

# AUSTRALIAN GREENS VICTORIA

## INTERNAL POLICIES

This document contains the consolidated internal policies of the Australian Greens Victoria. These internal policies are made under our [new constitution](#) and serve as a replacement for our old bylaws. They are presented in two parts:

- **Part 1 - “New and revised” internal policies.** These internal policies have been written or revised following the adoption of our new constitution.
- **Part 2 - “Functionally reproduced” internal policies.** State Council has adopted these internal policies in order to “functionally reproduce” certain classes of rules from the old constitution and bylaws. It is intended that “new and revised” internal policies will gradually replace all of these “functionally reproduced” internal policies.

Where there is any inconsistency between the internal policies in Part 1 and Part 2, the “new and revised” internal policies in Part 1 prevail, as they have been adopted more recently.

The most recent update to this document was published on 27 May 2023.

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# **PART 1 - “NEW AND REVISED” INTERNAL POLICIES**

These internal policies have been written or revised following the adoption of our new constitution.

# MEMBERSHIP

Approved by State Council on 28 November 2022

## Scope

1. This policy 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. They must ensure that they advise the AGV of any changes to residential, mailing or email address.

## Membership fees

4. Membership fees will fall due annually and will be paid in advance for a period of 12 months. The annual amount of membership fees payable will be paid by each member as follows:
  - a. \$1 First Nations
  - b. \$5 University or TAFE students
  - c. \$30 Concession
  - d. \$90 Regular
  - e. \$180 Keen Green
5. A person facing difficult financial circumstances may apply to the Finance and Administration Committee for a reduction in their membership fees who may approve such a reduction to be reviewed after two years.
6. No AGV Member will pay or cause to be paid, directly or indirectly, the membership fees of three or more persons including their own membership in any year.
7. Membership fees are not refundable, once the applicant has been formally accepted as an AGV Member.

## Application for Membership

8. An 'applicant' for AGV membership is a natural person whose membership application and fee has been received by the AGV defined in schedule 8 of the AGV constitution.

9. An individual may apply for AGV membership by paying the applicable membership fee and by completing and submitting the membership application form which will contain, but is not limited to, the following information:
  - a. the name of the applicant
  - b. the residential address, including postcode, of the applicant
  - c. the email address of the applicant, or the postal address of the applicant
  - d. Agreement to have their name included in the party handbook
  - e. Opportunity to join relevant identity or regional working groups
  - f. A declaration signed by the applicant that they support the purposes of the party and agree to be bound by the Charter and constitutional rules of the Greens
  - g. A declaration signed by the applicant that the applicant is not a member of any other political party or its subordinate bodies and will not join such organisations whilst remaining an AGV Member (see Constitution, Schedule 8 s1(d), and section 34(3))

### **Admitting an applicant as a member**

10. An applicant will be admitted as a member if State Council is satisfied that they meet the eligibility set out in Schedule 8.1 of the Constitution.
11. The State Director must provide an online system that is made available to Branch Management Teams by which membership applications are directed to the following party bodies depending on the applicant's residential address:
  - a. residential address within a branch area—to the associated branch
  - b. residential address outside any branch area—to State Council
12. It is recommended that the relevant Branch Management Team promptly make arrangements for an applicant to be contacted by a member to welcome them and to enquire about their reasons for joining and their understanding of the purposes of the Party.
13. It is recommended the Branch distribute the list of applicants within branch meeting documents seeking any feedback on applicants from within the branch membership.
14. Within 45 days the branch will determine a recommendation to State Council if the applicant meets the eligibility criteria in Schedule 8.1 of the constitution.
15. Within 45 days the branch will make their recommendation in writing to State Council for approval or rejection of members. This recommendation will include information about whether recommendations under 12 and 13 of this policy have taken place. If no recommendation is made, the approval of membership will be delegated to the Administration subcommittee of State Council.
16. On a regular basis the state director or someone delegated by the state director will review the list of applicants and recommendations from branches. If both the branch recommends the application based on criteria in Schedule 8.1 of the Constitution, AND

the applicant is not included in a list of names for admittance by state council only, the applicant will be admitted.

17. If the recommendation from a branch is to reject an application, or the applicant is included in a list of names for admittance by state council only, state council will be provided with the Branch reasons for their recommendation and will decide whether to accept or reject the application.

### **Branch membership**

18. A new member becomes a member of a branch depending on their residential address:
  - a. residential address within a branch area—the associated branch;
  - b. residential address outside any branch area—in consultation with the member, a branch near the applicant’s residential address or no branch

### **Transfer of branch membership**

19. If a member changes their residential address their branch membership will automatically be updated to:
  - a. residential address within a branch area—the associated branch;
  - b. residential address outside any branch area—in consultation with the member, a branch near the applicant’s residential address or no branch
20. A member may request to be transferred to another branch by writing to State Council and optionally explaining the reason for the request.
21. The Administration SubCommittee of State Council must decide whether to grant or reject the request.

### **Membership Renewal**

22. The expiry date of a Membership term will be 12 months from the joining date.
23. Each member will be sent a Renewal Notice 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.
24. The renewal notice will include:
  - a. the date that the Membership Term is due to expire
  - b. how to renew their membership, including the amount to be paid.
25. Membership will lapse and the person will no longer be an AGV Member if the membership fee remains unpaid at the later of:
  - a. the Expiry Date of the Membership Term; and
  - b. 60 days after the renewal notice was sent.

# BRANCH MANAGEMENT

Approved by State Council on 28 November 2022

## Scope

1. This policy adds to the rules of the party in relation to how branches will access centralised resources, accounting and administration functions.

## Branch Management Team (BMT)

2. Each branch is required to appoint a Branch Management Team if they wish to have access to centralised party resources, membership communications and administration support.
3. The BMT must be created by a decision of the branch for which they represent.
4. All members of the BMT will be granted access to:
  - a. Members on demand (to manage branch membership)
  - b. Elist access (to email all members of the branch)
  - c. Branch inbox (to manage communications both internal and external to the branch)
5. The BMT must consist of at least 2 members and no more than 6 members unless otherwise agreed by administration and finance subcommittee of state council.
6. By force of a decision of the branch, the BMT can serve to make decisions for the branch in between meetings.
7. The BMT can be appointed or elected at any time.
8. Notification of the decision of the branch to form or amend the BMT must be provided to State Council via branch minutes within 30 days of the decision.
9. A decision of the branch must renew the BMT within a minimum period of twelve months since the last decision.

## Branch Signatories

10. Each branch is required to appoint Branch Signatories if they wish to manage funds and have a virtual account.
11. The Branch Signatories must be created by a decision of the branch for which they represent.
12. All Branch Signatories will be authorised to act as signatories on transactions to expend branch funds.
13. The Branch Signatories must consist of a minimum of 2 people and maximum 4 people.

14. The Branch Signatories are responsible for ensuring that all transactions and financial commitments of the branch are in line with the responsible financial management principles of the party as set out by the Administration Committee. This may include keeping a budget of income and expenses and regularly reporting to the branch on their financial position.
15. The Branch Signatories will be given access to Victorian Greens financial reporting systems and virtual bank accounts as appropriate for their role.
16. All branch transactions must be authorised by a decision of the branch or a body delegated that power by the branch, and also by minimum 2 Branch signatories.



# GOVERNANCE STRUCTURE AND DELEGATIONS

Approved by State Council on 12 December 2022

## Common elements of committee and panel terms of reference

### Definitions

1. **Choose** means:
  - a. appoint by consensus or vote; or
  - b. where that does not yield a result after one meeting—elect by show of hands which includes an option to Seek Further Candidate.
2. Subject to clause 3, **procedural proposal** and **substantive proposal** have the meaning they have in the Constitution.
3. **Majority recommendation proposal** means a proposal of a committee to make a recommendation to State Council by majority only.
4. A **committee**:
  - a. Comprises some combination of state councillors, directly elected members, appointed members and members who hold public office
  - b. Makes substantive decisions on behalf of State Council within specified delegations
5. A **panel**:
  - a. comprises members appointed by state council; and
  - b. Completes a specified process or task.
6. A **sub-committee**:
  - a. is formed by either state council or a committee; and
  - b. comprises members of that body chosen by that body.
7. An **ordinary State Council meeting** is one for which at least seven days' notice is provided to all State Councillors.

### Office Bearers

8. The following four state Office Bearer positions will be elected by and from State Council
  - a. Convenor,
  - b. Secretary,
  - c. Treasurer, and
  - d. National Councillor (one position)
9. Each Office Bearer position falls vacant:
  - a. At the start of the first ordinary State Council meeting in July each year,

- b. When the incumbent resigns by providing notice to all State Councillors,
  - c. When the incumbent is removed by a decision of State council, or
  - d. When the incumbent ceases to be a State Councillor
10. An election for each Office Bearer position will be held
- a. At the first ordinary State Council meeting in July each year, and
  - b. At the first ordinary State Council meeting that is at least seven days after the position falls vacant
11. A State Councillor is eligible to nominate for election as an Office Bearer if
- a. They have held an Office Bearer position for less than 24 of the past 36 months
  - b. They are not the Returning Officer for the election
12. Two State Councillors may nominate together to share an Office Bearer position. If elected, the co-Office Bearers who share a position
- a. Are each entitled to a half share of any honoraria associated with the position,
  - b. Can each exercise all powers and responsibilities of the position, and
  - c. Are deemed not to have made a decision if they disagree
13. The National Councillor position may not be shared
14. Elections of Office Bearers will be conducted using the following procedure:
- a. A Returning Officer will be appointed by State Council
  - b. The Returning Officer will accept nominations from the floor of State Council, or in writing from a State Councillor who is unable to attend
  - c. Each candidate present will be allowed two minutes to speak to their nomination (co-candidates will be allowed two minutes between them)
  - d. Each State Councillor present at the meeting will be eligible to vote
  - e. No proxies can be exercised
  - f. The Returning Office will conduct a ballot, which must
    - i. Be a secret ballot
    - ii. Provide for optional preferential voting
    - iii. Include an option to vote for Seek Further Candidate, which will be exempt from exclusion
15. The Returning Officer must declare the election result within 24 hours.
16. The Office Bearers are delegated individual responsibilities as follows
- a. Convenor
    - i. Representing State Council internally and externally, including by making statements on behalf of the Party
  - b. Secretary
    - i. Receiving and replying to correspondence on behalf of State Council and the Party
  - c. Treasurer
    - i. Ensuring that the Party's finances are well managed, and presenting quarterly financial reports to State Council
  - d. National Councillor

- i. Representing the Australian Greens Victoria as a member of the Australian Greens National Council

## Meeting procedure

17. Quorum:
  - a. A majority of the committee or panel's current members; and
  - b. for a committee—at least one State Councillor is present.
18. Each committee (but not panel) must meet at least once every 3 months, and on State Council's request.
19. A procedural proposal put to a vote is passed if a majority of voting members in attendance who vote on the proposal vote in favour.
20. A majority recommendation proposal is passed if a majority of current voting members vote in favour. Numbers voting for and against must be recorded.
21. A substantive proposal put to a vote is passed if at least two thirds of voting members in attendance who vote on the proposal, and a majority of current voting members, vote in favour.
22. The committee or panel may make a decision by e-mail by consensus of all members.
23. Subject to the requirements established by State Council and the Constitution, each body can determine its own procedures.

## Convenor and secretary

24. The committee or panel must choose a convenor and a secretary for a specified period of up to 18 months.
25. Except with the approval of State Council, each must be either:
  - a. A State Councillor
  - b. A member elected by the membership; or
  - c. A member chosen by State Council
26. Convenor responsibilities:
  - a. Convene meetings of the committee or panel.
  - b. With the secretary, prepare the agenda of meetings.
  - c. Facilitate, or arrange for the facilitation of, meetings.
  - d. Be the point of contact of the committee or panel.
  - e. Arrange for the secretary's responsibilities to be covered if there is no secretary chosen or they are incapacitated.
  - f. Provide reports, or arrange for the provision of reports, to State Council.
27. Secretary responsibilities:
  - a. With the convenor, prepare the agenda of meetings.
  - b. Take the minutes of, or arrange for the taking of minutes of, meetings and provide these minutes to State Council.

- c. Ensure meeting dates and minutes are distributed to the membership via Greenhouse or other tools, where appropriate.
- d. Ensure that the committee or panel has all the information (whether by reports or by other means) that it needs to discharge its functions.
- e. Ensure that the decisions of the committee or panel are carried out.
- f. Arrange for the convenor's responsibilities to be covered if there is no convenor chosen or they are incapacitated.

### **Sharing of specific tasks and administrative responsibilities**

28. The committee or panel may delegate specific tasks and administrative responsibilities to each of its members who is not a State Councillor, and to State Councillors with their consent.
29. Such delegation must be made to the member in their personal capacity as a committee or panel member, and does not constitute the creation of an office.
30. Committee or panel members are expected to carry out the tasks and responsibilities which they are assigned.
31. Any decision which would normally be made by the committee or panel itself must, if made under a delegation, be made in writing and recorded in the minutes of the next meeting.

### **State Council oversight**

32. State Council must be given notice of and the agenda for each committee (but not panel) meeting.
33. Substantive decisions made by a Sub-Committee must be included in the minutes of the next State Council meeting.
34. Minutes must be kept and reported to State Council, as required by clause 35 of the constitution. The committee (but not panel) must provide State Council with report, quarterly or on request, that addresses the following matters (in an appropriate level of detail):
  - a. important matters it is dealing with;
  - b. any strategic concerns it has;
  - c. any financial or risk concerns it has; and
  - d. any matters that it considers are likely to lead to significant controversy, including amongst the members.
35. Each Panel and Committee member must:
  - a. Implement any decisions of the members and State Council
  - b. Become familiar with the terms of reference and other policies governing the role they have;
  - c. Conscientiously participate in the work of the Committee or Panel, including by attending relevant meetings.

36. If State Council is considering removing a committee or panel member, grounds will be stated and an opportunity to be heard will be provided.

## Other matters

37. An elected Committee member ceases to hold that position if they become a State Councillor, other than one elected to the National Affairs Committee.

## Campaigns Committee terms of reference

38. The Committee is a senior party body.

39. Responsibilities:

- a. After inviting input from the membership, all party bodies and members who hold public office—to recommend to State Council the objectives, priorities, tactics, strategy, budget, and affirmative action plan (under 6.(1)(a) of the constitution) for each election.
- b. To implement any electoral-related decisions of State Council.
- c. To recommend any changes required to decisions of the State Council in a timely manner.
- d. To administer or oversee the administration of all aspects of all election campaigns, including any by-election.
- e. To make the internal policies on:
  - i. the appropriate devolution of the power and responsibility to administer election campaigns to branches and branch-level committees;
  - ii. preselection, including probity;
  - iii. the administration of election campaigns, and
- f. To take affirmative action measures in relation to candidates for public office, consistent with any decision of State Council
- g. To recommend internal policies on withdrawal of endorsement of a candidate for public office

40. Specific powers:

- a. Establish a committee.
- b. Delegate its power.

41. Composition:

- a. State Councillors chosen by State Council: 2.
- b. Members elected by the membership: 3.
- c. Members chosen by State Council for a specified period of up to 18 months: up to 3.
- d. Members appointed by and from the members who hold public office at each of the federal, state and local levels of government: 3 (one from each level).
- e. The State Director (who cannot block consensus or vote).

42. The Committee is encouraged to recommend members under clause 41(c).

43. If a clause 41(d) member or the State Director is unavailable to attend a meeting, they may send another member as their proxy (who cannot block consensus or vote).
44. Special quorum requirement: a substantive proposal put to a vote is passed if
  - a. at least two thirds of voting members in attendance who vote, vote in favour of the proposal, and
  - b. the number of votes cast in favour is at least equal to half the number of current voting members excluding clause 41(d) members.

### **Finance and Administration Committee (FAC) terms of reference**

45. The Committee is a senior party body.
46. Responsibilities:
  - a. To ensure that up-to-date financial records are kept for the Party.
  - b. After inviting input from the membership and all party bodies—to recommend to State Council a 4-year budget or yearly amendments to that budget.
  - c. To recommend to State Council any amendment to the budget that it considers prudent.
  - d. To advise and make recommendations to State Council:
    - i. on financial, administration, employment, membership and branches and infrastructure matters;
    - ii. to ensure that financial delegations, procedures and authorities are robust and protect the Party from unacceptable risk;
    - iii. to ensure the independent auditing of the Party's financial records and risk management system.
  - e. To establish a party body with responsibility for independently and directly advising State Council regarding financial and other risk, including in respect of the Committee if necessary.
  - f. To ensure ethical review of donors is completed where required
  - g. To keep a register of donors who have passed ethical review
  - h. To ensure compliance with the donation and other financial disclosure requirements of local, state and federal authorities
47. Specific powers:
  - a. Establish a committee.
  - b. Delegate its power.
48. Composition:
  - a. Each State Councillor who holds the State Treasurer position
  - b. If the State Treasurer position is held by a single State Councillor - another State Councillor chosen by State Council
  - c. Two members elected by the membership
  - d. Up to two members chosen by State Council for a specified period of up to 18 months

- e. The State Director (who cannot block consensus or vote).
49. The Committee is encouraged to recommend members under clause 48(c).
50. If the State Director is unavailable to attend a meeting, they may send another member as their proxy (who cannot block consensus or vote).

### **Party Policy Committee terms of reference**

51. The Committee is a senior party body.
52. Responsibilities:
- a. Recommend to state council a timeline and process for systematic review of party policy, and for input into national party policy development
  - b. Be the liaison to National policy committee, and support National Affairs Committee in relation to National Policy as required
  - c. Receive requests from members and branches to make, amend or repeal a party policy and make a recommendation to State Council regarding each request
  - d. Where State Council decides to facilitate a process for members to make, amend or repeal a party policy—to formulate that process and then implement it, subject to any decision of State Council
  - e. Recommend to State Council that it make an urgent policy change under clause 2(4) of the Constitution.
  - f. Advise branches about their powers in respect of local policy
53. Specific powers:
- a. None.
54. Composition:
- a. State Councillors chosen by State Council: 2.
  - b. Members elected by the membership: 3.
  - c. Members chosen by State Council for a specified period of up to 18 months: up to 3.
  - d. Members appointed by and from the members who hold public office at each of the federal, state and local levels of government: 3 (one from each level).
55. The Committee is encouraged to recommend members under clause 54(c).
56. If a clause 54(d) member is unavailable to attend a meeting, they may send another member as their proxy (who cannot block consensus or vote).

### **National Affairs Committee terms of reference**

57. The Committee is a senior party body.
58. Responsibilities:
- a. After inviting, whenever it is practicable to do so, input from the membership and all party bodies—to recommend to State Council position papers setting out how the Party should deal with issues that come to National Council and

- National Conference meetings in enough time for State Council to consider those and provide its instructions
- b. To advise State Council and the National Councillors regarding the Party's engagement with the Australian Greens
  - c. To report to, and arrange for consultation with, members about National Council and National Conference matters
  - d. Members appointed under 60(a) and 60(b) - be the national conference delegates
  - e. Choose, from amongst their members, one National Councillor and their alternates, within the following restriction:
  - f. Committee members appointed under 60(c), and (d) may not be National Councillor
59. Specific powers:
- a. None
60. Composition:
- a. The National Councillor appointed from state council and one State Councillor chosen by State Council
  - b. Eight members elected by membership
  - c. Victorian AGPCC delegate
  - d. All national conference delegates otherwise appointed by Victoria (a delegate from each level of government for which we have elected representatives)
61. Unless it is impractical to do so, the Committee must meet in sufficient time before each meeting of National Council and National Conference to:
- a. fulfil its responsibilities in clause 58(a); and
  - b. receive and understand State Council's instructions.

### **Grievances and Constitution Panel terms of reference**

62. Responsibilities:
- a. In accordance with section 55 of the Associations Incorporation Reform Act 2012, to receive and deal with any dispute under the Constitution between a member and another member or the Party by making a declaration, and optional recommendation, about it and providing that to State Council.
  - b. To advise State Council regarding all party bodies' (including State Council's) compliance with the Constitution.
  - c. To advise State Council about suggested amendments to the Constitution.
  - d. To recommend amendments to the Constitution to State Council.
63. Specific powers:
- a. None.
64. Composition:



- a. Members chosen by State Council for their knowledge and expertise for a specified period of up to 18 months: 3
- b. Members can not be State Councillors

### **Mediation Panel terms of reference**

65. Responsibilities:

- a. To arrange for the confidential mediation of disputes between members by appropriate persons (whether members or non-members).

66. Specific powers:

- a. Establish procedures for carrying out their responsibilities.

67. Composition:

- a. Members chosen by State Council for their knowledge and expertise for a specified period of up to 18 months: 3
- b. Members can not be State Councillors

### **Message Stick Facilitation Panel terms of reference**

68. Responsibilities:

- a. To support, and facilitate where required, workshops among members, at branches and within working groups, to respond to and to consider the substance of the Message Stick received from AGFNN
- b. On a quarterly basis, to report to State Council on the current progress of the Message Stick response and make recommendations for actions for state council and the party

69. Specific powers: None

70. Composition:

- a. Members chosen by State Council, in consultation with the Blak Greens, for their knowledge and expertise for a specified period of up to 18 months: 5
- b. The First Nations representative to State Council will have the power to block any appointment to the panel

### **Urgent or Delegated Decisions Sub-Committee of State Council terms of reference**

71. The Sub-Committee is composed of the state Office Bearers and one state councillor who is not an Office Bearer chosen by State Council.

72. Responsibilities:

- a. To make a decision in place of State Council in urgent circumstances.
- b. To decide any matter specifically delegated to it by State Council.

73. A proposal under clause 72(a) is carried if:

- a. three Sub-Committee members are in favour; and
- b. none are against.

74. A proposal under clause 72(b) is carried if four Sub-Committee members are in favour.
75. A proposal may be put to the Sub-Committee by any two State Councillors.
76. The Sub-Committee may make decisions by electronic means, without meeting.
77. Decisions made by the Sub-Committee:
- a. must immediately be reported to State Council;
  - b. subject to subclause (c), take effect immediately;
  - c. to the fullest practical and legal extent, are treated as never having been made if they are not ratified by State Council by the end of its next meeting; and
  - d. Must be included in the minutes of the next State Council meeting

### **Secretariat Sub-Committee of State Council terms of reference**

78. The Sub-Committee is composed of the state Office Bearers
79. Responsibilities:
- a. For each State Council meeting:
    - i. ensure that a draft agenda created;
    - ii. ensure that all papers and reports are submitted;
    - iii. appoint a facilitator;
    - iv. appoint a minute taker; and
    - v. Ensure that minutes are made.
  - b. To administer the redaction of, and the removal of redactions to, minutes.
  - c. Recommend a program of meetings, as required.
  - d. Moderate the State Council e-list.
  - e. Document management.
  - f. To fulfil State Council's duty to report regularly to each member about its work and the affairs of the Party.
  - g. To ensure the Party fulfils each member's right, to a reasonable extent, to communicate with the whole membership about party matters through party communications and publications.
  - h. To receive feedback from members and Branches and report this to State Council.
  - i. To draft answers to branch questions to State Council.
  - j. To advise State Council on what to do about branch proposals and joint branch proposals.
  - k. Manage incoming correspondence from members and party bodies to State Council.
  - l. To oversee state office and act as line manager to the state director
80. The Sub-Committee may make decisions without meeting.

### **Industrial Relations Sub-Committee of State Council terms of reference**

81. The Sub-Committee is composed of 2 State Councillors chosen by State Council.

82. Responsibilities:

- a. To support and assist the State Director on day-to-day staffing issues.
- b. Where necessary, to make recommendations to State Council about the same.
- c. To serve on staff selection committees, where appropriate.
- d. Establish consultative arrangements with Party staff.
- e. To engage in Enterprise Bargaining negotiations on behalf of State Council.

83. The Sub-Committee may make decisions without meeting.

### **Recruitment and Affirmative Action Sub-Committee of State Council terms of reference**

84. The Sub-Committee is composed of 3 State Councillors chosen by State Council.

85. Responsibilities:

- a. To receive and solicit expressions of interest from members for appointment to:
  - i. a committee or panel;
  - ii. any other expression of interest sought by State Council; or
  - iii. the Constitutional Votes Committee.
- b. To make recommendations to State Council regarding the implementation of clause 6(1)(b) of the Constitution.
- c. To measure and provide periodic reports to the membership on the current representation for under-represented groups
- d. In accordance with any decisions of State Council, including regarding affirmative action, to advise State Council regarding same.
- e. To make appointments where delegated to do so; considering the recommendations from each committee, the mix of skills and experience required, and the requirement to implement affirmative action to achieve equity for underrepresented groups (6.1a of the constitution)
- f. To make a recommendation to State Council on the appointment of Returning Officers as required
- g. To outline role descriptions and role expectations for various positions in the party

86. The sub-committee must keep minutes and provide them to State Council.

### **Committee elections**

#### **Definitions**

87. In this internal policy:

- a. **ballot** and **Greens party** have the meanings given in Schedule 9 of the Constitution;

- b. **Election** means an election for the members of the following Committees described in each committee's terms of reference as 'members elected by the membership':
  - i. Campaigns Committee;
  - ii. Finance and Administration Committee;
  - iii. Party Policy Committee;
  - iv. Project Committee; and
  - v. National Affairs Committee;
- c. **specified person or body** has the meaning given in Schedule 8, item 4(1) of the Constitution.

## Eligibility

- 88. All members are eligible to vote in each election.
- 89. All members are eligible to be elected in an election, except members who:
  - a. do not live in Victoria;
  - b. are a State Councillor;
  - c. are a member of the Constitutional Votes Committee;
  - d. are a member who holds public office;
  - e. are an employee or a member of the staff of a specified person or body;
- 90. Clause 89(b) does not apply to an election for members of the National Affairs Committee.

## Returning Officer

- 91. State Council must appoint a Returning Officer for each election.
- 92. The Returning Officer must not be:
  - a. a State Councillor;
  - b. a member who holds public office; or
  - c. an employee or a member of the staff of a specified person or body.
- 93. The Returning Officer must impartially conduct the election.
- 94. The Returning Officer may obtain the assistance of other members.

## Process

- 95. An election must be held each year directly after the State Council election.
- 96. Each election must be conducted in accordance with the principles in Schedule 6, item 4(2) of the Constitution.
- 97. The Returning Officers must:
  - a. allow a reasonable nomination period;
  - b. notify each member in writing of the call for nominations;
  - c. notify each member of the date that the roll of eligible voters will be closed;

- d. verify that nominees are eligible to be elected;
  - e. reject the candidacy of nominees who are not eligible to be elected;
  - f. declare the candidates;
  - g. require each candidate who runs for more than one committee to provide the order of preference they have for each such committee;
  - h. make available to members:
    - i. candidate statements;
    - ii. the orders of preference provided under sub-clause (g);
    - iii. a statement that reminds members of the need for diversity; and
    - iv. a statement that sets out any disciplinary action taken, and convictions recorded, against each candidate in the last 10 years;
  - i. run Meet the Candidates events;
  - j. run a separate ballot for the set of offices on each committee;
  - k. provide a means for members to raise concerns about the election;
  - l. employ a system under which:
    - i. to be elected, a candidate must come ahead of:
      - 1. in an election for up to three offices—at least one other member; and
      - 2. in an election for more than three offices—at least two other members;
    - ii. candidates are eliminated from the count for committees other than the National Affairs Committee, and their preferences distributed, if they become a State Councillor after the ballot begins;
    - iii. a candidate may not be elected to:
      - 1. the National Affairs Committee and more than one other committee; or
      - 2. more than one committee, not counting the National Affairs Committee;
    - iv. where, but for this paragraph, one or more candidates would be elected in breach of paragraph (iii), those candidates are elected based on their orders of preference, or, where that is impossible, elected by random assignment, and then eliminated from the count for the further committee(s) that they may not be elected to, and their preferences distributed;
  - m. declare which candidates are elected to which offices; and
  - n. make the results of the ballot available to members.
98. Candidate who are elected take office immediately.
99. The resources of the Party and those at the disposal of a member who holds public office must not be used to support one candidate against another.
100. Before the election, the Returning Officer must make, and make available to members, rules for the election (election rules) that provide for the practical

implementation of the principles in clause 96, the requirements in clause 97 and the rule in clause 99.

101. Before doing that, the Returning Officer must:
  - a. make a draft of the election rules available to members; and
  - b. allow members a reasonable opportunity to comment on them.
102. The election rules may provide that certain modes of campaigning are prohibited.
103. The Returning Officer may:
  - a. make rulings about whether the election rules have been breached;
  - b. require a candidate who has breached the election rules to remedy that breach; and
  - c. cancel the candidacy of a candidate who seriously breaches the election rules or their ruling.
104. State Council may amend the election rules.

# FINANCIAL MANAGEMENT

Approved by State Council on 10 December 2022

## AGV finances

1. State Council will set the AGV budget
2. In the event that a committee or working group is allocated responsibility for a budget line, the committee or working group must:
  - a. Adopt a budget for expenditure of the allocated funds
  - b. Provide the budget to State Council before any funds are expended under it
3. The State Director is responsible for authorising expenditure within approved party budgets, subject to the following conditions:
  - a. 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.
  - b. An expenditure increase of more than \$5,000 shall be referred to FAC for consideration and if appropriate, funds reallocated within the approved budget.
  - c. The State Director may delegate expenditure authorisation for specific budget items to AGV staff, but retains accountability for the budget item against which the authority has been delegated.
  - d. When the State Director takes leave, they must delegate their expenditure authority temporarily either to AGV staff or to State Council.
  - e. Any delegation of expenditure authority must be in provided to FAC in writing and indicate the period of delegation.

## Party bank accounts

4. The following will be signatories on AGV bank accounts:
  - a. The State Director
  - b. The Finance Officer
  - c. A member nominated by FAC

## Donations and disclosure

5. Donations
  - a. May only be directed to the AGV state party, or a party body that has a virtual account
  - b. May be directed to campaigns for a specific election or electorate
  - c. May not be directed to individual members (including candidates and elected representatives)

6. All donations solicited for the AGV or accepted on behalf of the AGV by any person
  - a. Must be reported to the AGV and deposited into an AGV bank account or petty cash fund within 14 days
  - b. Must only be used for AGV endorsed activities
  - c. Must not be for personal use
7. The acceptance of a donation by AGV does not imply endorsement of the activities, undertakings or processes of the donor
8. The AGV may reject any donation or refund any donation at any time
9. The party website must advise donors AGV and regulatory disclosure requirements
10. For any donation of more than \$50:
  - a. The name and address of the donor must be recorded
  - b. A receipt must be issued
11. Where this requirement not been met within 3 months, the amount received will be donated on to a charity nominated by FAC
12. Where any donor's one-off or cumulative donations to the AGV totals \$1,000 or more within a financial year, then within 3 months of the end of financial year:
  - a. The donor must be subject to ethical review
  - b. The name of the donor and the total amount donated must be disclosed on the AGV website
13. FAC is responsible for ensuring the ethical review of donors which will:
  - a. Seek to ensure that the values and aspirations of all donors are not inconsistent with those encapsulated in the goals, policies and the Charter of the Australian Greens Victoria;
  - b. Accept donations only for supporting the aims of the Party;
  - c. Refuse any donation if any conditions are imposed by the donor;
  - d. Refuse any donation if it gives rise to or is likely to give rise to a conflict of interest.
14. A person verifying to FAC that the requirements of clause 8 have been met:
  - a. Must not have a conflict of interest arising from association with the donor
  - b. Must not be a candidate for election whose campaign will benefit from the donation, or such a person's campaign manager
  - c. If possible, should contact the donor to confirm that the requirements are met
  - d. Must keep a record of verification steps taken
15. Any donation that is rejected must be refunded to the donor at the earliest opportunity

### **Conflict of interest**

16. The AGV adopts the following definition of a conflict of interest:
  - a. 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.

- b. 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.
- c. 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.
- d. 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.
- e. 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.

## Reimbursement

17. Members and supporters are entitled to be fully reimbursed for expenditure made in the course of their duties for the Party where:
  - a. The expenditure has been budgeted for
  - b. The expenditure has been authorised in advance
  - c. Evidence of expenditure is provided in the form of a tax invoice (but at the discretion of the State Director other evidence such as a vehicle log or signed and witnessed Statutory Declaration may be accepted)
18. Expenditure to be reimbursed 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 State Director or their delegate
19. Expenditure to be reimbursed must be
  - a. Accounted for in the budget of the authorising body
  - b. Approved in the minutes of the authorising body
20. Minutes used to authorise expenditure should include:

- a. The decision to authorise the expenditure
  - b. The decision to make a reimbursement when the expenditure has occurred,
  - c. Attached copies of supporting documentation
  - d. Such other information as State Office may reasonably require.
21. Liability for reimbursement will not extend beyond the body that authorised the expenditure except by a decision of FAC
  22. Any claim for reimbursement must be made within three months from the date of the expenditure.
  23. Reimbursement for authorised expenses will be made within 30 days of the supporting documentation being provided, where all the conditions above have been met.
  24. Additional expenditure authorisation controls may be established by the State Director.

## **Travel**

25. FAC may establish a policy in relation to travel expenses. In absence of such a policy, travel expenses can be authorised under the reimbursement rules above.

## **Honoraria**

26. In recognition of the time contributed and expenses incurred by volunteers serving in these governance roles, the AGV will offer honoraria payments as follows:
  - a. Each State Councillor will be offered an honorarium of \$500 per quarter
  - b. The incumbent in each Office Bearer or National Councillor position will be offered an additional honorarium of \$500 per quarter (noting that if a position is shared by two State Councillors then each will be offered half this amount)
27. To accept an honorarium, State Councillors must complete the required form and submit it to the relevant finance administrator by the specified processing date.
28. Honoraria will usually be paid quarterly in arrears, but may be paid in advance at the discretion of the State Director.

## **Party body finances**

29. Branches may manage funds in virtual accounts held with the AGV. These funds sit outside of the AGV budget.
30. FAC may authorise other party bodies to manage funds in virtual accounts held with the AGV, outside of the AGV budget.
31. FAC is responsible for ensuring that a register of account signatories for virtual accounts is maintained.
32. Branch signatories will be provided with access to the Finance Reporting Tool in order to view virtual account transaction histories and balances (which are maintained by State Office).

33. FAC is responsible for ensuring that standards are set for the conduct, recording and reporting of financial transactions, and are published in the Treasurers Resources and in the Financial Reporting Tool instruction manual on the members website.
34. A party body that is not in compliance with this policy or the published standards may be issued with a notice of non-compliance by FAC. If the non-compliance is not rectified within 30 days, FAC may take over the financial operations of the party body.
35. All income must be deposited to an AGV bank account within 14 days of receipt, and before any costs or other outgoings are paid from the income.
36. For each deposit a remittance advice must be submitted in the form specified by State Office providing all required information including:
  - a. The virtual account that it should be attributed to
  - b. The purpose that it was received for
  - c. The source that it was received from
37. Income collected through online donation pages will be credited to the relevant virtual account monthly, and the following will be debited
  - a. 5% of all income - for operating cost recovery
  - b. 20% of each donation of under \$1,500 - for donation sharing with the Australian Greens
38. A party body must not make a financial commitment unless funds to cover the commitment are already available in the virtual account of the party body
39. Expenditure must be authorised by a substantive proposal agreed to by the relevant party body and documented in the meeting minutes. Such a decision may delegate the authority to incur the expenditure, up to an approved amount, to a nominated individual or committee.
40. An official tax invoice must be received and kept for all payments made, and submitted to State Office.
41. Virtual account are managed on a GST exclusive basis
  - a. Amounts credited will have GST removed where applicable
  - b. Amounts debited will not include GST

## **PART 2 -**

# **“FUNCTIONALLY REPRODUCED” INTERNAL POLICIES**

State Council has adopted these internal policies to “functionally reproduce” certain classes of rules from the old constitution and bylaws. It is intended that “new and revised” internal policies will gradually replace all of these “functionally reproduced” internal policies.

# ELECTION CAMPAIGNING AND PRESELECTION

## Background

### Transitional provision

1. The Victorian Campaign Committee and any extant campaign committees are immediately re-established, with their membership and convenors, secretaries and treasurers as at 11.59 pm 31 December 2022, under this internal policy.

### Delegation

2. State Council delegates its power to the Victorian Campaign Committee, and any campaign committees established under this internal policy, to make the decisions permitted under this internal policy.

### Definition

3. In this internal policy:
  - a. CMT means Campaign Management Team;
  - b. QDMG means quick decision-making group; and
  - c. VCC means Victorian Campaign Committee.

## Provisions from old Constitution

### Membership entitlements

4. All members are eligible to seek nomination for public office as a candidate for the Party, subject to clause 45.
5. For any election or ballot, other than a State Council election which must be conducted under the Constitution, the persons deemed to be members will be only those persons who were members as at:
  - a. the date of the close of nominations in the case of a person standing for election;
  - b. the date of the close of voting in the case of a person casting the vote; or
  - c. such other date as may be set by the body calling the vote or by the returning officer, provided that the date is not later than the close of voting.

## Job-sharing

6. Job-share VCC Convenors will make arrangements with the VCC for the apportioning of duties and responsibilities.
7. Wherever this internal policy specifies the attendance of the VCC Convenor as a quorum requirement for a meeting, the attendance of one of the job-share VCC Convenors will be sufficient to satisfy such a requirement.
8. Job-share VCC Convenors VCC will be entitled to one vote between them only.
9. Where a VCC Convenor who holds a position on a job-share basis ceases to hold office but the other person who also holds that position does not cease to hold office, then the remaining holder of that office holds office until the end of the next meeting of State Council, which shall at that meeting make a determination to either:
  - a. confirm the remaining holder of the position as the only holder of that position  
or
  - b. confirm a nomination made by the remaining holder of that position, of another member to fill the vacancy and serve in the position on a job-share basis.
10. In the absence of the occurrence of clause 9(a) or (b) at that meeting, the position becomes vacant.

## Victorian Campaign Committee—part I

11. The VCC will be a Committee of State Council:
12. The VCC Convenor will be elected annually by an electronic or postal ballot of all members.
13. The VCC will report to State Council at each State Council meeting and otherwise as directed by State Council.
14. State Council will set the terms of reference for the VCC and may amend the terms of reference from time to time.
15. The VCC will have the authority to take decisions within its terms of reference and, subject to such conditions as may be imposed, to expend money within its allocated budget without the need for any other Party body to ratify its decisions. However, State Council may overturn any decisions or actions taken by the VCC.

## Appointment of returning officer

16. State Council will appoint a Returning Officer in due time for the annual general meeting.

## Quick decision-making group—part I

17. The functions and powers of a QDMG are as follows:

- a. the QDMG will make decisions for the VCC regarding any matter of such urgency that it must be resolved before the next scheduled meeting of the VCC;
  - b. whilst it is the Convenor who is normally required to attempt to contact all QDMG members, if necessary, any member of the QDMG can call the meeting;
  - c. the composition of the QDMG is the VCC's Convenor and Secretary and two other persons elected from the other members of the VCC; and
  - d. procedures for the QDMG include the following:
    - i. the QDMG will meet only as often as essential;
    - ii. the QDMG may meet face to face or by teleconference, or by electronic communication; in emergencies, the QDMG may simply engage in telephone consultation; and
    - iii. in matters relating to particular regions or issues, the QDMG will consult where possible with constituent groups or Party members who may be directly affected by the decision.
18. The QDMG must keep a written record of any decisions made and present it to the next meeting of the VCC.
19. Decisions of the QDMG take effect immediately. If a decision of the QDMG is not ratified by the conclusion of the next quorate meeting of the VCC, the decision lapses and, to the maximum extent possible, is to be taken to have never been made.

### Overview of principles

20. Although branches are recognised as the primary organising unit for election purposes, this internal policy authorises the creation of regional campaign committees based on such boundaries as State Council may determine, to facilitate election management and continuous campaigning where they are best managed across more than one branch or group of branches.
21. State electoral and continuous campaigning policies will be formulated with the maximum participation of members and branches, and must actively consider input from relevant expert persons or bodies, including that provided by the national office of the Party and any member who holds public office.

### Victorian Campaign Committee—part II

22. Reporting to State Council, the formulation of state-wide party electoral and continuous campaigning policy and the management of its application will be the responsibility of the VCC created as a Committee of State Council.
23. The VCC is responsible for:
  - a. developing electoral and continuous campaigning policy with state-wide cover for local government and state parliamentary elections, and managing such campaigns;

- b. liaising with regional campaign committees and branches to facilitate the goals of this internal policy;
  - c. collaborating with relevant party bodies to develop national electoral and continuous campaigning policy;
  - d. reporting to State Council on all other matters referred to it by State Council; and
  - e. any other electoral or continuous campaigning related functions given to it by State Council or this internal policy.
24. The VCC will establish a QDMG in accordance with clauses 17 to 19.

### **Victorian Campaign Committee Convenor**

25. The VCC Convenor will be elected by all members by annual postal or electronic ballot (though if the position remains unfilled after the annual postal or electronic ballot for any reason, that position may be elected by all members present at the annual general meeting or at a general meeting by consensus or, failing this consensus, by a secret ballot of all members present). An individual who has served two consecutive terms as Convenor will not be eligible for re-election at the next election (but will in any case be eligible for subsequent elections), unless this provision is waived by consensus decision of State Council.
26. The position of VCC Convenor may be held on a job-share basis.
27. The VCC Convenor will:
- a. be responsible for managing the meetings, agenda and responsibilities of the committee in a way which facilitates the effective delivery of the electoral and continuous campaigning objectives of the Party;
  - b. convene urgent meetings of the committee's QDMG as required to address urgent and pressing electoral and continuous campaigning related matters;
  - c. attend whenever possible all meetings of State Council, to ensure electoral and continuous campaigning considerations are taken into account in all State Council decisions;
  - d. regularly report to State Council on the normal business of the committee, and refer committee recommendations to State Council for decision on actions where appropriate;
  - e. liaise with members who hold public office, and facilitate their involvement in the VCC processes;
  - f. confer with the Party body given responsibility for national electoral and continuous campaigning matters;
  - g. perform any other function required by State Council.



## Election campaigns

28. For any Local Government election in which the Party will be supporting a candidate (subject to clauses 52 and 53 where there is more than one Branch in a Local Government Area), the campaign will be directed by the relevant Branch, or a campaign committee established by that Branch.
29. For any Victorian Legislative Assembly or Federal House of Representatives election in which the Party will be supporting a candidate, the campaign for each electorate will be directed by a Branch with coverage within the bounds of the electorate, or a campaign committee established by the Branch.
30. For any Victorian Legislative Council election in which the Party will be supporting a candidate, the campaign for each electorate will be directed by a regional campaign committee if one has been established by State Council, or by the VCC if no regional campaign committee has been established.
31. For any Federal Senate election in which the Party will be supporting a candidate, the campaign will be directed by the VCC.
32. State Council may determine which Branch has jurisdiction in relation to clause 29; the powers, responsibilities, membership structures of campaign committees formed under clauses 28, 29 or 30; and the direction of any campaign where either no responsible body exists, or the responsible body declines to direct the campaign.
33. All Branches or campaign committees responsible for the direction of the campaign in an electorate, will:
  - a. appoint a campaign co-ordinator (which may be an Office Bearer or any other committee member), and authorise the coordinator to expend funds up to a specified limit;
  - b. provide all necessary information to State Council, the Party Agent and the Registered Officer for the purposes of compliance with the relevant Commonwealth or Victorian legislation; and
  - c. keep their own separate set of record books and where required to do so furnish the relevant Electoral Commission with accurate financial records for them to check. The following must also be recorded separately:
    - i. all gifts as defined in the relevant legislation;
    - ii. records of election expenses; and
    - iii. claims for reimbursement of electoral expenses up to the amount allowed, if applicable.
34. Financial records relating to election campaign expenses will be kept for five years following the election to which they relate.
35. A campaign committee may be suspended by:
  - a. a decision of the entity that created it; or

- b. by a decision of State Council if there is evidence that the committee is seriously failing to meet its responsibilities under this internal policy or financial responsibilities or persistently breaches State Council decisions;
- 36. If a campaign committee is dissolved or suspended under clause 35, the direction of the campaign will transfer to the body otherwise responsible under clauses 28, 29 or 30 if there is one, or to the VCC if there is not, for the duration of the suspension.

## Preselection and endorsement

- 37. Where a relevant election campaign committee exists, the campaign committee will conduct the preselection, otherwise the body with responsibility for directing the campaign will conduct the preselection.
- 38. If there is no Branch or election campaign committee covering a given electorate, or the relevant Branch or election campaign committee reports that it is unable or unwilling to conduct the preselection, the VCC may designate another body to conduct the preselection for that electorate.
- 39. State Council may determine a date by which a particular class of preselections must occur, and in default of this, may determine any other necessary matter regarding the conduct of preselections.
- 40. If there is only one candidate for election for public office, endorsement will nevertheless be required in accordance with the procedure established under Constitution clause 3(3), conducted by the relevant body.
- 41. In the case of a casual vacancy in an office previously held by an endorsed Party office holder in the Federal Senate, the Victorian Legislative Council or any other body for which a casual vacancy requires the Party to nominate a replacement office holder, a new preselection must be held. Clauses 37 to 48 will apply as if the preselection for the casual vacancy were a general election to that body.
- 42. In the case of a by-election, the VCC will determine a method for preselecting candidates and determine which body will be responsible for conducting the preselection.
- 43. If circumstances justify, State Council may exercise a veto option on candidates proposed by a Branch or an election campaign committee. State Council may then propose a new candidate if the relevant Branch or election campaign committee does not opt to do so.
- 44. Candidates for public office who have been preselected under clauses 37 to 48 and 130 to 186 will be recognised as endorsed candidates of the Party.
- 45. members who hold public office will also go through the candidate preselection process before each relevant election.
- 46. Any person who applies for membership while standing for election to, or after having been elected to, any local government, or State or Federal parliament will require:
  - a. acceptance as an member, and

- b. endorsement pursuant to the preselection process set out in clauses 37 to 48 and 130 to 186, and
  - c. endorsement by State Council.
- 47. A member who is elected to Public Office on a countback and who was not endorsed by the Party to be a candidate for that Public Office must immediately notify State Council. If State Council does not endorse that member for that Public Office within 3 months of them taking that Public Office, or if State Council decides that the member is not endorsed, that member must either resign that Public Office or resign their Party membership.
- 48. Nothing in clauses 37 to 48 and 130 to 186 shall be taken as preventing any measure which is deemed necessary to ensure that the Party or the Australian Greens has a candidate in any seat in any State or Federal election in circumstances where any present or future preselection process which would otherwise apply cannot or would not be completed due to the calling of an early election at short notice.

### **Allocation of preferences**

- 49. The decision on the allocation of preferences for local government electorates may be made by branches, subject to clauses 52 and 53 where there is more than one branch in an LGA. If there is any ambiguity as to whether a branch has authority in a particular case, the dispute will be resolved by State Council.
- 50. Any branch may delegate the responsibility for deciding preference allocation to State Council.
- 51. The decision on the allocation of preferences for any electorate that is not a local government municipality will be made by State Council or the body to which State Council delegates that power, having consulted with the branches to which the electorate corresponds.

### **Special arrangements for certain LGAs and branches**

- 52. The purpose of clauses 52 and 53 is to ensure that, within LGAs where there are a number of branches (only), either those branches may continue or other arrangements as provided for in clauses 52 and 53 are given effect.
- 53. The LGAs referred to in clause 52 are the City of Greater Geelong, the Borough of Queenscliff and the Shire of Yarra Ranges. The branches referred to in clause 52 are Geelong and District, Bellarine, Dandenong Ranges, Healesville and Upper Yarra.

## Provisions from old bylaw 5 “Restrictions on holding multiple offices”

### Restrictions on holding multiple offices

54. To avoid doubt, this internal policy 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.
55. 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
- for more than 12 weeks; or
  - in any circumstances described in Column 3;
  - except as described in Column 4.

Column 1	Column 2	Column 3	Column 4
VCC Convenor	Member of State or Federal Parliament or their staff, Salaried Mayor (or equivalent) of LGA, or Party 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 State Council.
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%.	Member of the VCC.  Most senior Party employee.	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 Party staff.	State Council or VCC		Where holding position in the capacity of staff, parliamentarian or elected Local Government rep.

56. In the previous clause, 'staff' is defined to mean those employed as staff, other than those employed on a short term temporary basis.
57. Where one clause of this internal policy limits the holding of particular offices further than another clause of this internal policy, the more limiting clause will prevail.
58. The act of nominating for the position of VCC Convenor carries an implicit undertaking that the person so nominating shall not, during the following 12 months, nominate for preselection for:
  - a. the lead position on the Senate ticket, or the second position in respect of a double dissolution;
  - 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).
59. Should a VCC Convenor nominate for preselection for endorsement for any of (a) to (c) above, they shall thereby cease to hold that office.
60. For the purpose of this internal policy, the holding of an office within the Party includes any holding of office on an acting basis.

## **Provisions from old bylaw 9 "General operations of standing committees"**

### **Victorian Campaign Committee decision-making**

61. It is the intention of State Council that wherever State Council has delegated to the VCC under this internal policy 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 VCC will make decisions about these matters and will not merely make recommendations.
62. Therefore, there should be unusual circumstances why the VCC 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.
63. It is the intention of State Council that wherever State Council has delegated to the VCC under its terms of reference, the power to make a recommendation, then in the normal course of events it is expected that the VCC will make recommendations which do not require a further decision of State Council, other than mere approval of the recommendation

64. If the VCC 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 VCC may request of State Council that the item be listed for discussion.

### **Victorian Campaign Committee quorum, and quick decision-making group—part II**

65. The quorum for a meeting of the VCC shall be at least half of its members.
66. The VCC shall appoint a QDMG, which must have four members and must include at least one State Councillor. 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 Victorian Campaign Committee**

67. General members of the VCC shall be elected by a postal or electronic ballot of all members prior to the annual general meeting.
68. Any casual vacancy of a general member of the VCC shall be filled by State Council at the next meeting which allows for sufficient notice of the vacancy to be given to members.

### **Removal of general members of the Victorian Campaign Committee**

69. A member of the VCC (other than a person who holds that position by virtue of holding another office) may resign in writing to the VCC Convenor or to State Council.
70. Wherever a member of the VCC (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;
71. The VCC Convenor 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 will, as they consider appropriate, recommend to State Council in writing (with a copy to the member) that the member's position be declared vacant, and State Council may upon this recommendation remove the member from the VCC, 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.

72. State Council may remove a member of the VCC at its discretion provided an opportunity has been afforded to them to be heard prior to any such decision being made.

### **Victorian Campaign Committee office bearers**

73. The VCC 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 of the Committee, 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 State Council;
  - e. acting as the Committee's primary point of contact with State Councillors, except where decided otherwise by the Committee; and
  - f. in consultation with State Council, corresponding with the National Office Bearers on behalf of the Committee.
74. The VCC shall be required to appoint a Secretary at its first meeting after each annual general meeting or as vacancies arise.
75. The VCC 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 Party 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.

### **Victorian Campaign Committee meetings**

76. The VCC is required to establish and publish on the internal Party website a meeting schedule early in its term. Any changes to the schedule are to be advised to State Council.
77. The VCC will meet as needed, but not less than four times a year, to carry out its duties.
78. Wherever possible, at least one week's notice will be given of all meetings of the VCC.
79. Urgent meetings may be called if required but not with less than 24 hours' notice.
80. The VCC will not make decisions except at meetings or by QDMG.

81. VCC attendance records must be kept and displayed on the internal Party website, and reported to each annual general meeting.

## **Provisions from old bylaw 10 “Campaign Committee”**

### **Victorian Campaign Committee—part III**

82. The name of the Committee shall be the VCC.
83. The functions of the VCC include those set out in this internal policy.
84. Without limiting the operation of clause 83, but not so as to give it control over the resources of any other Party body, 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 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.
85. 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.
86. Wherever State Council adopts a campaign Strategy Statement, the VCC 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 meeting.
87. 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.
88. Except on a pro-tem basis with the approval of State Council, and subject to such conditions as State Council may prescribe in any circumstance, the VCC may only authorise expenditure pursuant to a budget approved by State Council, after its consideration by the 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 Committee responsible for Finance or State Council; 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. State Council has allocated other funds to cover the increase in expenditure.
- 89. When a budget has been approved by State Council, the VCC may amend the budget provided that the following conditions are met:
  - a. there is no increase in total expenditure (except as provided for in clause 88);
  - b. any proposal to reduce an allocation of the funds to be controlled by any Branch, 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 approved by State Council; and no such reduction shall have effect if any such body would be unable to meet its commitments solely because of such a reduction.
- 90. Wherever it appears to the VCC Convenor 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 VCC shall, prior to allocating such additional funds, invite to and give the opportunity to be heard at any meeting which is to consider that allocation, the Convenor or (if the Convenor appears to be unavailable) some other appropriate person from each Branch, Branch-based or region-based election campaign committee having responsibility for the conduct of a relevant election.
- 91. In addition to any other obligations under this internal policy, the VCC must hold a meeting of the VCC to which all the Convenors or (if the Convenor appears to be unavailable) some other appropriate person from each Branch, Branch-based or Region-based election campaign committee having responsibility for the conduct of a relevant election campaign shall be invited. Such a meeting may be held in conjunction with any special meeting of State Council held because of the calling of an election:
  - a. not less than once every four months, and;
  - b. within ten days of the dissolution of the State or Federal Parliament (or a House thereof);
  - c. between 4 and 6 weeks prior to a date on which local government elections are to be generally held across the state.
- 92. The VCC is responsible for determining the preselection process for Senate preselection and for directing the implementation of that process. Moreover, the VCC has the responsibility to ensure that other party bodies are carrying out preselection decisions, and for settling the date by which such decisions must be taken. Where it

appears that the situation requires it, the VCC may do anything necessary, or authorise a person to do anything 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.
93. The VCC is responsible within its powers, for ensuring that campaign communication infrastructure is effective.
94. The VCC shall consist of:
- a. the VCC Convenor.
  - 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. 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.
  - d. a member who is or has been a local government councillor, selected by the current Party local government councillors, for a term of office decided by them, not being less than one year.
  - e. the most senior party employee, who shall not have a vote.
  - f. up to three members nominated by the VCC 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.
95. The persons holding office on the VCC under clause 94(c) above shall not have the right to vote if they are on the VCC in their capacity as an employee of the party or a politician, and subject to direction in the performance of their work by the Party or a politician.
96. 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 VCC:
- a. State Councillors;
  - b. the members appointed under Constitution Schedule 5 item 6(1); and
  - c. Party delegates to any national campaign committees or national campaign working groups

## Campaign management team

97. The VCC may also meet in the form of the CMT, which shall consist of :
  - a. the VCC Convenor (or if the Convenor is unable to attend, they may nominate one of the two general members of the VCC to attend in their place);
  - b. the most senior party employee.
  - c. between 2 and 4 members appointed by the VCC from time to time.
98. The quorum for the CMT shall be at least half of its members.
99. State Councillors must be advised of meetings of the CMT and may attend them. The most senior member of the Party staff acts as the Secretary of the CMT.
100. The CMT shall have all the powers of the VCC, except the following:
  - a. amending the VCC budget to increase total expected expenditure;
  - b. reducing the allocation in the budget to any branch, 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 VCC;
  - d. exercising any of the delegated powers of State Council under clauses 37 to 48 of this internal policy.
101. In performing their functions, each of the VCC and the CMT 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 VCC has a responsibility to ensure this is the case.
  - b. The VCC's 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 VCC oversees but does not participate in the day to day management of campaign issues. In light of this, it would be expected that the VCC would meet monthly, and more often during an election campaign period.
  - c. The CMT is responsible to the VCC for making day-to decisions about the content of campaigns and the allocation of resources under the control of the VCC. It would be convened by the VCC 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 VCC and

these must be included in the minutes of the next VCC meeting. The CMT can direct the day-to-day priorities of the campaign staff through the most senior employee.

## **Provisions from old bylaw 15 “Election campaign governance”**

### **Election campaign governance**

102. The body with primary responsibility for directing the campaign for each Victorian Legislative Assembly or Federal House of Representatives seat is set out in clause 129.
103. State Council may amend clause 129 to give effect to the following principles:
  - a. If a single Branch overlaps with an electorate and is willing to direct the campaign then that Branch will be assigned the responsibility
  - b. If multiples Branches overlap with an electorate and at least one is willing to direct the campaign, then
    - i. if the Branches agree which of them should direct the campaign then that Branch will be assigned the responsibility
    - ii. if the Branches disagree on which of them should direct the campaign then the Branch with the most members residing in the electorate on the last census date will be assigned the responsibility.
  - c. If no Branch overlaps with an electorate then responsibility may be assigned to a nearby Branch that volunteers for the task or to the VCC.
104. A Branch with primary responsibility for the campaign in an electorate may form an election campaign committee for the management of the campaign for a given election period. The Branch may allocate more than one electorate to the same committee.
105. Should a Branch form an election campaign committee, it must:
  - a. Before the first meeting of the committee – notify any other Branch that falls wholly or partly within the electorate/s overseen by the committee.
  - b. Without unreasonable delay – notify State Council and the VCC Convenor of its formation, composition and office bearers.
106. Regional campaign committees may be established in advance of any State or Federal general election by State Council deciding to establish a new regional campaign committee. Where established, regional campaign committees will:
  - a. direct the campaign for any Victorian Legislative Council election within its remit;
  - b. direct the campaign for any electorate which the responsible branch (as per clause 129) delegates to the regional campaign committee;
  - c. facilitate cooperation between any Branches or campaign committees directing campaigns within its area; and
  - d. abide by its terms of reference, as determined by State Council upon establishment.

## Campaign coordinator

107. All campaigns must appoint or elect a campaign coordinator under clause 33(a) of this internal policy. This will normally be an office bearer or an employee employed to work with the committee
108. The Campaign Coordinator is responsible for coordinating campaign activities.
109. The Campaign Coordinator will generally be the primary contact person for the campaign to the VCC, other Party bodies and relevant Party staff.
110. Upon appointment, the Campaign Coordinator should notify the VCC Convenor of their appointment with appropriate contact details.
111. The branch or relevant campaign committee may delegate authority to the campaign coordinator for particular operational activities during the campaign, including expending funds up to a specified limit.

## Powers and responsibilities of election campaign committees

112. An election campaign committee 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. Develop the campaigning strategies, for endorsement by the Branch. Strategies should complement and not contradict endorsed strategies and decisions of the VCC and State Council (and the National Council in the case of Federal electorates);
  - c. Develop a campaign budget for endorsement by the Branch;
  - d. Make expenditure in line with the branch-endorsed budget and campaign strategies and within delegated limits specified by the Branch;
  - e. With the approval of the most senior employee of the Party, conduct any staff employment process, noting however that only the most senior employee of the Party may sign employment contracts and that direction of any employed campaign staff must be through the most senior employee or their delegate;
  - f. 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 of the committee. 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;
  - g. Contribute to a supportive and accountable environment for all people volunteering or 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 116(g).

113. Election campaign committees are at all times accountable for:
  - a. Ensuring financial record keeping is undertaken in accordance with clause 34 of this internal policy and any advice issued by State Council or the VCC;
  - b. Providing all necessary information to State Council, Party Agent and Registered Officer for the purposes of compliance with relevant Commonwealth or Victorian legislation; and
  - c. Complying with directives of State Council and the VCC.
114. Election campaign committees must provide a written report within two months of the conclusion of an election for the electorate/s it covers to its constituent Branches and the VCC, setting out the findings and recommendations of the committee in relation to the campaign. The VCC may direct that the written report take a particular form.
115. The election campaign committee will cease to exist two months after an election, or when its final report has been produced, whichever is sooner.

### **Membership of and roles within election campaign committees**

116. Election campaign committees will consist of:
  - a. At least three and at most six members elected by the Branch, who shall be voting members;
  - b. The campaign committee treasurer who must:
    - i. Be provided with access to all Branch financial information; and
    - ii. Report all financial decisions of the committee to the branch.
  - c. The endorsed candidate/s for the electorate/s within the jurisdiction of the committee, who shall be voting members;
  - d. Where there is an incumbent member who holds public office in an electorate within the jurisdiction of the committee, that representative or an member appointed by that representative, who shall be a voting member;
  - e. At the VCC's discretion, an member appointed by the VCC, who shall be a non-voting member of the committee and who may not block consensus on any question before the committee;
  - f. The most senior employee (who is an 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;
  - g. Any of the following members whom the committee decides to co-opt:
    - 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 or more members elected by a Branch which falls partly or wholly within the electorates overseen by the committee, if the Branch is not

- already represented on the committee. 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.
117. At the request if a Branch (other than the responsible Branch) that falls wholly or partly within the electorate/s overseen by the committee, at least one member of that Branch must be co-opted under clause 116(g)(ii) for every whole 15% of the membership residing in the relevant electorates that are members of that Branch.
  118. For Local Council election campaign committees, a Branch may choose a structure other than that articulated in clause 116, provided that the structure is clearly set out in a resolution of the Branch, and that reasonable notice is given of any elected committee positions.
  119. Committee members described at clause 116(a) will be elected by the Branch at the formation of the election campaign committee. The number of members elected will be three unless another allowable number is agreed to by the Branch before nominations are opened.
  120. The Branch may fill any casual vacancy for one or more of its representatives at any time.
  121. Committee members are expected to report committee activities and decisions to their Branch and to communicate the expectations of their Branch to the committee.
  122. Any committee member may be removed at any time by a decision of the Branch, or by a two-thirds majority vote of the election campaign committee, upon which the Branch may elect a new committee member.
  123. Election campaign committees will appoint a committee Convenor (or co-Convenors), and a committee Secretary (or co-Secretaries) at their first or second meeting, or at the next general meeting of the committee where there is any vacancy in either office.
  124. The committee Convenor (or co-Convenors) shall be responsible, among other things, to facilitate meetings or ensure the appointment of meeting facilitators, and provide the VCC with written reports on the activity of the election campaign committee as and when requested.
  125. The committee 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 State Council with any committee documentation requested.
  126. The committee treasurer (or co-treasurers) shall be responsible, among other things, to support the committee's budget planning process, provide financial reports to meetings of the committee (except where an employee has been employed to undertake this

role), lead the committee's financial management and record keeping work (except where an employee has been employed to undertake this role), and provide State Council with any committee documentation requested.

### Meetings of election campaign committees

127. Quorum of a meeting of an election campaign committee shall be a majority of its current voting members appointed as at the date of the meeting, or 3, whichever is more.
128. Where the date for the next meeting has not been set in advance by a meeting of an election 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 committee Convenor and Secretary can reasonably establish an urgent reason to do so.

### Responsible branches for state and federal electorates

129. The responsible branches for state and federal electorates are:

<b>Federal Electorate</b>	<b>Responsible Branch</b>	<b>State Electorate</b>	<b>Responsible Branch</b>
Aston	Maroondah-Knox	Albert Park	Port Phillip
Ballarat	Ballarat and District	Ashwood	Monash
Bendigo	Bendigo	Bass	Bass Coast
Bruce	Casey-Greater Dandenong	Bayswater	Maroondah-Knox
Calwell	Hume-Moreland	Bellarine	Bellarine
Casey	Dandenong Ranges	Benambra	North East Branch
Chisholm	Whitehorse	Bendigo East	Bendigo
Cooper	Darebin-Whittlesea	Bendigo West	Mount Alexander
Corangamite	Bellarine	Bentleigh	Bayside-Glen Eira
Corio	Geelong	Berwick	Casey-Greater Dandenong
Deakin	Maroondah-Knox	Box Hill	Whitehorse
Dunkley	Frankston	Brighton	Bayside-Glen Eira
Flinders	Mornington Peninsula	Broadmeadows	Hume-Moreland
Fraser	Maribyrnong	Brunswick	Hume-Moreland
Gellibrand	Hobsons Bay	Bulleen	Manningham
Gippsland	East Gippsland	Bundoora	Banyule
Goldstein	Bayside-Glen Eira	Carrum	Frankston
Gorton	Brimbank-Melton	Caulfield	Bayside-Glen Eira
Higgins	Stonnington	Clarinda	Kingston
Hawke	Hume-Moreland	Cranbourne	Casey-Greater Dandenong
Holt	Casey-Greater Dandenong	Croydon	Maroondah-Knox



<b>Federal Electorate</b>	<b>Responsible Branch</b>	<b>State Electorate</b>	<b>Responsible Branch</b>
Hotham	Monash	Dandenong	Casey-Greater Dandenong
Indi	North East Branch	Eildon	Healesville and Upper Yarra
Isaacs	Kingston	Eltham	Nillumbik
Jagajaga	Banyule	Eureka	Ballarat and District
Kooyong	Boroondara	Essendon	Moonee Valley
La Trobe	Cardinia	Euroa	North East Branch
Lalor	Wyndham	Evelyn	Dandenong Ranges
Macnamara	Port Phillip	Footscray	Maribyrnong
Mallee	Mildura	Frankston	Frankston
Maribyrnong	Moonee Valley	Geelong	Geelong
McEwen	Macedon Ranges	Gippsland East	East Gippsland
Melbourne	Melbourne City Branch	Gippsland South	Greater Gippsland
Menzies	Manningham	Glen Waverley	Whitehorse
Monash	Greater Gippsland	Greenvale	Hume-Moreland
Nicholls	Goulburn Murray	Hastings	Mornington Peninsula
Scullin	Darebin-Whittlesea	Hawthorn	Boroondara
Wannon	Otways	Ivanhoe	Banyule
Wills	Hume-Moreland	Kalkallo	Hume-Moreland
		Kew	Boroondara
		Kororoit	Brimbank
		Lara	Geelong
		Laverton	Brimbank-Melton
		Lowan	Ballarat and District
		Macedon	Macedon Ranges
		Malvern	Stonnington
		Melbourne	Melbourne
		Melton	Brimbank-Melton
		Mildura	Mildura
		Mill Park	Darebin-Whittlesea
		Monbulk	Dandenong Ranges
		Mordialloc	Kingston
		Mornington	Mornington Peninsula
		Morwell	Greater Gippsland
		Mulgrave	Casey-Greater Dandenong
		Murray Plains	No branch
		Narracan	Greater Gippsland
		Narre Warren North	Casey-Greater Dandenong
		Narre Warren South	Casey-Greater Dandenong
		Nepean	Mornington Peninsula
		Niddrie	Moonee Valley
		Northcote	Darebin-Whittlesea
		Oakleigh	Monash
		Ovens Valley	North East Branch
		Pakenham	Cardinia
		Pascoe Vale	Hume-Moreland
		Point Cook	Hobsons Bay

Federal Electorate	Responsible Branch	State Electorate	Responsible Branch
		Polwarth	Otways
		Prahran	Stonnington
		Preston	Darebin-Whittlesea
		Richmond	Yarra
		Ringwood	Whitehorse
		Ripon	Ballarat and District
		Rowville	Maroondah-Knox
		Sandringham	Bayside-Glen Eira
		Shepparton	Goulburn-Murray
		South Barwon	Geelong
		South-West Coast	Warrnambool
		St Albans	Brimbank
		Sunbury	Hume-Moreland
		Sydenham	Brimbank
		Tarneit	Wyndham
		Thomastown	Darebin-Whittlesea
		Warrandyte	Manningham
		Wendouree	Ballarat and District
		Werribee	Wyndham
		Williamstown	Hobson's Bay
		Yan Yean	Nillumbik

## Provisions from old bylaw 29 "Preselection"

### Preselection

130. In clauses 131 to 186:

- a. **candidate** means a member who has been preselected;
- b. **local members** means all members who live in the electorate;
- c. **nominee** means a member who has nominated for preselection;
- d. **preselecting body** means the branch with primary responsibility for the electorate or (if it has been established) the campaign committee established for the electorate, otherwise the VCC; and
- e. **Snap election** means a byelection, or an election fixed for, or which must be held, less than eight weeks away.

### Method

131. The preselecting body must:

- a. select a preselection method that is provided for in clauses 155 to 171, provided that 'Preselection method 1: Ballot of members' must be selected unless the preselecting body decides that circumstances justify otherwise;
  - b. decide when nominations must be opened; and
  - c. appoint a Returning Officer.
132. The VCC may (at any time) declare that it is the preselecting body if:
- a. the preselecting body has not complied with clause 131 within the period required by clauses 155 to 171; or
  - b. there is a snap election.

## Returning officer

133. The Returning Officer may appoint up to two Deputy Returning Officers to assist them, and may dismiss any of them at any time.
134. The Returning Officer and any Deputy Returning Officers must not have a material personal interest in the outcome of the preselection.
- a. If such an interest develops during the preselection:
    - b. in a Returning Officer—they must dismiss any Deputy Returning Officers and then resign their office;
135. in a Deputy Returning Officer—they must resign their office.
136. A member who believes that a Returning Officer or Deputy Returning Officer has such an interest must inform State Council.
137. If it has good reason to do so, State Council may dismiss a Returning Officer or Deputy Returning Officer at any time.
138. If a Returning Officer resigns or is dismissed, the preselection is suspended and the preselecting body must appoint a new Returning Officer as soon as possible. Once a new Returning Officer is appointed, the preselection recommences.
139. The Returning Officer:
- a. is solely responsible for the fair and timely conduct of the preselection, including:
    - i. declaring nominations to be valid;
    - ii. communicating with nominees and other members;
    - iii. coordinating and conducting required meetings and votes;
    - iv. setting and varying any timelines;
    - v. counting and scrutinising of votes, if required;
    - vi. declaring the result; and
    - vii. formally announcing the result to members generally and the public;
  - b. must provide timely information about the preselection and reasonable notice of key dates:
    - i. to all members via the members' website; and
    - ii. to local members by email.

## Qualification

140. To be eligible to nominate for preselection, a member must have, within the last 36 months:
  - a. passed a probity check;
  - b. provided Supporting Declarations from at least four other members;
  - c. completed the candidate qualification form and undertaking; and
  - d. in the case of preselection for a Federal election, have passed a section 44 check.
141. The fact that a member is eligible to nominate for preselection may only be disclosed with the consent of the member (except for the purpose of administering qualification processes or maintaining relevant records).

## Nomination

142. The nomination period must be no less than seven days, or 24 hours the case of a snap election.
143. A member may nominate for preselection by, during the nomination period, providing the Returning Officer with:
  - a. the written confirmations that show that they are eligible to nominate;
  - b. a statutory declaration confirming that all information previously provided is true and correct or noting anything that has changed with respect to their:
    - i. probity check;
    - ii. candidate qualification form and undertaking; and
    - iii. in the case of preselection for a Federal election, their section 44 check;
  - c. a nomination statement of up to 600 words; and
  - d. Supporting Statements of up to 200 words from between two and four members who have not provided a Supporting Statement for any other nominee in the preselection, and who are eligible to provide a Supporting Declaration (see clauses 172 to 175).
144. The preselecting body may increase the word limit for the nomination statement, or the number of supporting statements required.

## Nominees

145. Each nominee for preselection must not:
  - a. discuss their nomination, any aspect of the preselection or the election with a non-member, except to confirm their candidacy (unless an exemption is agreed to by the VCC);
  - b. expend funds for the purposes of communicating with members in relation to the preselection; or

- c. use party resources or meetings to campaign for or promote their candidacy, except as otherwise allowed by this internal policy.
146. A member must not do anything on behalf of a nominee for preselection that the nominee may not do.
147. Party bodies, State Councillors, members who hold public office, persons employed by the Party or as staff of members who hold public office must not canvass for or against votes for any nominee.

## **Result**

148. The Returning Officer must inform all nominees, the VCC Convenor and the State Director (or their delegate) of the preselection result as soon as practicable after they have declared it.
149. The Returning Officer may inform other members of the result before it is formally announced.
150. The VCC may, before the result is declared, decide how and when the result must be formally announced.
151. members must keep the result secret until it is formally announced.

## **Disputes**

152. members should raise any concerns about the conduct of the preselection with the Returning Officer.
153. All decisions of the Returning Officer are final.

## **Diversity**

154. At the conclusion of general Federal, State or local government elections, the State Returning Officer(s) shall provide an aggregated anonymised report to State Council on the diversity of preselected candidates and elected candidates to the extent known.

## **Preselection method and timing**

155. The VCC may decide the period during which the nominations for each preselection must be opened.
156. If the VCC has not made such a decision for a particular preselection, nominations must be opened between the date 12 months before the earliest possible date for an ordinary election and the date 8 weeks before the latest possible date for an ordinary election

## Preselection method 1: ballot of members

157. The preselecting body must specify:
  - a. the nomination period;
  - b. that eligible voters will be all members who at close of nominations live in:
    - i. for an electorate other than a local government ward—that electorate; and
    - ii. for a local government ward—the whole local government area;
  - c. that the ballot will be conducted using one or a combination of:
    - i. Postal ballot;
    - ii. Electronic ballot; and
    - iii. Attendance ballot;
  - d. the number of 'Meet the Candidates' events to be held; and
  - e. the voting period - for an electronic ballot this must be at least seven days, or 24 hours in the case of a snap election.
158. At least one 'Meet the Candidates' event must be held after close of nominations and before voting opens. At the discretion of the Returning Officer, or the facilitator that they appoint, a 'Meet the Candidates' event should provide time limited opportunities for:
  - a. nominees to:
    - i. introduce themselves and explain why they would be a good candidate for the electorate
    - ii. respond to questions and statements from members
  - b. members to:
    - i. ask questions of nominees
    - ii. make statements about:
      1. the issues facing the party and the public office we are preselecting for
      2. who eligible voters should vote for or against
159. If the method of preselection is by attendance ballot, the Returning Officer must so far as practicable provide any eligible voter who requests the option to cast an electronic ballot.
160. A reminder of the need for diversity must be provided with ballots.
161. Each nominee should be provided with the opportunity to:
  - a. appoint a member to be present at and scrutinise the counting and distribution of any paper ballots
  - b. be provided with voting system records in relation to any electronic ballots and the counting or distribution of them.

## Preselection method 2: decision at a meeting of members

162. Further to the restriction in clause 131(a) of this internal policy, this method may only be used if:
- a. the Party primary vote in the previous relevant election was less than 10%; or
  - b. less than 12 weeks remain until the latest possible date for an ordinary election; or
  - c. there is a snap election.
163. The preselecting body must specify:
- a. the nomination period
  - b. that eligible members, except the returning officer, any deputy returning officers and all nominees, will be all members who at close of nominations live in:
    - i. for an electorate other than a local government ward—that electorate; and
    - ii. for a local government ward—the whole local government area; and
  - c. the date for the meeting of members - which must be after the close of nominations.
164. At the meeting of members:
- a. at least six eligible members must be in attendance for the meeting to be quorate;
  - b. only eligible members may participate in decision making at this meeting (by blocking consensus or voting);
  - c. time limited opportunities will be provided for:
    - i. nominees to:
      1. introduce themselves and explain why they would be a good candidate for the electorate; and
      2. respond to questions and statements from members;
    - ii. members to ask questions of nominees;
  - d. nominees will be required to leave the meeting before the decision making period commences; and
  - e. during the decision making period eligible members may consider and discuss any proposal that a particular nominee be preselected. This decision can only be agreed to by consensus, or failing that by at least a 75% majority in a vote.
165. If a proposal to preselect a nominee is agreed to at the meeting of members:
- a. the decision making period ends; and
  - b. the Returning Officer must declare that nominee to be preselected.
166. If the meeting is not quorate, another meeting may be called (with reasonable notice provided as per Returning Officer duties).

167. If the meeting is quorate, but fails to preselect a candidate, the preselection will proceed to an electronic ballot on a timeline set by the Returning Officer, without any requirement to hold a 'Meet the Candidates' event.

### Preselection method 3: preselection panel

168. Further to the restriction in clause 131(a) of this internal policy, this method may only be used:

- a. with the approval of the VCC, and
- b. if:
  - i. the Party primary vote in the previous relevant election was less than 10%, or
  - ii. less than 12 weeks remain until the latest possible date for an ordinary election, or
  - iii. there is a snap election.

169. The preselecting body must:

- a. specify the nomination period.
- b. appoint 4 or 5 members to be the preselection panel, including:
  - i. at least one office bearer of the preselecting body
  - ii. at least one member who has previously stood for election as an endorsed Party candidate
  - iii. members from as many Branches that overlap with the electorate as possible

170. The preselection panel will:

- a. invite the Returning Officer to observe all panel meetings and interviews;
- b. prepare a standard set of questions to ask nominees;
- c. provide for the same amount of interview time for each nominee;
- d. interview each nominee separately;
- e. at each interview (if time allows):
  - i. provide the nominee an opportunity to introduce themselves and explain why they would be a good candidate for the electorate;
  - ii. ask the standard set of questions; and
  - iii. ask any supplementary questions that arise;
- f. select a candidate by consensus or failing that by at least a 75% majority; and
- g. notify the Returning Officer of their decision as soon as practicable.

171. If, after interviewing all nominees and being allowed reasonable time for deliberation, the preselection panel cannot reach a decision, the Returning Officer must declare the preselection closed with no result.



## Supporting declarations

172. In clauses 173 to 175, **applicant** means the member about whom the supporting declarations are made.
173. A supporting declaration must be provided in the form specified by the VCC, which must require the member making the supporting declaration to declare that they:
  - a. know the applicant;
  - b. believe that the applicant would faithfully represent the Charter and party policies as a candidate for public office and in public office;
  - c. are not aware of any matter that would bring the character or fitness for office of the applicant into question; and
  - d. endorse the applicant as a candidate for public office.
174. All members are eligible to provide supporting declarations except members who:
  - a. are State Councillors;
  - b. are members who hold public office; or
  - c. are employed by the Party or on the staff of a member who holds public office.
175. As soon as practicable after receiving four supporting declarations, the party must determine whether they are in order and, if they are, give the applicant written and dated confirmation that they are.

## Candidate qualification form and undertaking

176. In clauses 177 to 179, applicant means the member completing the candidate qualification form and giving the undertaking.
177. Each applicant must provide all information requested in the candidate qualification form specified by the VCC, which must include:
  - a. which offices they would like to be qualified to nominate for;
  - b. prescribed personal information; and
  - c. a brief biography.
178. Each applicant must undertake to:
  - a. abide by the and Candidate Code of Conduct; and
  - b. participate in candidate training and events whenever possible.
179. As soon as practicable after receiving a candidate qualification form and undertaking, the party must determine whether those are in order and, if they are, give the applicant written and dated confirmation that they are.

## Section 44 check

180. In clauses 181 to 186, **applicant** means the member seeking to pass a section 44 check.

181. The VCC Convenor or delegate (**assessor**) will assess the eligibility of the applicant to nominate for election under section 44 of the Commonwealth Constitution.
182. In doing this, the assessor may seek such advice as they deem necessary and may request further information from the applicant.
183. If the assessor considers that there is a real risk that an applicant is not eligible, they may determine that the applicant has failed the check. Otherwise, they must determine that the applicant has passed the check.
184. If it is clear that a risk is able to be mitigated, the assessor may set conditions on a decision that deems that an applicant has passed, setting out steps that must be taken by the applicant.
185. The applicant must be provided with written and dated confirmation of the result of the check as soon as practicable after a determination has been made. Where they have failed the check, they should be informed of the reasons for that and the steps the assessor considers necessary to pass the check in future.
186. An applicant who fails a check, or disagrees with the conditions applied by the assessor, may, within 14 days of being informed of such, appeal that decision to the VCC, which must then decide the matter

# PROBITY

## Transitional provision

1. The Probity Panel, and any extant Sub-Panels of the Probity Panel, are immediately re-established, with their membership and convenor and secretary as at 11.59 pm 31 December 2022, under this internal policy.

## Delegation

2. State Council delegates its power to the Probity Panel, and any Sub-Panels of the Probity Panel established under this internal policy, to make the decisions permitted under this internal policy.

## Definitions

3. Election Period: Defined as the period from when nominations for any election are opened until the election occurs.
4. Probity Check: A probity check investigates the background of an individual to determine their suitability to be a candidate.
5. 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

6. There shall be established a Probity Panel whose duty it is to carry out all probity checks on all nominees for external positions.
7. 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.
8. Probity should only be rejected where there are compelling and serious reasons why, in the interests of the Party, the member should be deemed not suitable to stand as a candidate.
9. The paramount duty of the Probity Panel is to make decisions in the best interests of the Party. 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

10. There will be a minimum of 11 people appointed to the Probity Panel.
11. Probity Panel members will be appointed by State Council, as per clause 59, for a term of 2 years. Their terms will run from the date of appointment to two years from the date of their appointment.
12. Members of the Probity Panel and any Sub-Panels should to the greatest extent possible be disinterested persons in relation any matter they consider.
13. The Probity Panel will appoint its convenor and secretary.
14. All Probity Panel members must be members of the Party.
15. A Probity Sub-Panel shall be comprised of between three and seven members.
16. 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.
17. 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; or
  - 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.
18. 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.
19. Casual vacancies on the Probity Panel may be filled by State Council following a call for expressions of interest via the appropriate internal Party communication methods, as per clause 59.

## Probity Panel general operations

20. 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.
21. Subject to this internal policy, deliberations of the Probity Panel are confidential.
22. All Probity Panel members will sign a confidentiality agreement.
23. A record of all nominations, the related investigations and findings will be securely maintained by State Council.
24. Records of nominations are confidential to the Probity Panel and the Returning Officer in the first instance. However State Council, VCC 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.

25. The Probity Panel may meet in person or via electronic means, including email.
26. The Probity Panel will keep minutes of all its meetings and records of its activities.
27. The Probity Panel will report in written form on its activities:
  - a. To the annual general meeting annually,
  - b. To the VCC monthly during Local, State or Federal election periods.
  - c. At any time as requested by the VCC or State Council.

## Probity checks

28. Noting that the paramount duty of the Probity Panel is to make decisions in the best interests of the Party, 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.
29. 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 years; 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 employee, Convenor of the Misconduct Panel, and VCC Convenor and electorate or regional campaign committee convenor can confirm that no matters relevant to probity have substantially changed since their last probity check.
30. By the close of nominations, provided that a nominee who has been approved by a Probity Panel within the previous 3 years may provide the statutory declaration described in clause 29(b) above in substitution for the documents required in this clause and a check will be conducted with the most senior employee and VCC or relevant election campaign committee Convenor to confirm this, nominees must submit:
  - a. a completed Probity Form as prescribed from time to time by the VCC;
  - b. a signed Statutory Declaration attesting to the correctness of the Preselection and Probity Forms, and agreeing to a Police Check if the Returning Officer or Probity Panel deem it necessary;
  - c. any other document or form requested by the Probity Panel or a Probity sub-panel.
31. The Returning Officer shall pass any envelopes or attachments containing the probity documents to the Probity Panel unopened.
32. The Probity Panel is empowered to carry out any investigations it deems necessary into any nomination.
33. 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 (except if the nominee is an elected representative);
  - c. a request for any relevant information from the Party 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
  - f. assessment of nominees after appropriate input from local Branch and regional bodies' office bearers, party officials and other members as considered necessary.
34. 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.
35. The Probity Panel may contact any person while conducting a probity check without reference to the nominee.
36. 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 52 be enacted.

## Probity decisions

37. 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.
38. 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.
  39. 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.
  40. In the case of a nominee being approved with conditions, the State Director, or their delegate, will be informed in writing within 72 hours by the Probity Panel. If the nominee gains preselection, the convenor of the relevant body responsible for the preselection will be provided a summary of conditions by the Probity Panel. The convenor of the relevant body responsible for preselection will be tasked with tracking compliance of conditions. Any breaches of conditions must then be referred to the Endorsement Review Committee.
  41. 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.
  42. In these circumstances, the decision-making period may be extended to allow reasonable time for the nominee to comply.
  43. 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.
  44. The Probity Panel members considering a nomination shall reject any nomination where:
    - a. the sub-panel judges that the candidacy of the nominee concerned would be inappropriate,
    - b. the sub-panel judges that the candidacy of the nominee would be detrimental to the Party on grounds relating to past conduct, character or reputation,
    - c. the candidate has not given an undertaking to support stated party policy, subject to Constitution clause 3(5), or in lieu of that undertaking, has not provided preselectors with an explanation as to which policies the candidate does not support.
  45. The Probity Panel shall have the authority to reject any nomination on the grounds that the nominee:
    - a. refuses to co-operate with the probity panel
    - b. fails to comply with any conditions outlined in the relevant Code of Conduct forms
    - c. fails to comply with any conditions outlined in the Confidentiality Agreement

- d. fails to comply with any condition imposed upon the nominee in relation to their nomination (as per 35 (b) above)
  - e. 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.
- 46. Prima facie a serious falsehood or apparent serious concealment of facts or issues in probity forms is grounds for a nomination to be rejected.
- 47. Where the Probity Panel rejects a nomination, the nominee may not nominate for any other position at the same election.
- 48. When an interim decision is made to either approve a nomination subject to certain conditions or reject a nomination, the following will occur:
  - a. The Probity sub-panel will prepare a document setting out the reasons for the decision.
  - b. The nominee will be provided with the reasons for decision and shall have 48 hours to provide a response to the Probity sub-panel.
  - c. The reasons for the decision may include a summary of feedback received, without breaching the confidentiality requirements at clause 36.
  - d. The Probity sub-panel will consider any response from the nominee in making a final decision.
  - e. 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.
- 49. In these circumstances, the decision-making period may be extended to allow for these processes to occur.
- 50. Clause 48 above shall not apply in the circumstances of a snap-election.
- 51. 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 the convenor of the Probity Panel will then inform the State Director. In consultation, either the convenor of the Probity Panel or the State Director, or their delegate, will inform the convenor of the relevant body responsible for the preselection in writing of the risk and communications issues which require a plan.
- 52. Decisions of the Probity Panel:
  - a. will be reported to the relevant Returning Officer and the nominee within 24 hours of the decision
  - b. may be appealed to State Council.

## **Rights of Nominees**

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



54. 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 37 and 48 above.  
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 48 above.
55. A nominee may appeal a decision of the Probity Panel to State Council in accordance with clause 52 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 Council within 24 hours of the appeal.
56. 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 Party website.

### **Confidentiality of Records**

57. 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 Police Checks will be securely destroyed as soon as they are no longer needed. State Council will have the responsibility of safe custody.
58. 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.

### **Process for appointment of member to Probity Panel**

59. The process for the appointment of a member to the Probity Panel is that:
  - a. The notice of vacancy, seeking expressions of interest from suitable members, is distributed to the membership.
  - b. Expressions of interest and curriculum vitae forwarded to the Probity Panel Convenor, or should that position be vacant, the VCC Convenor
  - c. Prospective member will be interviewed by a panel made up of the Probity Panel Convenor (or other member of the Probity Panel), a State Councillor and the VCC Convenor.
  - d. The panel will:
    - i. discuss the responsibility of the position, in particular trust implications
    - ii. ensure the applicant understand the duration of the appointment
    - iii. ensure the applicant is prepared to sign a confidentiality agreement on appointment
    - iv. ensure that the applicant has the personal and professional aptitude
    - v. ensure the applicant has been actively participating in the Party by being involved in branch, campaigning and/or State Council activities

- vi. ensure the applicant has a demonstrated capacity or experience to exercise political judgment, e.g. has held leadership positions in the Party or related organisations
  - vii. ensure the applicant has a reference from a Branch or State office bearer
- e. That panel will make a recommendation to State Council

# URGENT WITHDRAWAL OF PARTY ENDORSEMENT OF A CANDIDATE FOR PUBLIC OFFICE

## Transitional provision

1. The Endorsement Review Committee is immediately re-established under this internal policy.

## Delegation

2. State Council delegates its power to the Endorsement Review Committee to make the decisions permitted under this internal policy.

## Procedure

3. Any endorsed candidate for public office may be removed as a candidate under this internal policy. In this internal policy, **ERC** means the Endorsement Review Committee constituted under this internal policy.
4. These procedures cease at any stage should the relevant candidate withdraw as a candidate.
5. The ERC is composed of:
  - a. two members appointed by State Council; and
  - b. the VCC Convenor.
6. These procedures must be initiated by a notice, which may be in writing or by telephone, from a member who holds public office, or a State Councillor, to any member of the ERC, which notice need only state the name of the candidate proposed for disendorsement, but may include any other relevant matter.
7. The ERC shall confer. If any member of the ERC thinks the matter should proceed, the ERC shall forthwith:
  - a. advise the candidate; and
  - b. advise any relevant campaign committee convenor.
8. 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 6 am) after a written notice has been sent to the candidate setting out the reasons why it is considered necessary that they 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

campaign committee convenor and, in the case of a Federal candidate, to the Parliamentary Leader of the Australian Greens.

9. 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.
10. 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 disendorse the candidate, and if the ERC so determines, it shall do so.
11. 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 circumstances 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.
12. The ERC may authorise the making of a statement on behalf of the Party 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.
13. A decision of the ERC to disendorse a candidate must be by consensus, but is final, provided that the ERC may refer the matter to State Council for a final decision if it is not certain, and shall do so if it cannot reach consensus. In this case, a State Council 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 State Council decides that others may attend.

# MISCONDUCT

## Background

### Discipline procedure

1. This internal policy is, in part, the disciplinary procedure under Constitution clause 34(2).

### Transitional provision

2. The Administrative Review Panel and the Misconduct Panel, and any extant Sub-Panels of the Misconduct Panel, are immediately re-established, with their membership and convenors as at 11.59 pm 31 December 2022, under this internal policy.

### Delegation

3. State Council delegates its power to the Administrative Review Panel and the Misconduct Panel, and any Sub-Panel of the Misconduct Panel established under this internal policy, to make the decisions permitted under this internal policy.

### Definitions—part I

4. In this internal policy:
  - a. **ARP** means Administrative Review Panel;
  - b. **biased** means unable to bring an impartial and unprejudiced mind to the resolution of the question under consideration;
  - c. **insolvent under administration** has the same meaning as it has in the Interpretation of Legislation Act 1984;
  - d. **local councillor** has the same meaning as councillor has in the Local Government Act 1989;
  - e. **represented person** has the same meaning as it has in the Guardianship and Administration Act 2019.

### Provisions from old constitution

### Members who hold public office

5. Subject to clause 6, members who hold public office must not:

- a. to any degree, displace or interfere with the role of the ARP or Misconduct Panel; and
  - b. make any public statement regarding a matter being dealt with, or that has been dealt with, under this internal policy that has not been approved in writing (in specific or general terms) by State Council.
6. Clause 5 does not prohibit a member who holds public office from making an application under clause 8 or making a misconduct allegation under clause 26.

## Definitions—part II

7. In clauses 8 to 24:
  - a. **decision** includes:
    - i. a failure or refusal to make a decision; and
    - ii. an action.

## Administrative Review Panel procedure

8. A member or former member expelled under clause 58 (the applicant) may apply to, and only to, the ARP for a finding that a decision of a member or party body under clauses 25 to 64:
  - a. did not comply with clauses 25 to 64; or
  - b. was so unreasonable that no reasonable decision-maker could have made it.
9. An application may be made about multiple decisions.
10. A member must not make an application in bad faith.
11. members of the ARP who are biased must not be present during the consideration and resolution of the application.
12. A member involved in an application may appoint any person to act on their behalf for the purposes of the application.
13. In dealing with an application, the ARP:
  - a. may:
    - i. inform itself in any way it deems appropriate, including by obtaining expert advice from a non-member; and
    - ii. direct a member to truthfully answer its questions in person or in writing;
  - b. may, at any time, after giving brief reasons in writing for doing so, dismiss so much of an application that it decides:
    - i. does not concern the exercise of the power of the Party;
    - ii. is not serious enough to warrant its consideration; or
    - iii. has been dealt with by one or more of its previous decisions.
  - c. subject to subclause (b), must:
    - i. give notice in writing of the substance of the application and a reasonable opportunity to make a written and oral submission on the matter to:

1. the applicant; and
  2. those members and party bodies that it decides ought to be heard in respect of the application, given the issues involved;
  - ii. decide whether or not to make one of the findings in clause 8;
  - iii. state that decision, and give brief reasons for it, in writing; and
  - iv. if it makes one of the findings in clause 8, decide whether to grant a remedy aimed at rectifying, in whole or in part:
    1. the decision; and
    2. any consequences that flowed from it.
14. A remedy granted under clause 13(c)(iv) may include:
- a. setting a decision aside; and
  - b. making a decision that plainly should have been made.
15. If, having dismissed an application, the ARP decides that the application may have been made in bad faith, a member of the ARP may make a misconduct allegation under clause 26 against the applicant.

### **Administrative Review Panel—part I**

16. The ARP is composed of 5 members appointed by State Council.
17. The term of appointment of a member of the ARP is 2 years.
18. To be eligible to be appointed to and remain a member of the ARP, a member:
- a. must have been a member for the past 2 years;
  - b. must not be:
    - i. a member who holds public office;
    - ii. a member who has held public office in the last 5 years (except as a local councillor);
    - iii. a member of any party body that has the task of judging the suitability of members to be considered for preselection as, or to remain, candidates in external elections;
    - iv. a member of the Misconduct Panel;
    - v. an insolvent under administration;
    - vi. a represented person; or
    - vii. an employee of the Party; and
  - c. must not have been the subject of a sanction that was imposed or which had effect within the past 3 years.
19. The ARP has a Convenor who is appointed by the ARP from its members.
20. A meeting of the ARP may be convened by:
- a. the ARP Convenor; or
  - b. any two other members of the ARP.
21. The quorum for a meeting of the ARP is 3.

22. In dealing with an application, the ARP must exercise its powers and make its decisions by consensus or, if it is unable to reach consensus, by majority vote.
23. A meeting of the ARP is quorate if so declared by:
  - a. the ARP Convenor; or
  - b. in their absence—the member of the ARP present with the longest current tenure on the ARP.
24. The ARP must not be granted or have imposed upon it, and must not accept, further powers or obligations.

### Definitions—part III

25. In clauses 26 to 88:
  - a. **misconduct** means a breach of:
    - i. clauses 89 to 98 (i.e. the Code of Conduct);
    - ii. an express prohibition provided for in the Constitution or this internal policy that is committed in bad faith;
    - iii. a direction given by the ARP or Misconduct Panel; or
    - iv. a sanction;
  - b. **sanction** means:
    - i. the member is censured;
    - ii. for a period of up to 1 year, the member is prohibited from attending some or all Party meetings, communicating with some or all members or volunteering for the Party in some ways or entirely;
    - iii. for a period of up to 1 year, the member is disqualified from being a member of some or all Party bodies or holding some or all Party positions;
    - iv. the member is disendorsed as an Party candidate or holder of public office;
    - v. for a period of up to 1 year, the member is suspended from the Party;
    - vi. some combination of subclauses (i) to (v) above; or
    - vii. the member is expelled from the Party.

### Misconduct allegation

26. A member (**the applicant**) may make a misconduct allegation against a member (**the respondent**) by giving notice in writing of the following to, and only to, the Convenor of the Misconduct Panel or, if the allegation is made against the Convenor of the Misconduct Panel, to any other member of the Misconduct Panel:
  - a. their name;
  - b. the name of the respondent;
  - c. a description of the act or acts of the respondent that are said to be misconduct; and



- d. a brief submission setting out why the applicant believes that act or those acts constitute misconduct.
27. A member must not make a misconduct allegation in bad faith.
28. A respondent may appoint any person to act on their behalf for the purposes of the misconduct allegation.

### Appointment of Sub-Panel

29. A member of the Misconduct Panel who receives a notice under clause 26 (the appointer) must:
- a. regarding so much of a misconduct allegation made against a member who is an applicant under clause 8, or any member appointed to act on their behalf under clause 12, in relation to the matter which is the subject of the application under clause 8—
    - i. exercise their power under subclauses (b) and (c) only after the application under clause 8 is dealt with; and
    - ii. notify the applicant of the state of the misconduct allegation;
  - b. if another misconduct allegation against the respondent is already being dealt with by another Sub-Panel—in writing assign the allegation to that Sub-Panel unless doing so would increase the effort or time required for the Misconduct Panel to deal with all of the allegations; or
  - c. otherwise—in writing appoint a 3-member Sub-Panel (which may include themselves) to deal with the misconduct allegation.
30. Subject to clause 31, a Sub-Panel must be made up of members of the Misconduct Panel.
31. If, because of the effect of clause 32 or clauses 106 to 118, a Sub-Panel cannot be completely appointed from the members of the Misconduct Panel, the appointer must appoint a member or members who are eligible under clause 81 and clauses 106 to 118 until the Sub-Panel is completely appointed.
32. Each member of a Sub-Panel must not be biased.
33. In each of the circumstances to which this clause applies, the Misconduct Panel must decide to:
- a. appoint a new member or members to the Sub-Panel to bring its membership back up to 3; or
  - b. discharge the Sub-Panel and appoint a partially or entirely differently constituted Sub-Panel to deal with the misconduct allegation or allegations afresh.
34. The circumstances to which clause 33 applies are:
- a. a member resigns from a Sub-Panel or the Misconduct Panel;
  - b. the Misconduct Panel decides that a member of a Sub-Panel is unable to discharge their duties on that Sub-Panel, including because of illness or time constraints; or

- c. a Sub-Panel advises the Misconduct Panel that, after appropriate efforts to do so, it cannot arrive at a decision; or
- d. the Misconduct Panel decides that the procedure being carried out by a Sub-Panel has miscarried to such an extent that it should intervene.

### Decision by Sub-Panel

- 35. The Sub-Panel must dismiss without consideration under clause 47(a)(i) so much of a misconduct allegation that concerns an act or acts that are alleged to have occurred more than 180 days before the allegation was made except if:
  - a. that part of the allegation was reinstated under clauses 49 or 50; or
  - b. it decides that:
    - i. that part of the allegation is of repeated similar conduct that continued into the 180 day period before the allegation was made;
    - ii. that part of the allegation relates to matters of a sexual nature; or
    - iii. exceptional circumstances warrant it not doing so.
- 36. A misconduct allegation is under consideration from when it is made until all parts of it are either:
  - a. dismissed; or
  - b. found to be substantiated and a sanction imposed or not imposed.
- 37. While a misconduct allegation is under consideration:
  - a. the Sub-Panel may, in writing:
    - i. in exceptional circumstances, direct the respondent that, for a period of up to 30 days, they are prohibited from attending some or all Party meetings;
    - ii. direct the respondent that, for a period of up to 30 days, they are prohibited from communicating with some or all members or volunteering for the Party in some ways or entirely;
    - iii. for a period of up to 30 days, suspend the respondent from the Party or a party body or position; and
    - iv. direct a member to truthfully answer its questions in person or in writing;
  - b. regarding a direction given or suspension imposed under subclause (a), the Sub-Panel may:
    - i. as necessary, advise any member of it; and
    - ii. monitor compliance with it; and
  - c. other than in accordance with clauses 26 to 88, no party body (other than State Council) may discuss the allegation.
- 38. The Sub-Panel's powers under clause 37(a) may be exercised more than once, and include the power to revise or rescind a direction or suspension.
- 39. A direction given or suspension imposed under clause 37(a) expires once the misconduct allegation is no longer under consideration.

40. Subject to clause 41, all aspects of a misconduct allegation (including the fact that it was made), and all Notices of Decision, must be kept confidential, and this obligation survives the cessation of membership.
41. Clause 40 does not prohibit the disclosure of information:
  - a. that is strictly necessary in order to make or deal with a misconduct allegation; and
  - b. as provided for in clauses 26 to 118.
42. The quorum for meetings of a Sub-Panel is 3.
43. In dealing with a misconduct allegation, a Sub-Panel:
  - a. must exercise its powers and make its decisions by consensus or, if it is unable to reach consensus, by majority vote;
  - b. must make findings about facts on the balance of probabilities;
  - c. must make its decision as soon as is reasonably practicable;
  - d. in balancing the speed of its decision against the fairness of its process and the correctness of its decision, must take an urgent and robust approach;
  - e. must not take the external or internal political ramifications of its decision into account;
  - f. subject to subclause (g), must inform itself in any way it deems appropriate, including:
    - i. by obtaining expert advice from a non-member; and
    - ii. as to an appropriate sanction;
  - g. must not seek or receive the view of any other party body;
  - h. after discussing doing so with an applicant, may amend an allegation, including by adding parts to it and removing parts from it;
  - i. may give notice in writing to some or all members advising that a misconduct allegation has been made against a particular respondent and inviting those members to come forward with any relevant information;
  - j. must review the Notices of Decision regarding previous allegations (or parts of them) made against the respondent that were not:
    - i. dismissed under clause 47(c); or
    - ii. found to have been substantiated under clauses 47(d), (e) or (f);
  - k. may reopen any of the previous allegations to which subclause (j) refers that it decides may form part of a repeated behaviour;
  - l. may take over from another Sub-Panel the allegation of another applicant made against the same respondent if the Convenor of the Misconduct Panel decides that doing so will reduce the effort or shorten the time required for the Misconduct Panel to deal with all of the allegations;
  - m. must take into account previous Notices of Decision and Notices of Sanction regarding the respondent when considering an appropriate sanction;

- n. must provide updates in writing on the progress of the matter to the applicant and the respondent (but only if and when they are made aware of the allegation); and
  - o. must hold its meetings in closed session.
44. Before deciding that a misconduct allegation (or part of it) is substantiated, a Sub-Panel must:
- a. give the respondent:
    - i. notice in writing of the substance of the relevant part of the allegation;
    - ii. notice in writing of information adverse to the respondent that is credible, relevant and significant to the decision to be made; and
    - iii. a reasonable opportunity to make an oral and written submission to the Sub-Panel regarding the relevant part of the allegation and what sanction should be imposed if it is substantiated; and
  - b. consider any such submission.
45. The information described in clauses 44(a)(i) and (ii) must only include the name of or other identifying information about any person if:
- a. it is strictly necessary in order to comply with those clauses; and
  - b. the person whose name or other identifying information is to be included gives their express consent in writing.
46. If a Sub-Panel cannot comply with clauses 44(a)(i) and (ii) because a person will not give consent under clause 45(b), the relevant part of the allegation must be dismissed under clause 47(a)(iv).
47. Subject to clause 48, regarding the whole or each part of the misconduct allegation, the Sub-Panel must decide that it is:
- a. dismissed without determination because:
    - i. it concerned an act or acts alleged to have occurred more than 180 days before it was made;
    - ii. the information given under clause 87.1(c) was too long, insufficient or vague;
    - iii. it was withdrawn by the applicant with the permission of the Sub-Panel; or
    - iv. the Sub-Panel was not able to afford the respondent procedural fairness in dealing with it;
  - b. dismissed without determination because, even if it was substantiated:
    - i. it would not amount to misconduct; or
    - ii. it is not serious enough to warrant a sanction;
  - c. dismissed because it was not found to be substantiated;
  - d. found to be substantiated and the member is not sanctioned;
  - e. found to be substantiated and the member is censured; or
  - f. found to be substantiated and recommend a sanction to State Council.

48. If the respondent is a member who holds public office at the time the Sub-Panel comes to make its decision, clause 47(e) is not available as a decision.
49. A misconduct allegation (or part of it) dismissed under clause 47(a)(ii) is reinstated before the same Sub-Panel if, within 60 days of it having been dismissed, the applicant gives a member of the Misconduct Panel notice in writing of the information required under clause 26(c).
50. A misconduct allegation (or part of it) dismissed under clause 47(a)(iv) is reinstated before the same Sub-Panel if, within 60 days of it having been dismissed, the person whose name or other identifying information was to be included gives a member of the Misconduct Panel their express consent in writing under clause 45(b).
51. A member of the Sub-Panel may make a misconduct allegation:
  - a. against a member for breaching a direction given or suspension imposed by the Sub-Panel under clause 37(a);
  - b. if the Sub-Panel dismisses a misconduct allegation (or part of it) under clauses 47(b) or (c)—against the applicant for making their allegation in bad faith; and
  - c. against any member based on information obtained in dealing with a misconduct allegation.

## **52. Notice of Decision**

53. The Sub-Panel must, within four days of making a decision:
  - a. make a Notice of Decision;
  - b. give that Notice of Decision to the applicant and the respondent; and
  - c. give the complainant and the respondent information about their right to apply to the ARP to have the decision and sanction (if any) reviewed under clauses 8 and 65 to 70, within the time limit provided under clause 68.
54. Additionally, the Sub-Panel must, within 24 hours of making a decision under clause 47(f)
  - a. give the Notice of Decision to State Council; and
  - b. consider whether to make a decision under clause 37(a).
55. A Notice of Decision must be in writing and contain only:
  - a. the name of the respondent;
  - b. the name of the appointer;
  - c. the names of the members of the Sub-Panel that made the decision;
  - d. the date that the Sub-Panel was appointed;
  - e. the date of the decision;
  - f. in relation to each part of a misconduct allegation dealt with by the decision:
    - i. the date that the Misconduct Panel received it;
    - ii. if it could have been dismissed as it concerned an act or acts that were alleged to have occurred more than 180 days before the allegation, the reason it was not;

- iii. in brief terms, the facts found and an analysis of why those facts do or do not constitute misconduct, without identifying any person other than the respondent; and
- iv. the particular decision made, including the subclause or sub-subclause of clause 47 under which the decision was made;
- g. if any of the particular decisions made are a decision under clause 47(f), the single sanction (covering all of the relevant misconduct allegations) that the Sub-Panel recommends to State Council and a brief justification for it; and
- h. any other information that the Sub-Panel decides is necessary that does not concern the substance of a misconduct allegation.

### Decision by State Council

- 56. If a Sub-Panel makes a decision under clause 47(f), the next meeting of State Council must consider a proposal to impose the recommended sanction.
- 57. Before considering that proposal, State Council must consider whether to make a decision under each of Constitution clause 5(1)(b) and Schedule 5 item 6(3).
- 58. State Council must decide to impose:
  - a. the recommended sanction;
  - b. another sanction; or
  - c. no sanction.
- 59. The only members that may speak regarding the proposal are:
  - a. the respondent or a person appointed under clause 28;
  - b. State Councillors; and
  - c. members appointed under Constitution Schedule 5 item 6(1) and (2).
- 60. State Councillors must, before or at the opening of the meeting, be provided with:
  - a. the relevant Notice of Decision;
  - b. all other Notices of Decision that record that a misconduct allegation regarding the respondent was found to be substantiated; and
  - c. any written submission as to the appropriate sanction, of up to 3 pages in length, provided by the respondent or a person appointed under clause 28 to State Council at least 3 days before the meeting.
- 61. State Councillors who are biased must not be present during the consideration and resolution of the proposal.
- 62. If State Council fails in its obligation under clause 58, each subsequent meeting of State Council must, in closed session, consider a proposal to impose the recommended sanction until State Council fulfils its obligation under clause 58.
- 63. The respondent must be given 14 days' notice in writing of each meeting to which clauses 56 or 62 apply.
- 64. State Council must inform the Sub-Panel of a decision by State Council within 24 hours. The Panel must then inform the complainant and the respondent of the decision as

soon as practicable. If the matter is no longer under consideration then the Panel must also notify them that their opportunity to appeal has started.

### Application to the Administrative Review Panel

65. In clauses 65 to 70, **application** means an application under clause 8 to the ARP regarding a decision of a Sub-Panel under clause 47.
66. An applicant or a respondent may make an application once a misconduct allegation is no longer under consideration.
67. No other consideration or reconsideration (whether by review, appeal or otherwise) of the decisions made under clauses 26 to 118 is allowed.
68. An application made more than 7 days after notification of the opportunity to appeal was sent must be dismissed by the ARP unless it decides that exceptional circumstances justify it not being dismissed.
69. The remedies that the ARP may grant on an application are limited to:
  - a. setting a decision aside and remitting it to the Sub-Panel or State Council for decision again, or to the Misconduct Panel for the appointment of a new Sub-Panel to deal with the matter, with or without directions to cure any error previously made;
  - b. substituting a decision under clauses 47(d) or (e) with a decision under clause (f), with the ARP recommending a sanction and carrying out the procedure in clauses 53 to 55 in place of the Sub-Panel; and
  - c. a remedy granted in aid of a remedy granted under subclauses (a) or (b).
70. If the ARP grants a remedy under clause 69:
  - a. the ARP must set aside or amend (adding a brief procedural history of its decision) any related Notice of Decision and Notice of Sanction as necessarily follows from its decision; and
  - b. the ARP Convenor must within 24 hours provide such information to such members as is necessary to inform them of the decision and its effect on the membership status of the respondent.

### Notice of Sanction

71. The Convenor of the Misconduct Panel must make, and provide to all members, a Notice of Sanction if a sanction has been imposed, and all related misconduct allegations against the member are no longer under consideration, and:
  - a. no application to the ARP is made regarding it within 7 days; or
  - b. an application to the ARP is made within 7 days and the ARP decides not to make one of the findings in clause 8 or not to grant a remedy.
72. A Notice of Sanction must be in writing and contain only:
  - a. the name of the respondent;
  - b. the sanction imposed;

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

## Other

74. If a respondent's membership ceases while a misconduct allegation against them is under consideration:
- a. the allegation must continue to be dealt with under clauses 26 to 118 as if their membership had not ceased; and
  - b. any sanction imposed takes effect upon the respondent being re-admitted to membership.
75. Any person expelled from the Party may only subsequently be re-admitted to membership by State Council. State Council may also resolve that a former member, whose conduct has been called into question and whose membership has ceased other than by expulsion, may only be admitted by State Council.
76. Subject to clause 77 below, should State Council form the view that any conduct (including previous conduct of which it was not aware) of an endorsed Party candidate may damage, or has seriously damaged the Party, and that urgent action is required, State Council will have the power to immediately expel or suspend that member, provided the member has been given, at least 24 hours prior to the meeting which will consider the matter, a notice that:
- a. sets out the alleged conduct in question; and
  - b. stipulates the time and place of the meeting; and
  - c. advises the member of the opportunity to address that meeting.
77. The timeframe within which clause 76 may be applied is:
- a. within 12 weeks prior to any date which has been set for any state or local election for which the Party has preselected candidates; or
  - b. from the date of the calling of a federal election or 30 months after the date of the previous federal election (whichever is sooner).



## Misconduct Panel—part I

78. The Misconduct Panel is composed of 9 members appointed by State Council.
79. The term of appointment of a member of the Misconduct Panel is 2 years.
80. A member of the Misconduct Panel whose term of appointment to the Misconduct Panel expires whilst they are a member of a Sub-Panel remains a member of that Sub-Panel whilst it exists, including if a misconduct allegation (or part of one) is reinstated before it under clauses 49 or 50.
81. To be eligible to be appointed to and remain a member of the Misconduct Panel, a member:
  - a. must be a member (and it is recommended that they have been a member for the past 2 years);
  - b. must not be:
    - i. a member who holds public office;
    - ii. a member who has held public office in the last 5 years (except as a local councillor);
    - iii. a member of any party body that has the task of judging the suitability of members to be considered for preselection as, or to remain, candidates in external elections;
    - iv. a member of the ARP;
    - v. an insolvent under administration;
    - vi. a represented person; or
    - vii. an employee of the Party; and
  - c. must not have been the subject of a sanction that was imposed or which had effect within the past 3 years.
82. The quorum for meetings of the Misconduct Panel is the lesser of 5 and all current members of the Misconduct Panel that are not for some reason not permitted under this internal policy to participate in the meeting.
83. The Misconduct Panel has a Convenor who is appointed by the Misconduct Panel from its members.
84. Subject to clause 85, the Convenor of the Misconduct Panel must:
  - a. convene meetings of the Misconduct Panel as required;
  - b. regarding every party body that has the task of judging the suitability of members to be considered for preselection as, or to remain, candidates in external elections:
    - i. keep them apprised of the misconduct allegations that are currently under consideration; and
    - ii. give all Notices of Decision to them;
  - c. ensure the following records are kept and maintained:
    - i. misconduct allegations made;
    - ii. directions given by Sub-Panels;

- iii. Notices of Decision; and
    - iv. Notices of Sanction;
  - d. ensure that the Notices of Sanction made in the previous 5 years are readily accessible on the members-only website.
85. If a misconduct allegation is made against a member of the Misconduct Panel, the member must not participate in meetings of the Misconduct Panel, and, in the case of the Convenor of the Misconduct Panel, must resign from that position, until the allegation is no longer under consideration.
  86. Any correspondence received by the Party addressed to a member of the Misconduct Panel must not be read by any other person without the intended recipient's express written permission or on the authority of a proposal passed by the Misconduct Panel, unless State Council decides otherwise in a particular case.
  87. If no Convenor of the Misconduct Panel is currently appointed, or if the Convenor of the Misconduct Panel is unable or unwilling to carry out their duties, the member of the Misconduct Panel with the longest present tenure on the Misconduct Panel is the Convenor of the Misconduct Panel until a new Convenor of the Misconduct Panel is appointed.
  88. The Misconduct Panel must not be granted or have imposed upon it, and must not accept, further powers or obligations.

## **Provisions from old bylaw 1 "Code of conduct"**

### **Code of Conduct**

89. 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.
90. A member must not:
  - a. seek to substantially impair the Party's pursuit of its purposes;
  - b. bring, or seriously risk bringing, the Party into disrepute in a manner contrary to the Charter of the Party;
  - c. sexually harass another member, or a volunteer or employee;
  - d. sexually abuse another person;
  - e. bully or harass another member, or a volunteer or employee;
  - f. vilify a person or group of people;
  - g. intentionally and unfairly discriminate against another member or a volunteer;
  - h. engage in transphobia;
  - i. steal or otherwise misappropriate Party assets;
  - j. make an intentionally misleading or deceptive, or recklessly false, statement to the Party;

- k. make an intentionally misleading or deceptive, or recklessly false and damaging, statement about another member, a volunteer, or the Party, its policies or its decisions;
- l. breach a confidence received in their capacity as a member or holder of an Party office or position;
- m. distribute Party information beyond those who are authorised to receive it;
- n. seek to influence another member in their participation or decision-making in the Party through improper coercion or inducement;
- o. be actively involved in electoral matters in any other organisation (whether formal or informal) that runs candidates for an electorate (federal, state or local) that the Party or the Australian Greens are contesting;
- p. engage in branch-stacking.

### Code of Conduct definitions

- 91. In this Code of Conduct, **purposes** means the purposes set out in Constitution clause 1.
- 92. 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.
- 93. 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.
- 94. 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.
95. 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.
96. 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.
97. 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.
98. 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 Party 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.
99. In this Code Of Conduct, **transphobia** means to do something that harms or seriously risks harming trans people as a group by virtue of them being trans, including:
- a. vilifying trans people;
  - b. discriminating against trans people;
  - c. attempting to curtail the rights of trans people;
  - d. intentionally misgendering trans people individually or as a group;
  - e. denying that non-binary genders exist;
  - f. promoting the unnecessary prioritisation of sex characteristics above gender;
  - g. advocating for conversion practices;
  - h. advocating for unnecessary restrictions on transition care; and
  - i. asking leading questions that cover for doing one of the above.

## Provisions from old bylaw 3 “Mediation, Administrative Review and Misconduct”

### Administrative Review Panel—part II

100. It is recommended that the ARP should take—
- a. regarding applications relating to clauses 65 to 70—
    - i. at most, 14 days to deal with a straightforward application; and
    - ii. at most, 30 days to deal with a complex application;
101. The following members are not eligible to be appointed to and remain a member of the ARP:

- 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.
102. The search for candidates for appointment to the ARP 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 State Council, placing a notice on the members' website and the Party 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.
103. So far as is practicable, the ARP 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.
104. A member may not hold the position of ARP Convenor for more than 24 consecutive months.
105. The ARP Convenor must:
- a. keep and maintain a record of applications made to, and decisions made and reasons given by, the ARP; 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 ARP;
    - ii. links to the decisions made and reasons given by the ARP in the previous 5 years; and
    - iii. a link to a document that records all of the current interpretations of this internal policy given by the ARP.

## **Misconduct Panel—part II**

106. 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.
107. The following bodies are excepted from the prohibition imposed by clause 37(c):
- a. the Probity Panel; and

- b. the Endorsement Review Committee.
108. The following disclosures are excepted from the obligation imposed by clause 40:
- 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;
  - g. to a body of the Party appointed to conduct a review of the Party's misconduct or complaints system, for the purposes of that review;
  - h. between members of the Misconduct Panel, including those observing an interview or hearing, for the purposes of mutual support, training or oversight, subject to bias provisions; and
  - i. between the Misconduct Panel and the State Director, or their delegate, for the purposes of administrative support.
109. The updates under clause 43(n) must be provided fortnightly.
110. 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.
111. The search for candidates for appointment to the Misconduct Panel will adopt the same procedure as for the ARP (as provided above).
112. 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.
113. Former members of the Misconduct Panel are disqualified from being eligible to be elected or appointed to the VCC for a period of one year after having been a member of the Misconduct Panel.
114. A member may not hold the position of Convenor of the Misconduct Panel for more than 24 consecutive months.
115. The power and duty to provide a Notice of Sanction to all members under clause 71 includes:

- a. 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;
  - b. when a new Notice of Sanction is issued, it is provided to all members by ensuring that the e-bulletin includes a link to the Notice of Sanction page;
  - c. if the Notice of Sanction includes a sanction against a State Councillor, member of the VCC or member who holds public office, ensuring that the notice in the e-bulletin includes which of these positions the person holds in the party.
116. Notices of Sanction will be stored on the members' only website and distributed to all members via a link in the Party eBulletin.
117. The Convenor of the Misconduct Panel should ensure that the members-only website contains a page updated at least every six months that records: the number of allegations received by the Panel each year, and brief details of the outcome: for example, whether current, dismissed, proceeded to State Council hearing or appeal.
118. The Misconduct Panel and the ARP should submit joint or individual reports to the final State Council meeting before the annual general meeting. The reports should be brief and include data on the number of requests, allegations and applications received, outcomes, identified issues with organisational policy and this internal policy, and any proposals for reform, as they see fit.

## TITHING

1. In this internal policy, **member** means member who holds public office.
2. Each member must pay a tithe to the Party quarterly in accordance with the following formula:

**Formula:**  $t = 0.1(g - 0.5m) + pg$ , if  $g - 0.5m > 0$

**Where:**

- t is the amount of the quarterly tithe
- g is the gross salary received by the member from their office during the relevant quarter, excluding electorate allowances
- m is one quarter of the annual base gross salary of a member of the Victorian Legislative Assembly
- p is 0.01 for a member in state or federal government office  
is 0 for a member in local government office

3. Each tithe must not be paid out of any electorate allowance controlled by the member.
4. Any tithe due from a member in federal office to the Australian Greens must be paid by the Party out of the tithe received from the member under this internal policy.
5. The portion of any tithe represented by  $pg$  must be paid by the Party to the Global Greens Secretariat.