



ACT Greens Constitution 2020

(Incorporating amendments made up to July 2020)

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Chapter 1 Preliminary

1 Definitions

1.1 In this constitution:

Act means the Associations Incorporation Act 1991 of the ACT.

Note The ACT Greens Incorporated is incorporated under the Act, and is subject to both the Act and its associated regulations.

affirmative action means measures that foster equity by supporting groups of people who face, or have faced, entrenched discrimination.

appointments, for the ACT Greens, are made by a motion passed at an appropriate ACT Greens meeting, and **appoint** has a corresponding meaning.

candidate means a person who has been preselected for election to the federal or ACT legislature.

code of conduct means the code of conduct set out in the by-laws.

delegate entitlement means the number of delegates that may, according to the rules of the Australian Greens, represent the ACT Greens at a national meeting.

national delegates panel means:

- (a) the group of persons elected or appointed to represent the ACT Greens at national meetings; and
- (b) the convenor; and
- (c) elected parliamentary representatives.

national meetings means national conferences and National Council meetings, as defined in the constitution of the Australian Greens.

optional preferential voting has the meaning given in the by-laws.

parliamentary representative means a member of the ACT Greens who is elected to the federal or ACT legislature.

person means an individual.

principal delegate means the person elected or appointed to this position on the national delegates panel.

public office means an office to which a person may be elected or appointed.

Public Officer means the contact person with the Office of the ACT Registrar-General.

registered officer means the contact person with the Australian Electoral Commission and with Elections ACT.

2 Interpretation

- 2.1 The power to appoint a person to a position or to establish a body includes the power to remove the person from the position or abolish the body.

Chapter 2 Principles and objectives

3 Name and constitution

- 3.1 The name of the association is The ACT Greens Incorporated (the **ACT Greens**).
- 3.2 The ACT Greens operates as a member body of the Australian Greens, the national confederation of State and Territory Green parties.
- 3.3 This constitution identifies the principles and rules governing the conduct of the affairs of the ACT Greens and defines the powers and roles of its constituent bodies and holders of positions.
- 3.4 All other ACT Greens documents are subordinate to this constitution, but this constitution is subordinate to the Charter of the Australian Greens and the national constitution of the Australian Greens, so that if there is an inconsistency, the national documents prevail.

4 The Charter of the Australian Greens

- 4.1 The basic principles and aims of the ACT Greens are as defined in the Charter of the Australian Greens.

5 Objectives

- 5.1 The objectives of the ACT Greens are:
 - 5.1.1 to further a vision of the world characterised by peace and nonviolence, social justice, grassroots participatory democracy and ecological sustainability;
 - 5.1.2 to make, publicise and strive to implement policies on local, national and global issues based on the Charter of the Australian Greens;
 - 5.1.3 to seek the election or appointment to public office of people who are committed to the Charter of the Australian Greens and its principles, policies and objectives;
 - 5.1.4 to be a registered political party under the Commonwealth and ACT Electoral Acts;
 - 5.1.5 to encourage other political parties to adopt our objectives by electoral strategies and direction of voting preferences;
 - 5.1.6 to support and assist members of the federal parliament and the ACT Legislative Assembly who are members of the Australian Greens or who agree with the Charter of the Australian Greens;
 - 5.1.7 to promote the development of, and to cooperate with, the national Green political movement;
 - 5.1.8 to promote and assist other individuals, organisations and community networks in working for the objectives of the Australian Greens;
 - 5.1.9 to engage in education of both ourselves and the wider community to raise awareness of the issues and concerns covered by the Charter and policies of the Australian Greens;

- 5.1.10 to resist oppressive and destructive institutions and practices using nonviolent means;
- 5.1.11 to strive to ensure that all sectors of society, whether defined by gender, race, religion or other criteria, have the opportunity to participate fully in the life of the community and in the internal processes of the ACT Greens;
- 5.1.12 to achieve gender equity, wherever possible applying the principle of affirmative action to all party processes and activities.

6 Powers

- 6.1 The ACT Greens may do all things permitted by law and by this constitution that may be necessary or desirable to pursue the objectives of the ACT Greens.
- 6.2 The ACT Greens may only withdraw from membership of the Australian Greens by special resolution.

Chapter 3 Membership

7 Membership

- 7.1 A person will be welcomed as a member of the ACT Greens if:
 - 7.1.1 the person agrees to the Charter of the Australian Greens and agrees to abide by this constitution and the code of conduct; and
 - 7.1.2 the person pays an annual membership fee; and
 - 7.1.3 the person's application for membership is not objectionable to the existing members of the ACT Greens; and
 - 7.1.4 the person is not a member of any other political party, other than one with related party status within the Australian Greens.
- 7.2 An annual general meeting can award a life membership to a member who has made an outstanding contribution to the ACT Greens.
- 7.3 A life member is subject to the same rules for disciplinary actions that apply to other members.

8 Membership entitlements

- 8.1 Each member has the following rights:
 - 8.1.1 to nominate for a position;
 - 8.1.2 to participate in discussion and debate in any ACT Greens meeting and, unless precluded by this constitution or the by-laws, to participate in the decision making process in any ACT Greens meeting;
 - 8.1.3 to receive a copy of the Charter of the Australian Greens and this constitution;
 - 8.1.4 to receive the newsletters of the ACT Greens and electronic members bulletins wherever possible;
 - 8.1.5 to communicate with the entire membership of the ACT Greens through its newsletter, within reasonable space, cost and time limitations;
 - 8.1.6 to participate in policy formulation;

- 8.1.7 to nominate as an ACT Greens candidate for public office;
 - 8.1.8 to receive on request a copy of the audited accounts of the ACT Greens for the previous year;
 - 8.1.9 to inspect the books and records of the ACT Greens;
 - 8.1.10 as a member of the Australian Greens to participate in its activities, noting that the Australian Greens is also a member body of the Global Greens and the Asia-Pacific Greens Federation.
- 8.2 A member may make a public statement in the name of the ACT Greens only if authorised by this constitution.
- 8.3 A provisional member has limited rights until 3 months after the member's name is published in the ACT Greens members' bulletin, unless the forum waives this provision and gives the provisional member full membership rights.
- 8.4 Limited rights allow a provisional member:
- 8.4.1 to receive newsletters and electronic bulletins of the ACT Greens; and
 - 8.4.2 to attend a meeting of the ACT Greens with the consent of the meeting and to place items on the agenda with the co-sponsorship of a member.
- 8.5 Limited rights do not allow a provisional member:
- 8.5.1 to vote or to block consensus, unless the provisional member becomes a full member before the end of the voting period; or
 - 8.5.2 to hold an office or position in the ACT Greens; or
 - 8.5.3 to stand as a candidate or to hold public office in the name of the ACT Greens.
- 9 Joining procedure**
- 9.1 An application for membership must include:
- 9.1.1 the membership fee; and
 - 9.1.2 a declaration that the person:
 - 9.1.2.1 agrees to the Charter of the Australian Greens and to abide by this constitution and the code of conduct; and
 - 9.1.2.2 is not a member of another political party and will not join another political party while a member of the Australian Greens, other than a party with related party status within the Australian Greens; and
 - 9.1.2.3 is not subject to any current or pending disciplinary action by any other member body of the Australian Greens; and
 - 9.1.3 details of any disciplinary action taken against the person by any member body of the Australian Greens.
- 9.2 The application must be given to the membership secretary, and the name of the person must be published (on the **publication date**) in the ACT Greens members' bulletin.
- 9.3 The person is a provisional member from the date when the application is processed (the **join date**).

- 9.4 Any objection to the application must be given to the membership secretary who must refer it to the management committee for decision.
- 9.5 If an objection is upheld by the management committee, the person's provisional membership is cancelled.
- 9.6 After 3 months after the join date, if there have been no objections to the application, the provisional member becomes a full member.
- 9.7 However, a person who renews membership after an absence of no more than 12 months becomes a full member immediately.
- 9.8 For a person who is already a financial member of another member body of the Australian Greens (a **transferring member**):
- 9.8.1 an application from the person to join the ACT Greens will be accepted automatically on receipt of the signed membership application; and
 - 9.8.2 the secretary must publish the person's name in the ACT Greens newsletter or electronic members bulletin, and immediately place the name on the register of members; and
 - 9.8.3 clauses 9.3 to 9.7 do not apply to the person; and
 - 9.8.4 the person is not required to pay a membership fee until the membership would have fallen due with the previous constituent party.
- 9.9 Membership details must not be given to any outside individual or organisation without the member's written permission, unless legally required.

10 Membership fees

- 10.1 A member must pay an annual membership fee to the ACT Greens.
- 10.2 The rate of membership fee must be determined by the annual general meeting.
- 10.3 A membership fee is payable every 12 months, to be calculated from the join date or, for a transferring member, from the first due date established by the member's previous member body.
- 10.4 If the membership fee of a member is not paid by the due date, the member remains financial for 3 months after which membership lapses.
- 10.5 A membership fee is not refundable after the publication date unless the application is rejected or is withdrawn after an objection is received.
- 10.6 Only a member may pay the membership fees for another person and must not pay the membership fees for more than 4 persons in any 1 year.

11 Resignation

- 11.1 A member may resign from the ACT Greens by telling the membership secretary in writing.

12 Expulsion, suspension and censure

- 12.1 Disciplinary action may include censure, suspension or expulsion of a member.
- 12.2 If, in accordance with clause 17.6, the arbitration and conciliation committee proposes to recommend disciplinary action, it must give the member written notice

- at least 14 days before the meeting of the management committee at which the recommendation is to be considered, including:
- 12.2.1 details of the reasons and evidence for the proposed action; and
 - 12.2.2 the right to appeal against the management committee's decision.
- 12.3 If the management committee decides to take disciplinary action, the secretary must tell the member in writing as soon as possible.
- 12.4 The member may appeal against the decision by giving written notice to the secretary within 14 days after the decision is communicated to the member.
- 12.5 If the secretary receives a notice of appeal, the secretary must convene a special general meeting to appoint a disciplinary action appeal committee of 3 members to consider the appeal.
- 12.6 The appeal committee:
- 12.6.1 must not include any members of the management committee or the arbitration and conciliation committee; and
 - 12.6.2 must meet within 14 days after the special general meeting; and
 - 12.6.3 must decide whether to uphold, amend or revoke the disciplinary action; and
 - 12.6.4 must prepare a summary report for the next forum meeting.
- 12.7 If expulsion action is initiated against a member who is a member of the Australian parliament, has been endorsed as a Greens candidate for a forthcoming federal election, or is an office bearer of the Australian Greens, the secretary must tell the Australian Greens in writing.
- 12.8 The secretary must tell the Australian Greens in writing as soon as possible after a member has been expelled.
- 12.9 If the ACT Greens becomes aware that a member has been expelled from a member body of the Australian Greens, the member must be referred to the conciliation and arbitration committee for consideration of the membership.

Chapter 4 Structure

13 Composition of the ACT Greens

- 13.1 The ACT Greens operates within the following bodies:
- 13.1.1 ACT Greens forum;
 - 13.1.2 neighbourhood teams;
 - 13.1.3 management committee;
 - 13.1.4 arbitration and conciliation committee;
 - 13.1.5 campaign team;
 - 13.1.6 working groups.

14 ACT Greens forum

- 14.1 The secretary must convene the ACT Greens forum at least once every 2 months.

- 14.2 The forum has the following functions:
- 14.2.1 to discuss, consider and decide policy and campaign issues;
 - 14.2.2 to give policy guidance to ACT Greens who are parliamentary representatives;
 - 14.2.3 to receive reports from, and to evaluate the work of, bodies mentioned in section 13 and persons mentioned in paragraph 14.2.2;
 - 14.2.4 to review any decision made by the management committee and to request (giving specific reasons for the request) that a decision be reconsidered;
 - 14.2.5 to call special general meetings and to delegate specific decision-making powers to them.
- 14.3 Members must be given at least 7 days' notice of each forum meeting.
- 14.4 However, if extraordinary circumstances require decisions by the ACT Greens to be made urgently, shorter notice may be given, but attempts should be made to notify all members of the meeting.
- 14.5 A quorum for the forum is 10 members.
- 14.6 A forum must not be cancelled for lack of a quorum until at least 20 minutes after the advertised starting time.

15 Management committee

- 15.1 The management committee consists of:
- 15.1.1 the co-convenors, or the convenor and deputy convenor;
 - 15.1.2 the secretary;
 - 15.1.3 the treasurer;
 - 15.1.4 the lead delegate to the National Council;
 - 15.1.5 the membership secretary;
 - 15.1.6 a representative of each neighbourhood team.
- Note* The management committee is the committee of the association as defined in the Act. Its members have legal responsibility for the management of the ACT Greens.
- 15.2 Any elected Greens parliamentary representatives, or their delegates, are ex officio members of the management committee who have speaking rights but cannot make decisions.
- 15.3 The convenor is chair of the management committee.
- 15.4 The management committee has the following powers:
- 15.4.1 to provide administrative and governance oversight of the party;
 - 15.4.2 to coordinate strategy, compliance, safety and resourcing so that committees, groups and teams can implement policy and campaign;
 - 15.4.3 to implement decisions of the forum and to consider recommendations of the arbitration and conciliation committee;
 - 15.4.4 to call special general meetings and to delegate specific decision-making powers to them;

- 15.4.5 to appoint delegates to national working groups;
- 15.4.6 to employ staff, including a party director;
- 15.4.7 to coordinate regular performance reviews of the party director and the committees and working groups established by the management committee;
- 15.4.8 to approve expenditure of ACT Greens funds to meet specific costs or as a budget for a particular project or purpose;
- 15.4.9 at the last meeting in a financial year, to adopt an interim overall budget for the next financial year;
- 15.4.10 to delegate responsibility to the party director for operational decisions.
- 15.5 The management committee must appoint the following:
 - 15.5.1 from the representatives of the neighbourhood teams — a deputy secretary and a deputy treasurer;
 - 15.5.2 an auditor;
 - 15.5.3 the registered officer (under the Electoral Act 1992 (ACT)), who is also the party agent under the *Commonwealth Electoral Act 1918*);
 - 15.5.4 at least 3 persons who are authorised to make payments on behalf of the ACT Greens.
- 15.6 The management committee may decide to hold all or part of a meeting in camera if the issue to be considered is of a confidential nature.
- 15.7 A member who is not in the management committee may attend meetings of the management committee, other than when in camera, and has speaking rights, but may not participate in decisions.
- 15.8 The management committee must meet at least every 2 months.
- 15.9 The quorum for a management committee meeting is at least half of the current members of the committee.
- 15.10 Members must be given at least 7 days' notice of a management committee meeting.
- 15.11 However, if a matter is urgent so that it must be resolved within 7 days, the management committee:
 - 15.11.1 may meet without notice having been given under clause 15.10; and
 - 15.11.2 for a decision about preselection or disendorsement — must, in consultation with the campaign team, meet face-to-face; and
 - 15.11.3 must consult if possible with members or bodies who may have a direct interest in the decision; and
 - 15.11.4 must report on any decision, including the reason for the urgency of the decision, to the next forum; and
 - 15.11.5 may decide to ratify the decision, take further action or issue guidelines for future decision-making.

- 15.12 The management committee must publish its minutes on the members' internet portal.
- 15.13 The minutes must identify any members who are expelled or suspended, but must not identify any other members who are the subject of recommendations of the arbitration and conciliation committee.

16 Neighbourhood teams

- 16.1 The neighbourhood teams are based on the geographical areas of each Territory Legislative Assembly electorate, unless otherwise determined by a special general meeting.
- 16.2 Each neighbourhood team is open to membership for any member who resides in the area that it covers.
- 16.3 A neighbourhood team has the following functions for the area it covers:
 - 16.3.1 to engage local members in the grassroots work of the party;
 - 16.3.2 to arrange campaign and social events;
 - 16.3.3 to generate policy and campaign ideas for consideration by the forum;
 - 16.3.4 to communicate with the campaign team.

17 Arbitration and conciliation committee

- 17.1 The arbitration and conciliation committee has the following functions:
 - 17.1.1 to oversee dispute resolution;
 - 17.1.2 to manage grievances referred to it by the member support team;
 - 17.1.3 to investigate complaints about members.
- 17.2 Members may take a dispute directly to the member support team with the aim of an agreed mediated outcome if all parties to the dispute agree to do so.
- 17.3 The member support team has absolute discretion as to whether or not the matter falls within the member support team's scope.
- 17.4 If the member support team cannot resolve a dispute, the parties may refer it to the arbitration and conciliation committee.
- 17.5 If the arbitration and conciliation committee receives a complaint about a member, it must:
 - 17.5.1 investigate the complaint and recommend appropriate action, including any of the following:
 - 17.5.1.1 that the management committee refer the matter to the police if there is apparent evidence of a criminal act;
 - 17.5.1.2 that the management committee take disciplinary action;
 - 17.5.1.3 that the management committee counsel the member about the behaviour the subject of the complaint and, if the member is on the staff, refer the matter to the member's supervisor;
 - 17.5.1.4 advise the parties to pursue mediation or counselling;
 - 17.5.1.5 that the complaint be dismissed; and

- 17.5.2 report on the complaint and its response to the management committee.
- 17.6 The arbitration and conciliation committee may only recommend to the management committee that it take disciplinary action against a member who:
- 17.6.1 engages in conduct that is inconsistent with the Charter of the Australian Greens, the code of conduct or this constitution; or
- 17.6.2 brings the ACT Greens into disrepute; or
- 17.6.3 makes a false declaration about membership of another political party.
- 17.7 The arbitration and conciliation committee must publish a summary of its activities, which must take account of individuals' right of privacy, on the members' internet portal.

18 Campaign team

- 18.1 The campaign team must appoint a campaign team convenor from its members.
- 18.2 The campaign team is responsible for the strategic direction and practical day-to-day decision making required to conduct campaigning during and between elections.
- 18.3 The campaign team convenor must give the management committee all necessary information to demonstrate compliance with the Electoral Act 1992 (ACT) and the *Commonwealth Electoral Act 1918*.
- 18.4 Within 2 months after the official declaration of the result for each election, the campaign team must give a written report, including financial statements, to the management committee and a summary report to the forum.

19 Working groups

- 19.1 The management committee and the forum may:
- 19.1.1 establish working groups, including issues groups and diversity groups, for specific purposes; and
- 19.1.2 determine their terms of reference and duration.
- 19.2 A working group may also be delegated specific decision-making powers by its establishing body and must not make any decisions outside of this delegation that commit the ACT Greens.
- 19.3 Any member is eligible for appointment to a working group.
- 19.4 Any member, and any other person invited by a working group, may attend meetings of the working group other than when in camera and, with the consent of the working group, may participate in its discussions.
- 19.5 However, only members of the working group may be involved in making decisions.
- 19.6 A working group must report to the body that established it.

20 Policy coordinator

- 20.1 The policy coordinator has the following duties:
- 20.1.1 to coordinate policy working groups;
- 20.1.2 in consultation with parliamentary representatives, to prepare recommendations to the forum for changes to policy.

21 Special general meeting

- 21.1 A special general meeting may be called by:
- 21.1.1 a resolution of the forum or the management committee; or
 - 21.1.2 a petition signed by at least 20 members.
- 21.2 Members must be given at least 21 days' notice of the meeting.
- 21.3 However, less notice may be given if the management committee decides that it is urgent.
- 21.4 The notice must include details of all of the business of the meeting that deal with decisions that only a special general meeting can make.
- 21.5 A special general meeting has the following powers:
- 21.5.1 to exercise the powers of the forum;
 - 21.5.2 to adopt policies of the ACT Greens;
 - 21.5.3 to endorse candidates for federal or ACT elections;
 - 21.5.4 to remove members from appointed or elected positions and to appoint members to those positions until the next annual general meeting;
 - 21.5.5 to ratify or overturn any decision made by the forum or the management committee;
 - 21.5.6 to decide whether the ACT Greens will join a coalition to contest an election;
 - 21.5.7 to authorise a preselection ballot;
 - 21.5.8 to elect an interim parliamentary leader;
 - 21.5.9 to make or amend by-laws;
 - 21.5.10 to decide on any matters referred to it by the forum or the management committee or the petitioners who called the special general meeting;
 - 21.5.11 to decide on any other matters that this constitution require to be put to a special general meeting;
 - 21.5.12 to consider any motion that is required under the Act to be a special resolution, that is, requiring 21 days' notice to members and passage at the meeting by at least 75% of the members present;
 - 21.5.13 to withdraw from membership of the Australian Greens in accordance with clause 6.2;
 - 21.5.14 to determine the number and geographical coverage of neighbourhood teams
- 21.6 A quorum for the meeting is 20 members.
- 21.7 If there is not a quorum, but there are sufficient members present to constitute a quorum for the forum, the meeting may proceed as the forum, without the powers that are limited to a special general meeting.
- 21.8 If a quorum is reached before the meeting ends, the meeting may then exercise the powers of a special general meeting.

21.9 The meeting must not be cancelled for lack of a quorum to conduct the business of the forum until at least 20 minutes after the advertised starting time.

22 Annual general meeting

22.1 The secretary must convene an annual general meeting within 5 months after the end of each financial year.

22.2 At least 21 days' notice of the meeting must be given to members.

22.3 The notice must include details of the business to be discussed at the meeting and any decisions that need to be made at the meeting.

22.4 An annual general meeting has the following powers:

22.4.1 to exercise the powers of the forum;

22.4.2 to receive the annual report of the convenor, which must include a record of the attendance of members of the management committee at its meetings;

22.4.3 to receive the audited financial statements for the previous year from the treasurer;

22.4.4 to elect the co-convenors (or convenor and deputy convenor), secretary, treasurer and membership secretary to hold office until the next annual general meeting;

Note A duty of the secretary is to be the public officer who, under the Associations Incorporation Act 1991 (ACT), must be at least 18 years old.

22.4.5 for each neighbourhood team — to elect a representative who must be nominated and seconded by members who reside in the area covered by the team;

22.4.6 to elect a principal delegate and a panel of delegates, within the entitlement under the Australian Greens constitution and 3 additional delegates (all of whom will decide among themselves which meetings of the National Conference to attend);

22.4.7 to elect 2 delegates to the National Council, 1 of whom is to be a member of the management committee and the lead delegate;

22.4.8 to elect 3 members of the arbitration and conciliation committee, who must not be members of the management committee, parliamentary representatives or their staff or members of staff;

22.4.9 to elect the policy coordinator;

22.4.10 to elect the campaign team;

22.4.11 to adopt the overall budget for the current financial year;

22.4.12 to determine the schedule of membership fees;

22.4.13 to determine the minimum donation amount that requires acceptance by the donations reference group;

22.4.14 to determine the minimum donation amount that must be publicly disclosed.

- 22.5 An annual general meeting may elect:
 - 22.5.1 2 members as co-convenors who are to share the office of convenor; or
 - 22.5.2 a convenor and a deputy convenor.
- 22.6 Elections at an annual general meeting must be conducted by secret ballot using optional preferential voting.
- 22.7 A ballot paper must include an option to seek further nominations.
- 22.8 A member who has served 2 consecutive full terms in the same office is not eligible for a third consecutive term in the same office, unless the annual general meeting waives this restriction for the member by consensus.
- 22.9 A member who is nominated must have consented in writing or in person to stand.
- 22.10 A member elected or appointed to a position at an annual general meeting may be removed from the position by a special general meeting if the member is unable or refuses to fulfil the designated responsibilities.
- 22.11 Unless a deputy has been elected, if a member resigns from a position, or the position becomes vacant for any other reason, the management committee may appoint a member to act in the position until an election is held at a special general meeting.
- 22.12 Each member who is elected to a position must keep records of all written material relevant to the position and transfer all records to the incoming member when leaving the position.
- 22.13 A person employed by the ACT Greens cannot be elected to the management committee.
- 22.14 A member of the management committee must be a resident of the ACT.
- 22.15 A quorum for the meeting is 20 members.
- 22.16 If there is not a quorum, the meeting must be adjourned by as near as practicable to 1 calendar month, with the exact date, time and venue determined by the management committee and notified to members at least 14 days before the resumed meeting.

23 Spokespersons

- 23.1 The following members are authorised to make public statements to the media on behalf of the ACT Greens:
 - 23.1.1 endorsed candidates for federal or ACT elections;
 - 23.1.2 members elected to the federal or ACT legislatures;
 - 23.1.3 the convenor.
- 23.2 The forum may appoint spokespersons to make media statements on specific issues as directed by the forum.
- 23.3 Gender balance must be sought if more than 1 spokesperson is appointed.
- 23.4 Any public statement must be consistent with ACT Greens policies and decisions.

24 Delegates to national meetings and national working groups

- 24.1 A delegate to a national meeting or national working group must represent the views of the ACT Greens and report to the ACT Greens on the deliberations of the national body.
- 24.2 A delegate to a national meeting or national working group must seek instruction from ACT Greens members at the forum, or by any specially convened meetings that are open to all members, about positions to be taken on issues to be decided by a national body.
- 24.3 However, if there is insufficient time for consultation under clause 24.2:
- 24.3.1 the delegate must consult the management committee for instruction; and
- 24.3.2 the management committee must report on the instruction to the next forum.
- 24.4 When a national conference of the Australian Greens is convened:
- 24.4.1 the national delegates panel must decide which delegates will attend the conference; or
- 24.4.2 if there is no consensus among the delegates about who should attend, the principal delegate must decide.
- 24.5 If there are insufficient delegates available to meet the delegate entitlement at a national conference, the management committee may appoint sufficient substitute delegates to meet the entitlement.
- 24.6 If there are insufficient delegates available to meet the entitlement of the ACT Greens at a national working group and the by-laws do not make other provision, the management committee may appoint sufficient delegates to meet the entitlement.
- 24.7 The management committee must decide the extent to which delegates to national meetings are reimbursed for expenses incurred, subject to the condition that the total reimbursement to be shared between all delegates is not less than the registration fees and reasonable travel costs for the delegate entitlement.

25 Returning officer for all ballots

- 25.1 The duty of the returning officer is to conduct ballots in a proper manner as necessary to comply with this constitution.
- 25.2 If the returning officer is a candidate for any office or position for which a ballot is being held, a substitute returning officer must be appointed by the meeting at which the ballot is to be conducted.

Chapter 5 Decision-making

26 Meeting facilitation

- 26.1 Meetings of the ACT Greens must be facilitated by at least 1 person agreed to by those members present at the meeting.
- 26.2 Any member may be a facilitator.

26.3 A member may not facilitate more than 1 meeting in succession unless there is a consensus of the meeting to waive this provision.

26.4 The forum may decide on rules for the conduct of ACT Greens meetings.

27 Decision making

27.1 Decisions at a meeting must be made by cooperative decision-making processes, including the options of consensus and voting.

27.2 A meeting must try to make each decision by consensus before any form of voting is proposed.

27.3 Consensus is achieved when all members present at a meeting agree with a proposed course of action or any members who disagree with the proposal decide not to oppose the rest of the members' agreement.

27.4 Consensus is blocked if at least 2 members oppose agreement to a proposal.

27.5 In attempting to reach consensus:

27.5.1 sufficient time must be allowed for discussion of different views on a proposal and to make amendments to a proposal, including provision for non-decision-making meetings if time allows; and

27.5.2 non-binding informal or straw voting may be held to gauge a meeting's opinion about a proposal.

27.6 If consensus cannot be reached about a proposal at a meeting:

27.6.1 the matter must be deferred to a future meeting; or

27.6.2 any member present at a meeting may propose an urgency motion that the proposal must be decided at the meeting and not be deferred.

27.7 An urgency motion is passed if the meeting agrees by consensus or, if consensus is blocked, 2/3 of the members present vote for the motion.

27.8 If an urgency motion is passed at a meeting about a proposal and consensus on the proposal is blocked, a vote on the proposal must be held before the end of the meeting.

27.9 If an urgency motion is passed and less than 2/3 of the members present vote for the proposal, then, if there has been no previous decision on the issue, a subsequent vote may be held that may be decided by a simple majority of those voting.

27.10 Voting must be conducted by:

27.10.1 a show of hands; or

27.10.2 for a contested election — by secret ballot.

27.11 Voting cannot be by proxy.

27.12 All members must be given the opportunity to contribute to resolution of important or contentious issues.

27.13 A ballot must be conducted on an issue if requested by the forum or a petition of at least 20 members.

27.14 The text of a motion to be put to the ballot must be endorsed by all those calling the ballot.

- 27.15 For the ballot to be successful, at least 20% of the membership must vote and at least 2/3 of the total number of votes must favour the motion.
- 27.16 A decision on any matter described in this constitution may only be made at an ACT Greens meeting while a quorum is present.
- 28 Formulation and adoption of ACT Greens policies**
- 28.1 ACT Greens policies on matters only relevant to the ACT must be decided in accordance with this section.
- 28.2 Policies of the ACT Greens on national issues must be decided in accordance with the constitution of the Australian Greens.
- 28.3 ACT Greens policies must be formulated with the maximum participation of members through working groups designated with this purpose.
- 28.4 Decisions to approve or amend policies may only be made at a special general meeting called for this purpose.
- 28.5 Policy decisions may only be made by consensus at these meetings, or by vote if an urgency motion about the decision is passed by the meeting.
- 28.6 The secretary must tell the Australian Greens as soon as possible of any change to a policy.
- 28.7 Emergency policy decisions:
- 28.7.1 may be made by the forum; and
 - 28.7.2 must be submitted to a special general meeting as soon as possible; and
 - 28.7.3 must not contradict any policy already approved by the ACT Greens.

Chapter 6 Candidates, campaigns and representatives

29 Preselection and preferences

- 29.1 Within a reasonable time before a federal or ACT election, a special general meeting may decide whether the ACT Greens will participate in the election, how many candidates to stand in each electorate, and when to proceed with preselecting candidates to stand in the election.
- 29.2 Preselection of candidates must be by a ballot of all members using optional preferential voting.
- 29.3 Decisions on whether the ACT Greens will join a coalition of parties or independents to contest an election may only be made by a special general meeting.
- 29.4 A special general meeting must decide on a closing date for nominations.
- 29.5 All members must be told of the call for nominations at least 21 days before the close of nominations, unless the timing of an upcoming election requires a shorter notification time.
- 29.6 A special general meeting must appoint:
- 29.6.1 a search team of at least 3 members; and
 - 29.6.2 an interview team of at least 3 members who are not members of the search team.

- 29.7 Ballot forms must be distributed to all members together with statements by the nominees and nominators, as well as a report from the interview team.
- 29.8 The ballot must close 14 days after the distribution.
- 29.9 At least 1 meeting of the members must be held after the distribution of ballot forms so that members can meet the nominees and the interview team.
- 29.10 For an ACT election, the lead candidates (those who will be preferentially promoted) for each electorate will be those who receive the most support in the ballot.
- 29.11 For a senate election, the order that the candidates are listed on the Australian Electoral Commission ballot paper will be determined by the preselection ballot.
- 29.12 When the time remaining before an election does not allow time for a ballot of all members, that ballot may instead be held at a special general meeting.
- 29.13 The management committee, in consultation with the campaign team, may vary the preselection process if:
 - 29.13.1 the ACT Greens is without candidates in any electorate, or has fewer candidates than previously determined should be endorsed by the party; and
 - 29.13.2 for an ACT election — it is less than 4 weeks to the closing date for nominations to be accepted by Elections ACT; and
 - 29.13.3 for a federal election — if it is called early.
- 29.14 Any decision on the allocation of preferences must be made by the forum or a working group delegated this task by the forum.

30 Disendorsement

- 30.1 The ACT Greens may initiate the removal of endorsement of a candidate if the candidate has behaved, or is behaving, in a manner likely to bring either the ACT Greens or the Australian Greens into disrepute.
- 30.2 A request for disendorsement of a candidate must be signed by at least 20 members.
- 30.3 On receipt of a written request to disendorse a candidate, the convenor must tell the candidate in writing, giving reasons for the request, and invite a timely written response that must be considered by the management committee in consultation with the campaign team.
- 30.4 The management committee, in consultation with the campaign team, must consider the request and decide:
 - 30.4.1 to dismiss the request; or
 - 30.4.2 to censure the candidate and set down conditions for the continuation of the candidacy, which may include the candidate issuing a clarifying statement or a statement of apology; or
 - 30.4.3 to disendorse the candidate.
- 30.5 The deliberations and the final decision must be made without the candidate being present.

- 30.6 The final decision must be communicated to the candidate in writing, together with a statement of reasons.
- 30.7 The final decision must be communicated to the ACT Greens at the next forum.
- 30.8 The final decision may not be appealed.

31 Greens in public office

- 31.1 The actions and activities of all members of the ACT Greens who are elected or appointed to public office must be consistent with the Charter of the Australian Greens and the policies and decisions of the ACT Greens.
- 31.2 Elected members must consult regularly with the ACT Greens membership about positions to be taken in their legislative activity.
- 31.3 Elected members must provide regular reports of their activities to the forum and in the newsletter.
- 31.4 If the personal views of an elected member or the elected member's duty to the electorate are in conflict with ACT Greens policies, the elected member may vote according to the elected member's conscience and must give a statement accounting for the elected member's actions to the next forum.
- 31.5 Elected members must give a proportion of their parliamentary salary to the ACT Greens and the Global Greens.
- 31.6 Before the endorsement of candidates for a federal or ACT election, the management committee must determine the proportion of parliamentary salary that candidates must give to the ACT Greens and the Global Greens if elected.

32 Parliamentary leader

- 32.1 The serving Greens members of the ACT Legislative Assembly (the **Greens MLAs**) must appoint 1 of their number as the parliamentary leader.
- 32.2 If there is only 1 Greens MLA, that person must assume the duties of the parliamentary leader.
- 32.3 The parliamentary leader has the following duties:
 - 32.3.1 the overall coordination of the activities of the Greens MLAs and their staff, unless there is only 1 Greens MLA;
 - 32.3.2 coordinating discussions with non-Greens MLAs on matters relating to Assembly business, administration and procedures;
 - 32.3.3 representing the ACT Greens on whole-of-government issues or issues that directly relate to a number of portfolio areas of Government, such as the ACT budget;
 - 32.3.4 coordinating the liaison between the Greens MLAs and the ACT Greens as a whole.
- 32.4 The parliamentary leader may delegate any of the duties to another Greens MLA.
- 32.5 If there are no Greens MLAs, a special general meeting may elect an interim parliamentary leader from the candidates for the next Legislative Assembly election.

- 32.6 After the election, the interim parliamentary leader becomes the parliamentary leader until the earlier of the next annual general meeting or the election of a member of the ACT Greens to the Legislative Assembly.
- 32.7 If the Greens MLAs cannot reach consensus as to who should be the parliamentary leader, a special general meeting must elect a new parliamentary leader, who holds office until the earlier of the next annual general meeting or appointment of a new parliamentary leader by the Greens MLAs.
- 32.8 Whenever the Greens MLAs appoint a new parliamentary leader, they must tell the secretary as soon as possible.

Chapter 7 Other matters

33 Finance

- 33.1 The financial year of the ACT Greens is the year ending on 30 June.
- 33.2 The funds of the ACT Greens must be gathered from membership fees, donations, public election funding and fund-raising activities.
- 33.3 The ACT Greens must not undertake any form of fund-raising or income generation, or accept any donations or gifts with or without conditions, that are or might be in conflict with the Charter of the Australian Greens or the policies of the ACT Greens.
- 33.4 The funds and assets of the ACT Greens must be applied solely towards achieving the objectives of the ACT Greens.
- 33.5 Donations to the ACT Greens in terms of money, goods or services over a minimum amount decided by an annual general meeting must be approved by the donations reference group, a working group appointed by the management committee, in accordance with the by-laws before being accepted.
- 33.6 The details of substantial donations to the ACT Greens or candidates in terms of money, goods or services over a minimum amount decided by an annual general meeting must be open to public inspection.
- 33.7 Cheques, electronic transfers and other financial transactions involving the expenditure of funds of the ACT Greens must be authorised by 2 members appointed by the management committee.
- 33.8 The affiliation fees to be paid to the Australian Greens must follow rules determined by the National Council.

34 Registered officer

- 34.1 The duty of the registered officer is to nominate to the Electoral Commission the names of ACT Greens candidates for ACT Legislative Assembly and federal parliament elections.
- 34.2 The registered officer also holds the position and powers of a deputy registered officer at the national level within the Australian Greens.
- 34.3 The registered officer is accountable to the ACT Greens and the Australian Greens to carry out all the duties of the position required by law.

35 Public officer

- 35.1 The duty of the public officer is to exercise the responsibilities relevant to the position that are mentioned in the Act.
- 35.2 The secretary is the public officer.

36 Members' liability

- 36.1 The liability of a member to contribute towards the payment of the debts and liabilities of the ACT Greens or the costs, charges, and expenses of dissolving the ACT Greens is limited to the amount, if any, unpaid by the member for membership of the ACT Greens.

37 Auditor

- 37.1 Before the end of each financial year, the management committee must appoint an auditor to audit the financial records of the ACT Greens for the financial year.
- 37.2 The auditor must submit a written report to the management committee for presentation at the next annual general meeting.
- 37.3 The auditor must not be a member of the ACT Greens and must be a qualified accountant.

38 Indemnity

- 38.1 A member who acts on behalf of the ACT Greens with the authority of the forum or the management committee and accepts or incurs a personal pecuniary liability for the action must be held indemnified against the liability.

39 Constitutional interpretation and amendment

- 39.1 The forum must interpret the constitution if there is a dispute over the meaning of any provision.
- 39.2 The management committee may make an interim interpretation until the next forum which must decide whether to ratify the interpretation.
- 39.3 A special general meeting may make or amend by-laws that clarify arrangements made in this constitution.
- 39.4 The secretary must keep a register of by-laws.
- 39.5 If this constitution does not deal with an issue or if the Constitution cannot be strictly implemented, the forum may decide what action must be taken to deal with the issue consistent with the objectives and practices of the ACT Greens.
- 39.6 Any member may propose an amendment to this constitution to the secretary who must promptly refer it to the governance working group which must report on the developed proposal to a special general meeting.
- 39.7 A ballot of all members must be held on the proposed amendment only after it has been presented and debated at the forum.
- 39.8 For a ballot to be successful, at least 10% of the membership must vote and at least 75% of those voting must favour the amendment.

39.9 In accordance with the Act, constitutional changes accepted in a ballot are effective only after they have been proposed as a special resolution with at least 75% of the members present at the meeting voting in favour of the resolution.

40 Dissolution

40.1 The ACT Greens may be dissolved only by a resolution of the membership passed in a ballot in which:

40.1.1 at least 75% of the votes cast favour the resolution; and

40.1.2 the total number of votes in favour is at least 20% of the membership.

40.2 The dissolution of the ACT Greens takes effect:

40.2.1 either 40 days after the result of the ballot or another day stipulated by the ballot; and

40.2.2 after the result of the ballot has been proposed, in accordance with the Act, as a special resolution with at least 75% of the members present at the meeting voting in favour of the resolution.

40.3 If the ACT Greens dissolve, the assets of the ACT Greens must be disposed of by the management committee:

40.3.1 first — to discharge any debts or liabilities; and

40.3.2 second — to distribute any surplus to the National Council or to organisations that share the principles or objectives of the ACT Greens.