest in relation to a nominee or the position which the sub-panel is considering.
13. Members of the Probity Panel may not carry out probity checks or be involved in those checks in any way where a nomination is related to any campaign in which they are involved.
14. Casual vacancies on the Probity Panel may be filled by the State Council or State Executive following a call for expressions of interest via the appropriate internal Party communication methods, as per Schedule 1.

## **Probity Panel General Operations**

15. Any decision of the Probity Panel must be made by at least 3 of its members (a sub-panel). Consensus decisions of a sub-panel shall be decisions of the Probity Panel.
16. Subject to this bylaw, deliberations of the Probity Panel are confidential.
17. All Probity Panel members will sign a confidentiality agreement.
18. A record of all nominations, the related investigations and findings will be securely maintained by the State Secretary.
19. Records of nominations are confidential to the Probity Panel and the Returning Officer in the first instance. However the State Executive, Victorian Campaign Committee and any relevant preselecting body (where a preselection panel has been appointed) will have the right to inspect the record of any individual where they are considering a matter related to and relevant to that member.
20. The Probity Panel may meet in person or via electronic means, including email.

21. The Probity Panel will keep minutes of all its meetings and records of its activities.
22. The Probity Panel will report in written form on its activities:
  - a) To the State Conference annually,
  - b) To the Victorian Campaign Committee monthly during Local, State or Federal election periods.
  - c) At any time as requested by the Victorian Campaign Committee, State Executive or State Council.

## **Probity Checks**

23. Noting that the paramount duty of the Probity Panel is to make decisions in the best interests of the AGV, the Probity Panel should, so far as consistent with this duty, keep in mind fairness to the nominee in the conduct of any probity check.
24. A probity check will be conducted on all nominees for public office, excepting any nominee who
  - a) has been approved by a Probity Panel within the previous 3 months; and
  - b) provides a statutory declaration stating that no matters relevant to probity have substantially changed since their last Probity check; and
  - c) the most senior staff member member, Victorian Campaign Committee Convenor and electorate or regional campaign committee convenor can confirm that no matters relevant to probity have substantially changed since their last probity check.
25. By the close of nominations, nominees must submit:
  - a) a completed Probity Form (as outlined in Schedule 2 or as otherwise prescribed from time to time by the VCC);
  - b) a signed Statutory Declaration stating that their answers are true and accurate;
  - c) a signed Confidentiality Agreement Form;
  - d) a completed authorisation to obtain a police report and accompanying appropriately certified copies of identification sufficient to meet requirements for obtaining a completed police report. In the alternative, the nominee may provide a certified copy of a Police Report which is not less than 12 months old at the relevant close of nominations date, accompanied by a statutory declaration that no matters relevant to a police report have substantially changed since that report was prepared; and
  - e) any other document or form requested by the Probity Panel or a Probity sub-panel.

provided that a nominee who has been approved by a Probity Panel within the previous 3 months may provide the statutory declaration described in clause 25(b) above in substitution for the documents required in this clause and a check with the most senior staff member and Victorian Campaign Committee or electorate and regional campaign committee Convenor confirms this is confirmed.
26. The Returning Officer shall pass any envelopes or attachments containing the probity documents to the Probity Panel unopened.
27. The Probity Panel is empowered to carry out any investigations it deems necessary into any nomination.
28. Each probity check shall include, at a minimum:
  - a) scrutiny of the probity form and accompanying Statutory Declaration;
  - b) assiduous and reasonable searches of available online information about the nominee, their professional and community organisation affiliations, and their media presence, if any;
  - c) a request for any relevant information from the AGV Misconduct Panel;
  - d) an invitation for input from local Branch and regional bodies' office bearers and party officials;



e) consideration of any objections to or concerns about probity raised by other Members.  
and assessment of nominees after appropriate input from local Branch and regional bodies' office bearers, party officials and other members as considered necessary.

29. The nominee shall provide:

- a) All names that they have used or previously been known by,
- b) All pseudonyms that they use or have previously used,
- c) Access to all Probity sub-panel members of all social media and online engagement accounts currently in use by the nominee or which were in use within the previous five (5) years. This access shall be maintained for the duration of the decision-making period. This access may include, for example, allowing Probity sub-panel members to 'friend' them on Facebook, ensuring Probity sub-panel members can 'follow' all of the nominee's Twitter accounts and ensuring any other action is taken which provides the Probity sub-panel members such access.

30. The Probity Panel may contact any person while conducting a probity check without reference to the nominee.

31. Confidentiality will be maintained as follows:

- a) Any person contacted by the Probity Panel will be advised of the confidential nature of the process in that they should not disclose that the person has nominated, nor should they disclose the questions asked by or their response made to the Probity Panel to any other person.
- b) All responses received by the Probity Panel shall be kept confidential to the Probity Panel and shall only be disclosed as a non-identifying summary should clause 41 be enacted.

32. The Probity Panel shall make a finding for each nomination received by the end of the decision-making period that the nomination be:

- a) approved, or
- b) approved subject to certain conditions outlined by the Probity Panel, or
- c) approved noting risk/communication matters if preselected, or
- d) rejected.

A sub-panel may only make this finding by consensus. Should consensus not be achieved the nomination will be considered by the full Probity Panel, at which a majority will be required to make the finding.

Subject to 34, 39 and 40 below, the decision-making period must be no later than fourteen (14) days (or 48 hours in the case of a snap election) after the close of nominations; except, for the 2020 Senate Pre-Selection only, the decision-making period must be no later than twenty-eight (28) days.

In the case of a nominee being approved with conditions, the office bearers of the relevant Campaign Committee will be provided with a summary of conditions by the probity panel and will be tasked with tracking compliance of conditions. Any breaches of conditions must then be referred to the Endorsement Review Committee.

33. The Probity Panel shall have the authority to:

- a) request further statutory declarations from any nominee should the panel judge that more information be required to make an assessment on any nomination.
- b) interview any nominee should the panel judge that more information be required to make an assessment on any nomination.

In these circumstances, the decision-making period may be extended to allow reasonable time for the nominee to comply.

34. If the nomination is approved subject to certain conditions or rejected, the decision shall be considered to be an interim decision until the process at 39 – 40 is complete, whereby a final decision

will be made.

35. The Probity Panel members considering a nomination shall reject any nomination where:
- the sub-panel judges that the candidacy of the nominee concerned would be inappropriate,
  - the sub-panel judges that the candidacy of the nominee would be detrimental to the Australian Greens Victoria on grounds relating to past conduct, character or reputation,
  - the candidate has not given an undertaking to support stated party policy, subject to clause 51.2 of the constitution, or in lieu of that undertaking, has not provided pre-selectors with an explanation as to which policies the candidate does not support.
36. The Probity Panel shall have the authority to reject any nomination on the grounds that the nominee:
- refuses to co-operate with the probity panel
  - fails to comply with any conditions outlined in the relevant Code of Conduct forms
  - fails to comply with any conditions outlined in the Confidentiality Agreement
  - fails to comply with any condition imposed upon the nominee in relation to their nomination (as per 35 (b) above)
  - holds a public position in opposition to Party policy, and the probity sub-panel deems the matter to be so serious as to damage the party's electoral opportunities.
- Prima facie a serious falsehood or apparent serious concealment of facts or issues in probity forms is grounds for a nomination to be rejected.
37. Where the Probity Panel rejects a nomination, the nominee may not nominate for any other position at the same election.
38. When an interim decision is made to either approve a nomination subject to certain conditions or reject a nomination, the following will occur:
- The Probity sub-panel will prepare a document setting out the reasons for the decision.
  - The nominee will be provided with the reasons for decision and shall have 48 hours to provide a response to the Probity sub-panel.
  - The reasons for the decision may include a summary of feedback received, without breaching the confidentiality requirements at clause 32.
  - The Probity sub-panel will consider any response from the nominee in making a final decision.
  - A final decision will be made within 48 hours of receipt of any response from the nominee. If the nominee fails to provide a response, the original decision will stand.

In these circumstances, the decision-making period may be extended to allow for these processes to occur.

39. Clause 39 above shall not apply in the circumstances of a snap-election.
40. When a decision is approved noting that risk and/or communications matters require attention, the Returning Officer will notify the Probity Panel of the nominee's preselection. Then Probity Panel will then inform the Convenor of the relevant Campaign Committee in writing of the risk and communications issues which require a plan.
41. Decisions of the Probity Panel:
- will be reported to the relevant Returning Officer and the nominee within 24 hours of the decision
  - may be appealed to the State Executive.

## **Rights of Nominees**

42. A nominee will be informed of who is on the Probity Panel and which members will be reviewing their

nomination.

43. A nominee will be informed as soon as practical of any decision by the Probity Panel in relation to their nomination, in accordance with clauses 33 and 39 above.
44. A nominee may provide a written response to any decision to approve their nomination subject to conditions, or to reject their nomination, in accordance with clause 39 above.
45. A nominee may appeal a decision of the Probity Panel to the State Executive in accordance with clause 42 above within 24 hours of receipt of any decision to approve their nomination subject to conditions, or to reject their nomination. A decision will be made by State Executive within 24 hours of the appeal.
46. A nomination for any position is considered confidential until the nominations close and the Probity Panel has completed its work. Until that time nominations may be withdrawn without prejudice. After that time an announcement of the nominations will be made on the internal AGV website.

## **Confidentiality of Records**

47. All records in relation to the making of a decision in respect of a probity decision shall be kept securely and separately for a period of 5 years, provided that any authorisation to obtain a police report and accompanying appropriately certified copies of identification will be securely destroyed as soon as they are no longer needed. The State Secretary will have the responsibility of safe custody.
48. All members of the Probity Panel will be responsible for permanently deleting any electronic copies they hold of documents related to Probity Panel decisions (other than Panel minutes) within one month of the election with respect to which the probity decisions related.

## **Schedule 1**

The process for the appointment of a member to the Probity Panel is that:

1. The notice of vacancy, seeking expressions of interest from suitable members, is distributed to the membership.
2. Expressions of interest and curriculum vitae forwarded to the Probity Panel Convenor, or should that position be vacant, the Convenor of the Victorian Campaign Committee
3. Prospective member will be interviewed by a panel made up of the Probity Panel Convenor (or other member of the Probity Panel), the State Convenor and the Convenor of the Victorian Campaign Committee.
4. The panel will:
  - a) discuss the responsibility of the position, in particular trust implications
  - b) ensure the applicant understands the duration of the appointment
  - c) ensure the applicant is prepared to sign a confidentiality agreement on appointment
  - d) ensure that the applicant has the personal and professional aptitude
  - e) ensure the applicant has been actively participating in the AGV by being involved in branch, campaigning and/or State Council activities
  - f) ensure the applicant has a demonstrated capacity or experience to exercise political judgment, e.g. has held leadership positions in the AGV or related organisations
  - g) ensure the applicant has a reference from a Branch or State office bearer
5. That panel will make a recommendation to State Council or State Executive

## Schedule 2 - Probity Form

### Statement by AGV

The Australian Greens Victoria has rigorous probity and pre-selection procedures for candidates, in which they are required to answer detailed questions about their prior conduct, statements and associations. This requires the completion of a detailed Statutory Declaration. However, potential candidates should not be discouraged if there is something “adverse” about which they are required to provide information. The AGV is not looking for perfect “plastic” candidates, and there will be few people who will not have some difficult or even embarrassing matters in their past. Therefore, you should not be too concerned if you need to disclose such matters on the form. Refusal of probity is rare.

### Acknowledgement by Candidate

I acknowledge that I am required to read carefully and answer truthfully and completely each of the questions set out in the Statutory Declaration. I also acknowledge that failure to disclose in my Declaration any matter within my knowledge (whether I consider it to be important or not) is not only perjury, but would mean that I would need to show cause to the Probity Panel why I should not have Probity approval refused, as it would tend to show a serious lack of competence or integrity. I further acknowledge that should I gain pre-selection, non-disclosure now would be grounds for subsequent dis-endorsement.

\_\_\_\_\_ signed by nominee

### Statutory Declaration

I (full name), .....

of (address) .....

(Occupation) ....., do solemnly and sincerely declare that:-

The answers to each of the following questions is true and correct, and where information has been requested on this form it has been provided truly, correctly and conscientiously:

1. Are you or have you ever been a director of any company? If yes, please provide details including the nature of the company's business?

YES  NO

(If YES) The details are as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. In the past 10 years, have you been a member of any other political party or similar organisation? If yes, provide details of the party and the period of membership.

YES  NO

(If YES) The details of the party and the period of membership are as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Do you have any membership, affiliation, investment, shareholding or other interest in any business, association or organisation which may impact on your role as a Greens candidate or as a member of Council/Parliament?

YES  NO

(If YES) The details are as follows:

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4. Have you ever been found guilty of an offence by any court? (Found guilty includes being convicted or found guilty but not convicted, or fined or given a bond).

YES  NO

(If YES) The details are as follows:

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5. Are you or have you been subject to allegations of a serious criminal offence, violence or sexual offence, or similar serious misconduct, whether reported to authorities or not, or substantiated or not, or true or not?

YES  NO

(If YES) The details are as follows:

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6. Have you ever been subject to a civil penalty by order of a court?

YES  NO

(If YES) The details are as follows:

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7. Have you ever had your driver's licence cancelled or suspended?

YES  NO

(If YES) The details are as follows:

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8. Have you ever had an intervention order (or apprehended violence order) made against you?

YES  NO

(If YES) The details are as follows:

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9. Have you ever been disqualified from holding any office or type of office, or from practising any profession, or disciplined by any professional body, or have you ever been refused a working with children check?

YES  NO

(If YES) The details are as follows:

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10. Have you ever had a trustee in bankruptcy appointed in respect of your assets?

YES  NO

(If YES) The details are as follows:

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11. Have you ever been the subject of any inquiry, investigation, charge or proceeding which, if made public, would be capable of causing you or the Greens embarrassment?

YES  NO

(If YES) The details are as follows:

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12. Have you made any verbal or written statements on the public record on controversial matters, which are seriously inconsistent with Greens policies or to an extent that might give rise to controversy during an election campaign, should they become widely known?

YES  NO

(If YES) The details are as follows:

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13. Have you made any verbal or written statements on the public record other than any mentioned above that, should they become widely known, could be damaging to your candidacy or the Party?

YES  NO

(If YES) The details are as follows:

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14. To your knowledge, have you appeared in any recorded image, photo, meme or video which if published could be damaging to your candidacy or the Party?

YES  NO

(If YES) The details are as follows:

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I have attached to this Declaration a copy of any such photo or other image, or I have provided a URL link to anything referred to above, to the extent I am able to gain access to it. That URL link is as follows: \_\_\_\_\_

15. Are you or have you been associated with any formal or informal group, whether by membership or participation in activities, which if such association or activity became public could be damaging to your candidacy or the party?  
 YES  NO

(If YES) The details are as follows:

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16. Have you been active on any of the following, or other not listed, social media platforms?

- Facebook  YES  NO  
Linked In  YES  NO  
Twitter  YES  NO  
Instagram  YES  NO  
YouTube  YES  NO  
Weibo  YES  NO  
Reddit  YES  NO  
Pinterest  YES  NO  
Ask.fm  YES  NO  
Tumblr  YES  NO  
Flickr  YES  NO  
Google  YES  NO  
VK  YES  NO  
MeetUp  YES  NO



Oddnoklassniki     YES  NO

Other                     YES  NO

Complete the table below showing in each case the name of the platform social media service on which you have been active, including with any alias other than your own name, and the URL (link) to your account:

Social Media Platform	Name or alias used	URL (link)

17. Have you engaged in social media by *posting* (in any form) or *liking* (or similar) any comment, image or post which, if that action became public, could be damaging to your candidacy or the Party?  
 YES  NO

(If YES) The details are as follows:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

18. Are you a member of any closed or secret social media groups (other than those related to family or work or professional groups), membership of which could be considered controversial, or in which discussion of political issues occurs?  
 YES  NO

(If YES) The details are as follows, including the purpose and aims of the group and the general subject-matter of posts within it:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I have attached to this Declaration a true copy of any post made by me or "liked" by me where such action could be damaging to my candidacy or the Party.

19. Is there *any* other event, matter or thing whether on the public record or not which if it became widely known could be *seriously* damaging to your candidacy or the party?

YES  NO

(If YES) The details are as follows;

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I also declare that I have not made any false or misleading statements about myself or my circumstances or actions in any of the material submitted in connection with my nomination except as indicated here: (Provide details if applicable)

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I also declare that where space has been insufficient above, I have attached a relevant statement and/or documents.

I acknowledge that this declaration is true and correct, and I make it with the understanding and belief that a person who makes a false declaration is liable to the penalties of perjury.

Signature.....

(Of person making declaration - to be signed in front of an authorised witness)

Declared at .....

in the State of Victoria, this ..... day of

..... 20 .....

Before me,

.....

(Signature of authorised witness)

The authorised witness must print or stamp his or her name, address, and title under section 107A of the *Evidence Act 1958* (Vic) (e.g. Justice of the Peace, Pharmacist, Police Officer, Court Registrar, Bank Manager, Medical Practitioner, Dentist)

## 29 Preselection

### Modification History

Action	Body	Date
Endorsed	State Council	2015-05-30
Amended	State Executive	2017-12-07
Amended	State Executive	2018-08-16
Amended	State Executive	2019-02-21
Amended	State Executive	2019-04-18
Amended	State Executive	2019-06-27
Amended	State Council	2019-09-07
Amended	State Executive	2019-09-19
Amended	State Council	2020-02-22
Amended	State Executive	2020-03-19
Amended	State Council	2020-03-28

### Definitions

**Ballot:** A ballot may be either postal, attendance or electronic or combination of any of those options.

**Snap Election:** Any election for which the period from the announcement to the date of the election is less than 8 calendar weeks. The minimum federal election campaign period is 33 days.

### Scope

1. Notwithstanding any resolution of State Council which places any condition on any preselection, this bylaw determines the method of preselecting candidates, under clause 56.1 of the Constitution, for all electorates for the next Federal, State and Local elections.
2. The purpose of preselection is to judge the desirability of a member as a candidate to represent the Party in an external election.
3. When voting members should take into account the ability of the candidate:
  - a) to work with a campaign team to achieve local and state goals and targets;
  - b) to clearly articulate Greens' value, policies and key campaign messages;
  - c) to effectively represent Greens values and implement Greens policies when holding public office.

## **Returning Officer**

4. The body conducting the preselection must appoint a Returning Officer, a position which may be shared by up to 2 people. Once appointed, the Returning Officer shall be responsible for conducting, and ensuring the proper conduct in accordance with the rules of, the preselection in question.
5. The Returning Officer shall not be eligible to be a nominee for the preselection in question, or nominate any person for the preselection in question, or sit on the probity panel associated with the preselection in question.
6. The Returning Officer will be the primary contact between nominees, candidates, any probity panel established and other Greens members making enquiries, for any election they are required to conduct.
7. The Returning Officer may appoint up to 2 people to act as deputy returning officers to assist in the duties of the Returning Officer. Final authority and responsibility remains with the Returning Officer.
8. The Returning Officer will ensure that where the implementation of any election requires the use of AGV office resources, measures are taken to ensure that the most senior member of AGV staff is consulted, and that preselection materials (such as reply paid envelopes) are distinguished from those of any other election that may be occurring at the same time.
9. The Returning Officer will be the final authority on the interpretation of the preselection rules.
10. The Victorian Campaigning Committee Convenor and the preselection body Convenor shall be available should the Returning Officer require guidance when interpreting any rule or when the rules do not provide sufficient information. These Convenors may agree to allow the Returning Officer to alter a rule should the Returning Officer strongly advise that unusual and compelling circumstances necessitate an alteration.

## **Nomination**

11. The Returning Officer will ensure the publication, to all eligible voters and linked to from the AGV e-bulletin, of the relevant dates and deadlines associated with the preselection (which shall include as a minimum the times of opening and closing of nominations and the deadline by which votes must be returned), and information for prospective candidates, which will be compliant with the Constitution.
12. There will be at least 2 weeks between the opening and closing of nominations, and at least 2 weeks between the opening and closing of voting unless a Snap Election has been called (see below).
13. For a nomination to be valid, nominees must be members of the AGV at the time of nomination, at the time of the vote count and during the entire relevant election period.
14. To nominate for election, eligible members shall provide the Returning Officer with:
  - a) Their nomination in a form prescribed by the Returning Officer;
  - b) A statement for eligible voters, of no more than 800 words, which shall include how long the member has been a member, the name of the Branch to which the member is registered, a brief list of positions held by the member within the party and previous candidacies for public office, and any other information the member sees fit to include, which should generally include the member's political and philosophical positions on key issues facing the party and the position being elected;
  - c) Statements of support of up to 200 words from four other members for the purposes of preselections for lead upper house Federal or State electorates, or from two other members for the purposes of all other preselections. Statements of support must not be provided by current AGV staff, State Office Bearers, campaign committee office bearers, candidates for public office, or elected representatives. Statements of support may include how long the supporting member has been a member, the name of the Branch to which the supporting member is registered, and any other information the supporting member may wish to include. The statement may be augmented by up to 75 words in order to include a brief list of positions held by the supporting member within the party, including previous candidacies for public office;

- d) A clear photo of themselves (optional);
  - e) A signed and completed Probity documents;
  - f) A Statutory Declaration attesting to the correctness of the Probity Form;
  - g) A signed copy of the relevant Code of Conduct form; and
  - h) A signed Tithing Pledge;
  - i) Nominees for federal elections only: A truthfully completed copy of the Australian Electoral Commission document regarding section 44 of the *Commonwealth Constitution* called the 'Qualification Checklist: Relating to Section 44 of the Constitution.'
15. If, under exceptional circumstances, a printed and signed copy of the documents and statutory declaration required in clause 14 cannot be provided by the nominee by the time of nomination, a digitally signed copy may be provided. Under such circumstances, signed copies must be provided within 4 weeks of submitting the nominations or until the exceptional circumstances pass. Exceptional circumstances will be decided by the Returning Officer.
16. The Returning Officer must immediately submit any document received under clause 14(i) to the Victorian Campaign Committee ('VCC') which must decide (as quickly as reasonably possible) whether further enquiry is needed to determine whether a nominee is presently eligible to be nominated for election or is reasonably likely to be able to become eligible in the time before nominations are required. The VCC may seek the assistance of appropriately qualified members in making this decision. If the VCC decides that further enquiry is needed, the Returning Officer, after having consulted with the VCC as to how long these enquiries are likely to take, may refuse the nomination or delay the preselection to allow such enquiries to be made. The Returning Officer may, at any time, revisit a decision to delay the preselection.
17. A nomination will normally be refused by the Returning Officer if the member has not provided the information in the previous clause by the published deadline. Otherwise, the Returning Officer will confirm with all prospective nominees the list of approved nominees. To avoid doubt the Returning Officer's decision will be final.

## Conduct of Preselection

18. Nominees may not discuss their nomination or the election in question with any journalist, other than to confirm their candidacy.
19. Nominees may not expend funds for the purposes of communicating with eligible voters in relation to the election in question.
20. Nominees shall receive from the Returning Officer;
- a) For all pre-selections except for the Pre-Selection for the 2020 Senate Pre-Selection, a list of eligible members' names, phone numbers and email addresses, and may instigate contact with each eligible voter for the purposes of discussing or promoting their nomination. The nominee must not show or distribute the list to any other person, and must destroy the list within one week of the declaration of the result of the election in question, or when the State Returning Officer has revoked nomination, whichever occurs first.
  - b) For the Pre-Selection for the 2020 Senate Pre-Selection, a list of members names, telephone numbers, and locality. Pre-selection candidates may instigate contact with each eligible voter for the purposes of discussing or promoting their nomination, subject to any limitations or restrictions under the Preselection by-law or regulations, rulings or guidelines for candidates provided by the Returning officers. The nominee must not show or distribute the list to any other person, and must destroy the list within one week of the declaration of the result of the election in question, or when the State Returning Officer has revoked nomination, whichever occurs first.
- 20A. For the Pre-Selection for the 2020 Senate Pre-Selection the following rules for how nominees can initiate contact with members regarding the preselection will apply:

- a) Every nominee may submit 1 email, to be checked and approved by the State Returning Officers to ensure it complies with the constitution and by-laws, and any other rules for the preselection, with the State Returning Officers being responsible for ensuring any approved email is sent via AGV systems to all emailable members of the AGV prior to the opening of voting. This email will include a standard disclaimer from the State Returning Officers that this is a communication from the candidate for the purposes of the preselection, and is not endorsed in any way by the AGV. Any errors or inaccuracies within this email are the responsibility of the nominee, and not the State Returning Officers or the AGV.
  - b) Nominees must not send any email directly to a member regarding the preselection unless;
    - i. are responding to an email a member has sent to them,
    - ii. or if they have gotten the permission of the member to communicate with them about the preselection using email.
21. Until the declaration of the result, nominees may not attend Party Body meetings other than those they are a member of, except to carry out a specific duty, in which case they must nevertheless not discuss their nomination for the election in question at that Branch meeting.
22. Subject to the following, members are entitled to express their opinions on any nominees. However, any statements made in relation to nominees or candidates must not be misleading or deceptive and, unless in private communication, must be provided to the Returning Officer prior to the statement being made.
23. Party bodies, State Office Bearers, persons employed by the AGV, and elected representatives must not:
- a) by any means, directly or indirectly, make a statement canvassing for or against votes for any nominee; or
  - b) provide any resources to aid any nominee.
24. Notwithstanding Clause 23, any member is entitled to act under clause 27 at Meet the Candidates Events as long as they speak as an individual and not on behalf of their position or the body they represent.
25. The Returning Officer may revoke a nominee's nomination if they are in breach of any of rules of the party in relation to the election in question.

## **Meet the Candidates Event**

26. The body conducting the preselection, in consultation with the Returning Officer (or their deputies), will be responsible for organising any "Meet the Candidates" events. In doing so it should generally:
- a) for senate elections hold at least 1 event per state legislative council region
  - b) for federal divisions hold at least 1 event per division
  - c) for state legislative council regions hold at least 2 events per region
  - d) for state legislative assembly districts hold at least 1 event per district
  - e) for local government elections hold at least 1 event per local government municipality
  - f) for by-elections hold at least 1 event for that by-election.
27. Any meet the candidates event should enable all members in attendance to, subject to the facilitator's and Returning Officer's discretion:
- a) ask questions of any nominees;
  - b) make statements about who eligible voters should vote for or against; and
  - c) make statements about the issues facing the party and the position being elected that they believe should be taken into account by eligible voters.

28. Any meet the candidates event should enable all nominees in attendance to, subject to the facilitator's and Returning Officer's discretion, respond to any questions raised or statements made by members.

## **Probity**

29. A probity check shall be conducted on all nominees in accordance with the Probity bylaw.

## **Method of Preselection**

30. The body conducting the preselection may choose to conduct that preselection in accordance with one or combination of the below methods:
- a) Postal ballot;
  - b) Electronic ballot;
  - c) Attendance ballot;
  - d) Selection panel, but only if State Council or the Victorian Campaign Committee has agreed and either:
    - i. the Greens primary vote in the previous election for the electorate concerned was less than 8 per cent; or
    - ii. the position being preselected is a non-lead candidate for any Federal or State upper house electorate; or
    - iii. less than 16 weeks remain until the election date, for Federal, State and Local elections;
  - e) Any other method, but only if proposed rules for that method are approved by the Victorian Campaign Committee.
31. Where a preselecting body conducts a preselection by selection panel:
- a) all nominees who have successfully passed probity will be interviewed by the panel;
  - b) a "Meet the Candidates" event need not be held;
  - c) the panel shall have 4 members or 5 members, including at least one office bearer of the body conducting the preselection and at least one party member who has previously stood for election as an endorsed Greens candidate;
  - d) where possible, the membership of the Selection Panel shall include at least one person from each branch within the electorate;
  - e) all nominees shall be interviewed by the Selection Panel at any time after Probity has been completed on all nominees. Where possible this shall be in person;
  - f) all candidates shall be allotted the same amount of time by the selection panel, although any interview may be extended at the discretion of the Selection Panel as required;
  - g) the Selection Panel shall meet prior to the interviews and decide on a pre-prepared list of questions prior to conducting interviews with nominees. Nominees shall not be advised of these questions prior to the interview. Each nominee shall be given the opportunity to answer each pre-prepared question within the allotted interview time;
  - h) the Selection Panel shall allow each nominee an opportunity to introduce themselves and explain why they would be an appropriate candidate for the electorate. The Selection Panel may ask supplementary questions which arise during the course of the interview;
  - i) each nominee shall be interviewed separately and privately, with only members of the Selection Panel, the Returning Officer and the nominee in attendance;
  - j) decisions will be made by consensus or failing that by a vote at which a majority of 75% will be required to confirm a nominee as a candidate or to reopen nominations. Should consensus not be achieved or a majority not be obtained in a vote nominations will be reopened;

- k) the panel will notify the Returning Officer of their decision as soon as is practicable. The Returning Officer will notify the Victorian Campaign Committee immediately following receiving notification.

## **Ballots**

32. For preselections involving a ballot, a roll of eligible voters shall be kept by the Returning Officer, with the names checked at the distribution of ballots and, for postal elections, also at the return of ballots.
33. If necessary, the State Returning Officers may mandate that any Attendance Ballots or Selection Panels be conducted by virtual means
34. Ballots shall be by Optional Preferential Voting, except where there are two or more positions to be filled by the one ballot, in which case a Single Transferrable Vote method shall be used.
35. All ballots must include as an option, alongside nominees, the seeking of further candidates.
36. Except if the preselection method is by attendance ballot, ballot packs shall be created for eligible voters, which shall include:
- a) The ballot (if it is a paper ballot it must be signed by the Returning Officer at the point of issue);
  - b) Return-addressed reply-paid or stamped envelopes, and secret envelopes, if the ballot is conducted by post;
  - c) A document, or a link to a document, containing each candidate's statement, photo (if provided) and the statements of their nominators, as well as voting instructions; and
  - d) a reminder of the need for diversity.
37. Voting options on ballots must be arranged by Robson Rotation.
38. If the method of preselection is by attendance ballot or by electronic ballot, the Returning Officer must so far as practicable provide any eligible voter who requests the option to cast a postal ballot.
39. The counting of ballots after the deadline for return of ballots will be at a time for which notice has been given to all nominees by the Returning Officer. Nominees may choose to appoint one member to observe the vote count.

## **Costs**

40. All financial costs associated with preselection, including room hire, printing and postage of ballot packs, shall be met by the body conducting the preselection.

## **Disputes**

41. Should any member believe that there has been a material breach of this by-law or the rules of any preselection, they matter may be first raised with the Returning Officer, and, if necessary thereafter, raised with the Administrative Review Panel.

## **Results**

42. Until such time as any preselection result is announced by the Returning Officer, nominees may not comment on the result publicly, nor may any other member of the Party.
43. The declaration of any result of any election conducted by the State Returning Officer shall be final. Whilst in some circumstances the governing body may seek to declare a position vacant in order to conduct a new election, it is not able to deem the State Returning Officer's declared result to be incorrect.
44. All election documentation, including ballot papers and results, shall be kept by the Returning Officer for 60 days after the event. Results shall be made available to any candidate or elector on request.



## Snap Elections

45. In the event of a snap election:
- a) all affected electorates are considered open for nominations where a candidate has not already been preselected for a future election, except where the Victorian Campaign Committee determines otherwise (for example if a particular preselection is about to be concluded anyway);
  - b) the Victorian Campaign Committee:
    - i. may exercise all the powers of State Council in relation to Chapter 5 of the Constitution;
    - ii. will issue a call for nominations for all affected electorates for which a candidate has not already been preselected for a future election;
    - iii. will assist branches and other campaigning bodies with conducting preselections in the most timely manner possible but will in any regards have the ability to appoint by selection panel a candidate to represent the AGV to any electorate which remains unfilled 4 days before the deadline for submitting candidate names to the relevant Electoral Commission.
  - c) the State Returning Officer becomes the Returning Officer for any electorate for which a Returning Officer has not been appointed. They may, at their discretion, appoint Deputy Returning Officers to aid them in their duties. The requirements that Returning Officers, deputy or otherwise, remain uninvolved in other preselection matters must be observed.
  - d) the Probity Panel will have until 48 hours after the close of nominations for preselection to conclude its duties.
  - e) the default method of preselection will be assumed to be either electronic ballot or preselection panel. Other methods may be approved by the VCC on a case by case basis.
  - f) a decision to appoint a candidate by preselection panel still requires concurrent decisions of the preselecting body and the VCC, or the VCC and the State Executive.

## Eligibility

46. The AGV will not allow a candidate's name to be submitted for nomination to the AEC for a federal election for any House of Representatives or Senate seat where the person has not demonstrated their eligibility to sit in the federal parliament according to section 44 of the Australian Constitution.
47. In circumstances where a candidate may be under acknowledgement of allegiance, obedience, or adherence to a foreign power, or is a subject or a citizen or entitled to the rights and privileges of a subject or a citizen of a foreign power, the candidate must provide written confirmation of renunciation of any rights of citizenship. In cases where renunciation is not possible or practicable, comprehensive evidence of an attempt to renounce is required. The VCC will assess whether any evidence submitted is sufficient.
48. At any time, the Victorian Campaign Committee may direct a preselected candidate for a federal election to answer questions in writing regarding their eligibility to be nominated for election. A refusal to comply with such a direction is sufficient grounds for disendorsement.
49. A preselected candidate for a federal election must complete and submit the Australian Electoral Commission document regarding section 44 of the *Commonwealth Constitution* called the 'Qualification Checklist: Relating to Section 44 of the Constitution', should that form have changed in any way since the candidate completed it at the time of nominating for preselection.

## **30 Procedures for Urgent Withdrawal of Party Endorsement of a Candidate for Public Office**

### **Modification History**

<b>Action</b>	<b>Body</b>	<b>Date</b>
Approved	State Executive	2010-03-11
Updated	State Council	2010-04-17

1. Any endorsed candidate for public office may be removed as a candidate under these procedures. In this bylaw, the “ERC” shall mean the Endorsement Review Committee constituted under this bylaw.
2. These procedures cease at any stage should the relevant candidate withdraw as a candidate.
3. These procedures must be initiated by a notice, which may be in writing or by telephone, from a public office-holder (including the Parliamentary Leader of the Australian Greens), or a member of State Council, to the State Convenor or Secretary or the convenor of the State-wide campaign committee, which notice need only state the name of the candidate proposed for de-selection, but may include any other relevant matter.
4. If possible, the State Convenor, the Secretary and the convenor of the State-wide campaign committee shall confer. If any of them thinks the matter should proceed, they shall forthwith:
  - a) advise the candidate;
  - b) convene the ERC; and
  - c) advise any relevant Regional Convenor.
5. The ERC shall be convened at a time having regard to the desirability of allowing sufficient time for the candidate to respond, but also to any urgency having regard to the political circumstances, but in any case shall not be convened until at least 8 hours (excluding midnight to 6am) after a written notice has been sent to the candidate setting out the reasons why it is considered necessary that he or she might need to be disendorsed, advising the time and place of the ERC meeting (and any phone number by which its meeting may be attended). The candidate should have the opportunity to address the ERC, and every attempt shall be made to contact the candidate to ensure that the notice has been received. Copies of the notice shall be sent to the relevant Regional Convenor and, in the case of a Federal candidate, to the Parliamentary Leader of the Australian Greens. The ERC shall consist of:
  - a) the Convenor or nominee, or where the Convenor is absent or fails to nominate, the Secretary or nominee;
  - b) the convenor of the State-wide campaign committee or nominee, or where the convenor of the State-wide campaign committee is absent or fails to nominate, the secretary of the State-wide campaign committee;
  - c) a person elected (or agreed by consensus) by and from those members of State Council present at a meeting of State Council who are or have been a candidate for public office during the previous 5 years. However, the person elected shall not at the time of the ERC meeting be a current candidate or public office-holder. (An election for this position shall be held in every second year or whenever necessary. However, the person elected shall in any case hold office until replaced.) If that person is unwilling, absent or disqualified, he or she shall be replaced on the ERC by a person of at least 10 years membership who has been more than once a candidate for public office, nominated by the Convenor or Secretary.
6. The ERC shall determine its own procedures having regard to the circumstances and urgency of the matter. All proceedings before the ERC are confidential. The ERC shall have access to all relevant probity documents and candidate agreements, and may interview any person involved in any probity

- check. In the case of a Federal candidate, the Parliamentary Leader of the Australian Greens shall have the right to confer with the ERC, and in any case, the ERC shall have regard to her or his advice, which may be given in confidence.
7. The terms of reference of the ERC shall be to determine whether, in all the circumstances there are clear and compelling reasons why it is in the interests of the Party to cancel a candidate's endorsement, and if the ERC so determines, it shall cancel the candidate's endorsement.
  8. Proceedings before the ERC are not disciplinary or penalty proceedings. Therefore,
    - a) it is not necessary that any allegation or suggestion in relation to any conduct by the candidate be proven for the ERC to make any decision;
    - b) where an issue involves an allegation or suggestion related to any past or present conduct by the candidate, the ERC has no brief to make any adverse determinative findings of fact against the candidate in respect of that alleged or suggested conduct. (This does not prevent any subsequent disciplinary proceedings against a candidate or former candidate in accordance with other relevant party procedures.);
    - c) where a decision to cancel the candidate's endorsement occurs in circumstance where the candidate denies any allegation or suggestions in relation to his or her conduct, any public statement by the Party shall acknowledge this denial.
  9. The ERC may authorise the making of a statement on behalf of the AGV following its decision. Where appropriate, an attempt shall be made to reach agreement with the candidate or former candidate about the terms of that statement.
  10. A decision of the ERC to cancel a candidate's pre-selection must be by consensus, but is final, provided that the ERC may refer the matter to the State Executive for a final decision if it is not certain, and shall do so if it cannot reach consensus. In this case, an Executive meeting shall be called forthwith to determine the matter. The members of the ERC and the Parliamentary Leader of the Australian Greens shall as far as practicable, be in attendance, but otherwise the meeting shall be closed, unless the Executive decides that others may attend.

# 31 Tithing

## Modification History

Action	Body	Date
Approved	State Executive	2009-04-09
Amended	State Executive	2010-10-14
Amended	State Executive	2011-11-24
Amended	State Executive	2018-01-18
Amended	State Executive	2019-09-19

14. This By-law shall be applicable to all Greens Members elected to the Victorian or Federal Parliaments.
15. This By-law shall be applicable to all Greens Members elected to Victorian Municipalities.
16. Tithing for those Greens Members to whom this By-law applies shall be calculated and paid quarterly for any gross salary (other than electorate allowances) derived from the relevant public office.
17. The tithing shall be equal to 10% of any portion of the annual gross salary (other than electorate allowances) derived from the relevant public office which exceeds 50% of the annual base gross salary of a member of the Victorian Legislative Assembly.
18. Tithing must not be paid from any electorate allowance received or managed by the elected Greens member.
19. For holders of federal office, the amount of any tithe owed or paid to the Australian Greens shall be deducted from the amount payable to the AGV.
20. Greens Members elected to Victorian and Federal Parliaments, but not Greens elected to Victorian Municipalities, will also be tithed an additional 1% of their total gross salaries.
21. Tithing payments shall be paid to the central AGV bank account only.
22. Payments received as part of article 5 (above) shall be forwarded from the AGV bank account to a bank account controlled by the Global Greens Secretariat.