



ACT Greens Constitution

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Chapter 1 Preliminary

1 Definitions

1.1 In this constitution:

Act means the Associations Incorporation Act 1991 of the ACT.

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

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

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

by-laws are the subordinate rules that augment and implement this constitution.

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

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

national delegates panel means:

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

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

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

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

party director means the most senior staff member of the ACT Greens who has delegated authority for managing all party operations.

person means an individual.

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

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

public officer means the contact person with the Office of the ACT Registrar-General.

2 Interpretation

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

Chapter 2 Principles and objectives

3 Name and constitution

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

4 The Charter of the Australian Greens

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

5 Objectives

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

- 5.1.8 to promote and assist other individuals, organisations and community networks in working for the objectives of the Australian Greens;
- 5.1.9 to engage in education of both ourselves and the wider community to raise awareness of the issues and concerns covered by the Charter and policies of the Australian Greens;
- 5.1.10 to resist oppressive and destructive institutions and practices using nonviolent means;
- 5.1.11 to strive to ensure that all sectors of society, whether defined by gender, race, religion or other criteria, have the opportunity to participate fully in the life of the community and in the internal processes of the ACT Greens;
- 5.1.12 to achieve gender equity, wherever possible applying the principle of affirmative action to all party processes and activities.

6 Powers

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

Chapter 3 Membership

7 Membership

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

8 Membership entitlements

- 8.1 Each member has the following rights unless precluded by this constitution or the by-laws:
 - 8.1.1 to nominate for a position;
 - 8.1.2 to participate in debate and decision making in any ACT Greens meeting or discussion either in person or via other means;
 - 8.1.3 to receive a copy of the Charter of the Australian Greens and this constitution and its by-laws;

- 8.1.4 to receive ACT Greens news and announcements via email, forums, mail and other means;
 - 8.1.5 to communicate with the entire membership of the ACT Greens through its online communication platforms and its bulletins, within reasonable space, cost and time limitations;
 - 8.1.6 to participate in policy formulation;
 - 8.1.7 to nominate as an ACT Greens candidate for public office;
 - 8.1.8 to receive on request a copy of the audited accounts of the ACT Greens for the previous year;
 - 8.1.9 to inspect the books and records of the ACT Greens subject to any restrictions under the Act;
 - 8.1.10 as a member of the Australian Greens to participate in its activities, noting that the Australian Greens is also a member body of the Global Greens and the Asia-Pacific Greens Federation.
- 8.2 A member may make a public statement in the name of the ACT Greens only if authorised by this constitution.
- 8.3 A provisional member has limited rights until 3 months after the member's name is published in the ACT Greens members' bulletin, unless the forum waives this provision and gives the provisional member full membership rights.
- 8.4 Limited rights allow a provisional member:
- 8.4.1 to receive ACT Greens news and announcements via email, forums, mail and other means; and
 - 8.4.2 to attend a meeting of the ACT Greens with the consent of the meeting and to place items on the agenda with the co-sponsorship of a member.
- 8.5 Limited rights do not allow a provisional member:
- 8.5.1 to vote or to block consensus, unless the provisional member becomes a full member before the end of the voting period; or
 - 8.5.2 to hold an office or position in the ACT Greens; or
 - 8.5.3 to stand as a candidate or to hold public office in the name of the ACT Greens.

9 Joining procedure

- 9.1 An application for membership must include:
- 9.1.1 a declaration that the person:
 - 9.1.1.1 agrees to the Charter of the Australian Greens and to abide by this constitution and the code of conduct; and
 - 9.1.1.2 is not a member of another political party and will not join another political party while a member of the Australian Greens, other than a party with related party status within the Australian Greens; and
 - 9.1.1.3 is not subject to any current or pending disciplinary action by any other member body of the Australian Greens; and

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

10 Membership fees

- 10.1 Unless a member qualifies for free membership in the schedule of membership fees or is a life member, the member must pay an annual membership fee to the party.
- 10.2 The membership renewal date of a member is the anniversary of either the join date or, for a transferring member, the due date determined by the member's previous member body.
- 10.3 A member who is required to pay a membership fee must pay the fee when joining the party and no later than three months after each membership renewal date otherwise their membership will lapse.
- 10.4 A member who is not required to pay a membership fee, except for a life member, no later than three months after each membership renewal date must confirm in writing to the membership secretary their wish to continue their membership otherwise it will lapse.
- 10.5 The current period of party membership is the current period of continuous membership plus, for a transferred member, the continuous membership of their previous member body.

10.6 A membership fee is not refundable after the publication date unless the application is rejected or is withdrawn after an objection is received.

11 Resignation

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

12 Expulsion, suspension and censure

12.1 Disciplinary action may include censure, suspension or expulsion of a member.

12.2 If, in accordance with clause 17.6, the arbitration and conciliation committee proposes to recommend disciplinary action, it must give the member written notice at least 14 days before the meeting of the management committee at which the recommendation is to be considered, including:

12.2.1 details of the reasons and evidence for the proposed action; and

12.2.2 the right to appeal against the management committee's decision.

12.3 If the management committee decides to take disciplinary action, the secretary must tell the member in writing as soon as possible.

12.4 The member may appeal against the decision by giving written notice to the secretary within 14 days after the decision is communicated to the member.

12.5 If the secretary receives a notice of appeal, the secretary must convene a special general meeting to appoint a disciplinary action appeal committee of 3 members to consider the appeal.

12.6 The appeal committee:

12.6.1 must not include any members of the management committee or the arbitration and conciliation committee; and

12.6.2 must meet within 14 days after the special general meeting; and

12.6.3 must decide whether to uphold, amend or revoke the disciplinary action; and

12.6.4 must prepare a summary report for the next forum meeting.

12.7 If expulsion action is initiated against a member who is a member of the Australian parliament, has been endorsed as a Greens candidate for a forthcoming federal election, or is an office bearer of the Australian Greens, the secretary must tell the Australian Greens in writing.

12.8 The secretary must tell the Australian Greens in writing as soon as possible after a member has been expelled.

12.9 If the ACT Greens becomes aware that a member has been expelled from a member body of the Australian Greens, the member must be referred to the conciliation and arbitration committee for consideration of the membership.

Chapter 4 Structure

13 Composition of the ACT Greens

13.1 The ACT Greens operates within the following bodies:

- 13.1.1 ACT Greens forum meetings, special general meetings and annual general meeting;
- 13.1.2 management committee;
- 13.1.3 neighbourhood teams;
- 13.1.4 arbitration and conciliation committee;
- 13.1.5 campaign team;
- 13.1.6 working groups.

14 ACT Greens forum

- 14.1 The secretary must convene the ACT Greens forum at least once every 2 months.
- 14.2 The forum has the following powers:
 - 14.2.1 to discuss, consider and decide policy and campaign issues;
 - 14.2.2 to give policy guidance to ACT Greens who are parliamentary representatives;
 - 14.2.3 to receive reports from, and to evaluate the work of, bodies mentioned in section 13 and persons mentioned in paragraph 14.2.2;
 - 14.2.4 to review any decision made by the management committee and to request (giving specific reasons for the request) that a decision be reconsidered;
 - 14.2.5 to call special general meetings and to delegate specific decision-making powers to them.
- 14.3 Members must be given at least 7 days' notice of each forum meeting.
- 14.4 However, if extraordinary circumstances require decisions by the ACT Greens to be made urgently, shorter notice may be given, but attempts should be made to notify all members of the meeting.
- 14.5 A quorum for the forum is 10 members.
- 14.6 A forum must not be cancelled for lack of a quorum until at least 20 minutes after the advertised starting time.

15 Management committee

- 15.1 The management committee consists of:
 - 15.1.1 the two co-convenors, or the convenor and deputy convenor;
 - 15.1.2 the secretary;
 - 15.1.3 the treasurer;
 - 15.1.4 the principal delegate to the National Council;
 - 15.1.5 the membership secretary;
 - 15.1.6 a representative of each neighbourhood team.

Note The management committee is the committee of the association as defined in the Act. Its members have legal responsibility for the management of the ACT Greens.

- 15.2 Any elected Greens parliamentary representatives, or their delegates, are *ex officio* members of the management committee who have speaking rights but may not participate in decisions.
- 15.3 The convenor is chair of the management committee.

- 15.4 The management committee has the following powers:
- 15.4.1 to provide administrative and governance oversight of the party;
 - 15.4.2 to coordinate strategy, compliance, safety and resourcing so that committees, groups and teams can implement policy and campaign;
 - 15.4.3 to implement decisions of the forum, special general meetings and the annual general meeting, and to consider recommendations of the arbitration and conciliation committee;
 - 15.4.4 to call special general meetings and to delegate specific decision-making powers to them;
 - 15.4.5 to appoint delegates to national Greens working groups;
 - 15.4.6 to employ staff, including a party director;
 - 15.4.7 to coordinate regular performance reviews of the party director and the committees and working groups established by the management committee;
 - 15.4.8 to approve expenditure of ACT Greens funds to meet specific costs or as a budget for a particular project or purpose;
 - 15.4.9 at the last meeting in a financial year, to adopt an interim overall budget for the next financial year;
 - 15.4.10 to delegate responsibility to the party director for operational decisions;
 - 15.4.11 to appoint an eligible member to a vacant party position, unless a deputy is available, to act in the position with all its powers and duties, and that the appointment must be confirmed or rejected at a special general meeting convened as soon as practicable after the appointment;
 - 15.4.12 to assign one or more eligible members or staff to perform duties of the party director while the party director is unavailable or the position is vacant;
 - 15.4.13 to determine, prior to opening preselection nominations, the proportion of their salary that serving Greens parliamentary representatives must give to the ACT Greens and the Global Greens and the proportion will remain constant for the relevant term.
- 15.5 The management committee must appoint the following:
- 15.5.1 from the representatives of the neighbourhood teams — a deputy secretary and a deputy treasurer;
 - 15.5.2 an auditor;
 - 15.5.3 a returning officer and a deputy returning officer;
 - 15.5.4 at least three persons who are authorised to make payments on behalf of the ACT Greens.
- 15.6 The management committee may decide to hold all or part of a meeting *in camera* only if the issue to be considered is of a confidential nature.
- 15.7 A member who is not in the management committee may attend meetings of the management committee, other than when *in camera*, and has speaking rights, but may not participate in decisions.
- 15.8 The management committee must meet at least every 2 months.

- 15.9 The quorum for a management committee meeting is half the number of current voting members of the committee rounded up.
- 15.10 Members must be given at least 7 days' notice of a management committee meeting.
- 15.11 However, if a matter is urgent, an additional meeting of the management committee:
 - 15.11.1 may convene without notice having been given under clause 15.10; and
 - 15.11.3 must consult if possible with members or bodies who may have a direct interest in the decision; and
 - 15.11.4 must report on any decision, including the reason for the urgency of the decision, to the next forum; and
 - 15.11.5 the forum may decide to ratify the decision, take further action or issue guidelines for future decision-making.
- 15.12 Alternatively, the management committee may conduct a quick decision making process for urgent decisions as provided in the by-laws.
- 15.13 The management committee must publish its minutes on the members' internet portal.

15A Casual vacancies

- 15A.1 A party position becomes vacant:
 - 15A.1.1 for all positions on a committee or working group — due to the office holder's absence without minuted approval from three consecutive ordinary meetings during their term;
 - 15A.1.2 for all positions — due to the office holder's resignation, incapacity, death or removal from office, or the absence of a successful candidate for the position;
 - 15A.1.3 for all positions on the management committee — due to the office holder's disqualification according to the Act.

16 Neighbourhood teams

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

17 Arbitration and conciliation committee

- 17.1 The arbitration and conciliation committee has the following functions:
 - 17.1.1 to oversee dispute resolution;
 - 17.1.2 to manage grievances referred to it by the member support team;
 - 17.1.3 to investigate complaints about members.

- 17.2 [deleted]
- 17.3 [deleted]
- 17.4 [deleted]
- 17.5 If the arbitration and conciliation committee receives a complaint about a member, it must:
- 17.5.1 investigate the complaint and recommend appropriate action, including any of the following:
 - 17.5.1.1 that the management committee refer the matter to the police if there is apparent evidence of a criminal act;
 - 17.5.1.2 that the management committee take disciplinary action;
 - 17.5.1.3 that the management committee counsel the member about the behaviour the subject of the complaint and, if the member is on the staff, refer the matter to the member's supervisor;
 - 17.5.1.4 advise the parties to pursue mediation or counselling;
 - 17.5.1.5 that the complaint be dismissed; and
 - 17.5.2 report on the complaint and its response to the management committee.
- 17.6 The arbitration and conciliation committee may only recommend to the management committee that it take disciplinary action against a member who:
- 17.6.1 engages in conduct that is inconsistent with the Charter of the Australian Greens, the code of conduct or this constitution; or
 - 17.6.2 brings the ACT Greens into disrepute; or
 - 17.6.3 makes a false declaration about membership of another political party.
- 17.7 The arbitration and conciliation committee must publish a summary of its activities, which must take account of individuals' right of privacy, on the members' internet portal.

18 Campaign team

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

19 Working groups

- 19.1 The management committee and the forum may:
- 19.1.1 establish working groups, including issues groups and diversity groups, for specific purposes; and

- 19.1.2 determine their terms of reference and duration.
- 19.2 A working group may also be delegated specific decision-making powers by its establishing body and must not make any decisions outside of this delegation that commit the ACT Greens.
- 19.3 Any member is eligible for appointment to a working group.
- 19.3A A working group may decide to hold all or part of a meeting *in camera* if the issue to be considered is of a confidential nature.
- 19.4 Any member, and any other person invited by a working group, may attend meetings of the working group other than when *in camera* and, with the consent of the working group, may participate in its discussions.
- 19.5 However, only members of the working group may be involved in making decisions.
- 19.6 A working group must report to the body that established it.

20 Policy coordinator

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

21 Special general meeting

- 21.1 A special general meeting may be called by:
 - 21.1.1 a resolution of the forum or the management committee; or
 - 21.1.2 a petition signed by at least 20 members.
- 21.2 Members must be given at least 21 days' notice of the meeting.
- 21.3 However, unless the business of the meeting includes a special resolution in accordance with the Act, less notice may be given if the forum or management committee decides that it is urgent.
- 21.4 The notice must include details of all of the business of the meeting that deal with decisions that only a special general meeting can make.
- 21.5 A special general meeting has the following powers:
 - 21.5.1 to exercise the powers of the forum;
 - 21.5.2 to adopt policies of the ACT Greens;
 - 21.5.3 to endorse candidates for federal or ACT elections;
 - 21.5.4 to remove members from appointed or elected positions and to appoint eligible members to those positions;
 - 21.5.5 to ratify or overturn any decision made by the forum or the management committee;
 - 21.5.6 to decide whether the ACT Greens will join a coalition to contest an election;
 - 21.5.7 to authorise a preselection ballot;
 - 21.5.8 to elect an interim parliamentary leader;
 - 21.5.9 to make or amend by-laws;

- 21.5.10 to decide on any matters referred to it by the forum or the management committee or the petitioners who called the special general meeting;
 - 21.5.11 to decide on any other matters that this constitution require to be put to a special general meeting;
 - 21.5.12 to consider any motion that is required under the Act to be a special resolution, that is, requiring 21 days' notice to members and passage at the meeting by at least 75% of the members present;
 - 21.5.13 to withdraw from membership of the Australian Greens in accordance with clause 6.2;
 - 21.5.14 to determine the number and geographical coverage of neighbourhood teams.
- 21.6 A quorum for the meeting is 20 members.
- 21.7 If there is not a quorum, but there are sufficient members present to constitute a quorum for a forum meeting, the meeting may proceed as a forum meeting, without the powers that are limited to a special general meeting.
- 21.8 If a quorum is reached before the meeting ends, the meeting may then exercise the powers of a special general meeting.
- 21.9 The meeting must not be cancelled for lack of a quorum to conduct the business of the forum until at least 20 minutes after the advertised starting time.

22 Annual general meeting

- 22.1 The secretary must convene an annual general meeting within 5 months after the end of each financial year.
- 22.2 At least 21 days' notice of the meeting must be given to members.
- 22.3 The notice must include details of the business to be discussed at the meeting and any decisions that need to be made at the meeting.
- 22.4 Elections for party positions must be conducted in accordance with this constitution and the by-laws.
- 22.5 An annual general meeting has the following powers:
- 22.5.1 to exercise the powers of the forum;
 - 22.5.2 to receive the following reports which have been available to members before the close of nominations for the annual election of party positions:
 - 22.5.2.1 the annual report of the convenor, which must include a record of the attendance of members of the management committee at its meetings and a summary of the annual reports of the party compliance officers;
 - 22.5.2.2 the audited financial statements for the previous financial year from the treasurer;
 - 22.5.2.3 the annual report of the party director.
 - 22.5.3 following the declaration of results during the meeting by the returning officer and deputy returning officer of the annual election for party positions –
 - 22.5.3.1 to reject any ballot result where there is a failure of integrity and or process, and

- 22.5.3.2 to reopen nominations during the meeting for any positions declared vacant and to call for the conduct of ballots during the meeting for those positions that receive at least one valid nomination.
- 22.5.4 to adopt the overall budget for the current financial year;
- 22.5.5 to determine the schedule of membership fees;
- 22.5.6 to determine the minimum donation amount that requires acceptance by the donations reference group;
- 22.5.7 to determine the minimum donation amount that must be publicly disclosed.
- 22.6 A quorum for the meeting is 20 members.
- 22.7 If there is not a quorum, the meeting must be adjourned by as near as practicable to one calendar month, with the exact date, time and venue determined by the management committee and notified to members at least 14 days before the resumed meeting.

23 Spokespersons

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

24 Delegates to national meetings and national working groups

- 24.1 A delegate to a national meeting or national working group must represent the views of the ACT Greens and report to the ACT Greens on the deliberations of the national body.
- 24.2 A delegate to a national meeting or national working group must seek instruction from ACT Greens members at the forum, or by any specially convened meetings that are open to all members, about positions to be taken on issues to be decided by a national body.
- 24.3 However, if there is insufficient time for consultation under clause 24.2:
 - 24.3.1 the delegate must consult the management committee for instruction; and
 - 24.3.2 the management committee must report on the instruction to the next forum.
- 24.4 When a national conference of the Australian Greens is convened:
 - 24.4.1 the national delegates panel must decide which delegates will attend the conference; or
 - 24.4.2 if there is no consensus among the delegates about who should attend, the principal delegate must decide.

- 24.5 If there are insufficient delegates available to meet the delegate entitlement at a national conference, the management committee may appoint sufficient substitute delegates to meet the entitlement.
- 24.6 If there are insufficient delegates available to meet the entitlement of the ACT Greens at a national working group and the by-laws do not make other provisions, the management committee may appoint sufficient delegates to meet the entitlement.
- 24.7 The management committee must decide the extent to which delegates to national meetings are reimbursed for expenses incurred, subject to the condition that the total reimbursement to be shared between all delegates is not less than the registration fees and reasonable travel costs for the delegate entitlement.

25 Returning officers for all ballots

- 25.1 The duty of the returning officer is to conduct ballots in a proper manner as necessary to comply with this constitution and by-laws.
- 25.2 If the returning officer is a candidate for an elected position, has a conflict of interest or is unable to perform their duties then the deputy returning officer will conduct the ballot otherwise the deputy returning officer will assist the returning officer conduct the ballot.
- 25.3 If both the returning officer and deputy returning officer are unable to conduct a ballot then the management committee will appoint a temporary returning officer for that ballot.

Chapter 5 Decision-making

26 Meeting facilitation

- 26.1 Meetings of the ACT Greens must be facilitated by at least one person agreed to by those members present at the meeting.
- 26.2 Any member may be a facilitator.
- 26.3 A member may not facilitate more than one meeting in succession unless there is a consensus of the meeting to waive this provision.
- 26.4 The forum may decide on rules for the conduct of ACT Greens meetings which must not be in conflict with this constitution and its by-laws.

27 Decision making

- 27.1 Decisions at a meeting must be made by cooperative decision-making processes, including the options of consensus and voting.
- 27.2 A meeting must try to make each decision by consensus before any form of voting is proposed, except that proposals to amend the constitution must be put to a formal vote.
- 27.3 Consensus is achieved when all members present at a meeting agree with a proposed course of action or any members who disagree with the proposal decide not to oppose the rest of the members' agreement.
- 27.4 Consensus is blocked if at least two members oppose agreement to a proposal.
- 27.5 In attempting to reach consensus:

- 27.5.1 sufficient time must be allowed for discussion of different views on a proposal and to make amendments to a proposal, including provision for non-decision-making meetings if time allows; and
- 27.5.2 non-binding informal or straw voting may be held to gauge a meeting's opinion about a proposal.
- 27.6 If consensus cannot be reached about a proposal at a meeting:
 - 27.6.1 the matter must be deferred to a future meeting; or
 - 27.6.2 any member present at a meeting may propose an urgency motion that the proposal must be decided at the meeting and not be deferred.
- 27.7 An urgency motion is passed if the meeting agrees by consensus or, if consensus is blocked, 2/3 of the members present vote for the motion.
- 27.8 If an urgency motion is passed at a meeting about a proposal and consensus on the proposal is blocked, a vote on the proposal must be held before the end of the meeting.
- 27.9 If an urgency motion is passed and less than 2/3 of the members present vote for the proposal, then, if there has been no previous decision on the issue, a subsequent vote may be held that may be decided by a simple majority of those voting.
- 27.10 Voting must be conducted by:
 - 27.10.1 a show of hands; or
 - 27.10.2 for a contested election – by secret ballot.
- 27.11 Voting cannot be by proxy.
- 27.12 All members must be given the opportunity to contribute to resolution of important or contentious issues.
- 27.13 A ballot of members must be conducted on an issue if requested by the forum or a petition of at least 20 members, and –
 - 27.13.1 the text of a motion to be put to the ballot must be endorsed by all those calling the ballot, and
 - 27.13.2 for the ballot to be successful, at least 20% of the membership must vote and at least 2/3 of the total number of votes must favour the motion.
- 27.14 [deleted]
- 27.15 [deleted]
- 27.16 A decision on any matter described in this constitution may only be made at an ACT Greens meeting while a quorum is present.

28 Formulation and adoption of ACT Greens policies

- 28.1 ACT Greens policies on matters only relevant to the ACT must be decided in accordance with this section.
- 28.2 Policies of the ACT Greens on national issues must be decided in accordance with the constitution of the Australian Greens.
- 28.3 ACT Greens policies must be formulated with the maximum participation of members through working groups designated with this purpose.

- 28.4 Decisions to approve or amend policies may only be made at a special general meeting called for this purpose.
- 28.5 Policy decisions may only be made by consensus at these meetings, or by vote if an urgency motion about the decision is passed by the meeting.
- 28.6 The secretary must tell the Australian Greens as soon as possible of any change to a policy.
- 28.7 Emergency policy decisions:
 - 28.7.1 may be made by the forum; and
 - 28.7.2 must be submitted to a special general meeting as soon as possible.

Chapter 6 Candidates, campaigns and representatives

29 Preselection and preferences

- 29.1 Within a reasonable time before a federal or ACT election, at one or more special general meetings, members shall decide:
 - 29.1.1 whether the ACT Greens will participate in the election, and
 - 29.1.2 how many candidates to stand in each electorate, and
 - 29.1.3 the number of lead and support candidates to stand for each electorate or the Senate, and
 - 29.1.4 when to conduct candidate preselections for the election.
- 29.2 Preselection of candidates must be by secret ballots of all members.
- 29.3 Decisions on whether the ACT Greens will join a coalition to contest an election may only be made by a special general meeting.
- 29.4 [deleted]
- 29.5 All members must be told of the call for nominations at least 21 days before the close of nominations, unless the timing of an upcoming election requires a shorter notification time.
- 29.6 A special general meeting must appoint:
 - 29.6.1 a search team of at least three members; and
 - 29.6.2 an interview team of at least three members who are not members of the search team.
- 29.7 Ballot forms must be distributed to all members together with statements by the nominees and the interview team report, and voting must close 14 days later.
- 29.8 [deleted]
- 29.9 [deleted]
- 29.10 [deleted]
- 29.11 [deleted]
- 29.12 When the time remaining before an election does not allow time for a ballot of all members, that ballot may instead be held at a special general meeting.
- 29.13 The management committee, in consultation with the campaign team, may vary the preselection process if:

- 29.13.1 the ACT Greens is without candidates in any electorate, or has fewer candidates than previously determined should be endorsed by the party; and
 - 29.13.2 for an ACT election — it is less than 4 weeks to the closing date for nominations to be accepted by Elections ACT; and
 - 29.13.3 for a federal election — if it is called early.
- 29.14 Any decision about preference deals with other parties shall be made by the campaign team.

30 Disendorsement

- 30.1 The ACT Greens may initiate the removal of endorsement of a candidate if the candidate has behaved, or is behaving, in a manner likely to bring either the ACT Greens or the Australian Greens into disrepute.
- 30.2 A request for disendorsement of a candidate must be sent to the secretary signed by at least 20 members.
- 30.3 On receipt of a written request to disendorse a candidate, the secretary must tell the candidate in writing, giving reasons for the request, and invite a timely written response that must be considered by the management committee in consultation with the campaign team.
- 30.4 The management committee, in consultation with the campaign team, must consider the request and decide:
 - 30.4.1 to dismiss the request; or
 - 30.4.2 to censure the candidate and set down conditions for the continuation of the candidacy, which may include the candidate issuing a clarifying statement or a statement of apology; or
 - 30.4.3 to disendorse the candidate.
- 30.5 The deliberations and the final decision must be made without the candidate being present.
- 30.6 The final decision must be communicated to the candidate in writing, together with a statement of reasons.
- 30.7 The final decision must be communicated to the ACT Greens at the next forum.
- 30.8 The final decision may not be appealed.

31 Greens in public office

- 31.1 The actions and activities of all members of the ACT Greens who are elected or appointed to public office must be consistent with the Charter of the Australian Greens and the policies and decisions of the ACT Greens.
- 31.2 Elected members must consult regularly with the ACT Greens membership about positions to be taken in their legislative activity.
- 31.3 Elected members must provide regular reports of their activities to the forum and in the bulletin.
- 31.4 If the personal views of an elected member or the elected member's duty to the electorate are in conflict with ACT Greens policies, the elected member may vote

according to the elected member's conscience and must give a statement accounting for the elected member's actions to the next forum.

- 31.5 Elected members must give a proportion of their parliamentary salary, as determined by the management committee, to the ACT Greens and the Global Greens.

32 Parliamentary leadership

- 32.1 If there is one serving Greens member of the ACT Legislative Assembly (**Greens MLA**) then that person will represent the ACT Greens on any issues that arise in the Assembly.

- 32.1A If there are two Greens MLAs:

32.1A.1 the party membership must elect by secret ballot the parliamentary leader as soon as practicable after the preselection of lead candidates for a forthcoming ACT Legislative Assembly election (**ACT election**) or after the position becomes vacant, and

32.1A.2 the leadership position is spilled when a motion of loss of confidence petitioned by at least twenty members achieves at least two-thirds support of the voting members at a special general meeting, and then the other MLA becomes the leader.

- 32.2 If there are more than two Greens MLAs:

32.2.1 the party membership must elect by secret ballot a parliamentary leader and parliamentary deputy leader as soon as practicable after the preselection of lead candidates for a forthcoming ACT election, but if the elected leader is not a woman or gender diverse person, then the elected deputy must be a woman or gender diverse person unless that is not possible due to the genders of the MLAs, and

32.2.2 the deputy will temporarily assume the duties of the leader in cases of illness, leave or travel, and

32.2.3 when the leader position becomes vacant, the deputy will become the leader precipitating an election for deputy as soon as practicable, and

32.2.4 when the deputy leader position becomes vacant, an election for deputy will be conducted as soon as practicable, and

32.2.5 a leadership position is spilled when a majority of Greens MLAs declare a loss of confidence, or when a motion of loss of confidence petitioned by at least twenty members achieves at least two-thirds support of the voting members at a special general meeting, and then an election must be conducted as soon as practicable.

- 32.2A A leadership position becomes vacant in the case of the loss of office, resignation, incapacity or death.

- 32.2B If a leadership position is vacant during a leadership ballot:

32.2B.1 the Greens MLAs must attempt to appoint one of their number to act in the role, and

- 32.2B.2 if the Greens MLAs cannot reach consensus as to who should be the acting leader, a special general meeting must elect an acting leader, who holds office until the election of the parliamentary leader or deputy leader by the party membership;
- 32.2C All parliamentary leadership elections are conducted according to the by-laws.
- 32.3 The parliamentary leader has the following duties:
- 32.3.1 the overall coordination of the activities of the Greens MLAs;
 - 32.3.2 coordinating discussions with non-Greens MLAs on matters relating to Assembly business, administration and procedures;
 - 32.3.3 representing the ACT Greens on whole-of-government issues or issues that directly relate to a number of portfolio areas of Government, such as the ACT budget;
 - 32.3.4 coordinating the liaison between the Greens MLAs and the ACT Greens as a whole;
 - 32.3.5 the leading public spokesperson for the party especially during election campaigns.
- 32.4 The parliamentary leader may delegate any of the duties to the deputy, if applicable, or to another Greens MLA.
- 32.5 If there are no Greens MLAs before an upcoming ACT election, a special general meeting may elect an interim parliamentary leader from the candidates for the next ACT election.
- 32.6 After an ACT election, if elected with at least one other Greens MLA, the interim leader becomes the parliamentary leader until the declaration of a leadership ballot according to this section.
- 32.7 Transitional provision - the parliamentary leader chosen by the Greens MLAs under the previous version of this constitution remains the leader until a leader is able to be elected under this section.

Chapter 7 Other matters

33 Finance

- 33.1 The financial year of the ACT Greens is the year ending on 30 June.
- 33.2 The funds of the ACT Greens must be gathered from membership fees, donations, public election funding and fund-raising activities.
- 33.3 The ACT Greens must not undertake any form of fund-raising or income generation, or accept any donations or gifts with or without conditions, that are or might be in conflict with the Charter of the Australian Greens or the policies of the ACT Greens.
- 33.4 The funds and assets of the ACT Greens must be applied solely towards achieving the objectives of the ACT Greens.
- 33.5 Donations to the ACT Greens in terms of money, goods or services over a minimum amount decided by an annual general meeting must be approved by the donations reference group, a working group appointed by the management committee, in accordance with the by-laws before being accepted.

- 33.6 The details of substantial donations to the ACT Greens or candidates in terms of money, goods or services over a minimum amount decided by an annual general meeting must be open to public inspection.
- 33.7 Cheques, electronic transfers and other financial transactions involving the expenditure of funds of the ACT Greens must be authorised by two members appointed by the management committee.
- 33.8 The affiliation fees to be paid to the Australian Greens must follow rules determined by the National Council.

34 Party compliance officers

- 34.1 Party registration with the Australian Electoral Commission as required in the Commonwealth Electoral Act 1918, includes registration of:
 - 34.1.1 the party agent whose duties are performed by the treasurer, and
 - 34.1.2 a deputy registered officer of the Australian Greens for the party whose duties are performed by the party director.
- 34.2 Party registration with Elections ACT as required in the Electoral Act 1991 (ACT), includes registration of:
 - 34.2.1 the reporting agent whose duties are performed by the treasurer noting that the Act requires that the person performing this duty is at least 18 years of age, and
 - 34.2.2 the registered officer whose duties are performed by the party director noting that the Act requires that the person performing this duty is enrolled to vote.
- 34.3 The party must have a public officer as required by the Act whose duties are performed by the secretary noting that the Act requires that the person performing this duty is at least 18 years of age.
- 34.4 The secretary is responsible for accurately maintaining party registration with Elections ACT and, via the Australian Greens secretary, with the Australian Electoral Commission.
- 34.5 Each party compliance officer must provide an annual report to the convenor prior to the opening of nominations for the annual election of party positions.
- 34.6 Notwithstanding the other provisions of this section the management committee may assign the duties of a party compliance role to another eligible member or staff if required.

35 Members' liability

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

36 Auditor

- 36.1 Before the end of each financial year, the management committee must appoint an auditor to audit the financial records of the ACT Greens for the financial year.

- 36.2 The auditor must submit a written report to the management committee for presentation at the next annual general meeting.
- 36.3 The auditor must not be a member of the ACT Greens and must meet the qualification requirements in the Act.

37 Indemnity

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

38 Constitutional interpretation and amendment

- 38.1 The forum must interpret the constitution if there is a dispute over the meaning of any provision.
- 38.2 The management committee may make an interim interpretation until the next forum which must decide whether to ratify the interpretation.
- 38.3 A special general meeting may make or amend by-laws that clarify arrangements made in this constitution.
- 38.4 The secretary must keep the latest copy of the constitution and by-laws.
- 38.5 If this constitution does not deal with an issue or if the constitution cannot be strictly implemented, the forum may decide what action must be taken to deal with the issue consistent with the objectives and practices of the ACT Greens.
- 38.6 Any member may propose an amendment to this constitution to the secretary who must promptly refer it to the governance working group which may prioritise proposals and must consult with members and present the developed proposal for debate at a special general meeting.
- 38.7 If the special general meeting agrees, a ballot of all members must be held on the proposed amendment.
- 38.8 For a ballot to be successful, at least 10% of the membership must vote and at least 75% of those voting must favour the amendment.
- 38.9 In accordance with the Act, constitutional changes accepted in a ballot are effective only after they have been proposed as a special resolution with at least 75% of the members present at the meeting voting in favour of the resolution.

39 Dissolution

- 39.1 The ACT Greens may be dissolved only by a resolution of the membership passed in a ballot in which:
 - 39.1.1 at least 75% of the votes cast favour the resolution; and
 - 39.1.2 the total number of votes in favour is at least 20% of the membership.
- 39.2 The dissolution of the ACT Greens takes effect:
 - 39.2.1 either 40 days after the result of the ballot or another day stipulated by the ballot; and



- 39.2.2 after the result of the ballot has been proposed, in accordance with the Act, as a special resolution with at least 75% of the members present at the meeting voting in favour of the resolution.
- 39.3 If the ACT Greens dissolve, the assets of the ACT Greens must be disposed of by the management committee:
- 39.3.1 first — to discharge any debts or liabilities; and
- 39.3.2 second — to distribute any surplus to the National Council of the Australian Greens or if it no longer exists at the time, to organisations that share the principles or objectives of the ACT Greens.
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