



Bylaws of *The Australian Greens Victoria Inc.*

Version as at 16 November 2024

Made by State Council

Bylaws of *The Australian Greens Victoria Inc.*

Version as at 16 November 2024

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Bylaws of *The Australian Greens Victoria Inc.*

Incident Response Bylaw

Version as at 25 October 2024

1 Contact persons

- (1) Contact persons are members who people can go to if they experience or witness an incident that impinges on their or another person's safety and wellbeing, including sexual harassment and child abuse or neglect.
- (2) All party bodies will appoint at least one contact person annually for a term of one year, and whenever a vacancy arises at any meeting, event or activity.
- (3) Party bodies should try to ensure that there are contact persons of different genders.
- (4) The State Director or their delegate must keep a register of appointed contact persons.
- (5) A person may seek help from any contact person, not only a contact person of the party body where the incident took place.
- (6) Each contact person will be provided with general procedures on responding once contacted by a member and on how to report an incident.

2 Incident report

- (1) A person who experiences or witnesses an incident that impinges on their or another person's safety and wellbeing may report that incident to a contact person.
- (2) If there is any concerning behaviour between an adult and a child, a person must report that to a contact person.
- (3) If a child is being abused or neglected, a person must report that to a contact person who must then report that to the relevant authority, including the police or the child protection service in the local area.
- (4) If an incident is reported, a contact person will—or any other person who receives a report can—record the incident, and advise the person of any available options for resolution, including the complaints process.
- (5) The person will then immediately provide this record to the Secretariat Subcommittee of State Council.

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Branches Bylaw

Version as at 16 November 2024

1 Scope

This Bylaw is, in part, made pursuant to Schedule 1, item 1(b) of the Constitution.

2 Assisted branch meeting convening

In the absence or failure of a procedure of a branch to convene a branch meeting, State Council may, in consultation with the branch, convene a branch meeting.

3 Access to resources

- (1) For the purposes of branch management, each branch must pass a proposal to grant:
 - (a) access to only the branch inbox, e-list and membership list (**communications access**) to at least two and no more than six of its members; and
 - (b) access to the branch inbox, e-list, membership list, virtual account and financial reporting tool (**financial access**) to at least two and no more than four of its members.
- (2) A branch may apply for an increase to the maximum number of its members allowed to be granted communications or financial access by:
 - (a) passing a proposal that specifies the sought maximum number of its members allowed to be granted a type of access; and
 - (b) giving written notice of that resolution, and a written explanation of why such an increase is necessary, to the Finance and Administration Committee.
- (3) The Finance and Administration Committee must, after considering the merits of such an application, approve or reject it.

4 Branch areas

Each branch area corresponds to one or more local government areas as follows:

Branch area	Local government area(s)
Ballaarat and District	Ararat Rural City Council Ballarat City Council Hepburn Shire Council Moorabool Shire Council Horsham Rural City Council Northern Grampians Shire Council Pyrenees Shire Council Southern Grampians Shire Council
Banyule	Banyule City Council
Bass Coast	Bass Coast Shire Council
Bayside-Glen Eira	Bayside City Council Glen Eira City Council
Bellarine	Queenscliffe Borough Council Greater Geelong City Council wards of Leopold, Connewarre and Murradoc
Bendigo	Greater Bendigo City Council
Boroondara	Boroondara City Council

Brimbank-Melton	Brimbank City Council Melton City Council
Cardinia	Cardinia Shire Council
Carrum Carrum	Frankston City Council Kingston City Council
Casey-Greater Dandenong	Casey City Council Greater Dandenong City Council
Dandenong Ranges	Yarra Ranges Shire Council wards of Billanook, Chandler, Chirnside, Lyster, Melba, Streeton and Walling
Darebin-Whittlesea	Darebin City Council Whittlesea City Council
East Gippsland	East Gippsland Shire Council
Geelong	Greater Geelong City Council wards of Barrabool Hills, Deakin, Charlemont, Cheetham, Corio, Hamlyn Heights, Kardinia and You Yangs
Gippsland	Baw Baw Shire Council Latrobe City Council South Gippsland Shire Council Wellington Shire Council
Goulburn-Murray	Greater Shepparton City Council Moira Shire Council Campaspe Shire Council
Healesville and Upper Yarra	Yarra Ranges Shire Council wards of Ryrrie and O'Shannassy
Hobsons Bay	Hobsons Bay City Council
Macedon	Macedon Ranges Shire Council
Manningham	Manningham City Council
Maribyrnong	Maribyrnong City Council
Maroondah-Knox	Knox City Council Maroondah City Council
Melbourne City	Melbourne City Council
Mildura	Mildura City Council Swan Hill Rural City Council
Monash	Monash City Council
Moonee Valley	Moonee Valley City Council

Merri-bek and Hume	Hume City Council Merri-bek City Council
Mornington Peninsula	Mornington Peninsula Shire Council
Mount Alexander	Mount Alexander Shire Council
Nillumbik	Nillumbik Shire Council
North East Victoria	Alpine Shire Council Benalla Rural City Council Indigo Shire Council Mansfield Shire Council Murrindindi Shire Council Strathbogie Shire Council Towong Shire Council Wangaratta Rural City Council Wodonga City Council
Otways	Colac Otway Shire Council
Port Phillip	Port Phillip City Council
Stonnington	Stonnington City Council
Surf Coast	Surf Coast Shire Council
Warrnambool	Warrnambool City Council Glenelg Shire Council Moyne Shire Council
Whitehorse	Whitehorse City Council
Wyndham	Wyndham City Council
Yarra	Yarra City Council
No branch area	Buloke Shire Council Central Goldfields Shire Council Corangamite Shire Council Gannawarra Shire Council Golden Plains Shire Council Hindmarsh Shire Council Loddon Shire Council Mitchell Shire Council West Wimmera Shire Council Yarriambiack Shire Council

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Community Working Groups Bylaw

Version as at 16 November 2024

1 Definition

In this Bylaw, **working group** means community working group.

2 Terms of reference

- (1) The terms of reference of a working group may only be made, amended or repealed by State Council.
- (2) The terms of reference of a working group must set out:
 - (a) the name of the working group;
 - (b) the purposes of the working group;
 - (c) the membership of the working group;
 - (d) the management of the working group; and
 - (e) any other relevant matters.
- (3) For the purposes of clause 40(2) of the Constitution, clause 3 constitutes part of the terms of reference of the Blak Greens Victoria.

3 Procedure

- (1) A working group meeting may be convened:
 - (a) in accordance with any procedure set out in its terms of reference or made under subclause (10);
 - (b) in the absence or failure of any such procedure—in consultation with the working group, by State Council; and
 - (c) in exceptional circumstances—by State Council.
- (2) Working group members must be given adequate notice of each meeting.
- (3) The quorum for a working group meeting is:
 - (a) for working groups with 15 or more members—five working group members; and
 - (b) for other working groups—three working group members.
- (4) A working group meeting must comply with the requirements in clause 4 of the Constitution.
- (5) A working group meeting must decide its own agenda.
- (6) Working groups must keep minutes of their meetings.
- (7) The types of proposal that may be put to a working group meeting are:
 - (a) a procedural proposal; and
 - (b) a substantive proposal.
- (8) A proposal that is put to a vote is passed if it meets the following requirements:

Type	Requirements
Procedural proposal	A majority of working group members in attendance who vote on the proposal vote in favour
Substantive proposal	At least two thirds of the working group members in attendance who vote on the proposal vote in favour

- (9) Proxy voting at working group meetings is not allowed.

- (10) A working group may, by a substantive proposal, make additional meeting procedures that are consistent with these procedures.

4 Access to resources

- (1) For the purposes of working group management, each working group must pass a proposal to grant:
- (a) access to only the working group inbox, e-list and membership list (**communications access**) to at least two and no more than six of its members; and
 - (b) access to the working group inbox, e-list, membership list, virtual account and financial reporting tool (**financial access**) to at least two and no more than four of its members.
- (2) A working group may apply for an increase to the maximum number of its members allowed to be granted communications or financial access by:
- (a) passing a proposal that specifies the sought maximum number of its members allowed to be granted a type of access; and
 - (b) giving written notice of that resolution, and a written explanation of why such an increase is necessary, to the Finance and Administration Committee.
- (3) The Finance and Administration Committee must, after considering the merits of such an application, approve or reject it.

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State Council Governance Bylaw

Version as at 1 November 2024

1 Definition

In this Bylaw, **subcommittee** means a subcommittee established under this Bylaw.

2 State office bearers

- (1) The following state office bearer positions are elected by and from State Council under clause 3:
 - (a) State Convenor;
 - (b) State Secretary;
 - (c) State Treasurer; and
 - (d) National Councillor.
- (2) State office bearer positions may be held individually by one State Councillor or, except for National Councillor, jointly by two State Councillors.
- (3) If a state office bearer position is held jointly by two State Councillors:
 - (a) they may each individually carry out all of the responsibilities of, and exercise all of the powers of, the position;
 - (b) if they disagree on a decision in their capacity as state office bearers, they are deemed to have not made a decision; and
 - (c) if only one of them ceases to hold office—the next ordinary State Council meeting may decide that the remaining state office bearer may continue to hold that office individually until their term of office was due to end.
- (4) The State Convenor is responsible for:
 - (a) representing State Council internally within the Party and externally, including by making statements on behalf of State Council; and
 - (b) serving as Member Body Convenor in respect of the Party for the purposes of the provisions of the National Constitution.
- (5) The State Secretary is responsible for:
 - (a) receiving and replying to correspondence on behalf of State Council; and
 - (b) serving as Member Body Secretary in respect of the Party for the purposes of the provisions of the National Constitution.
- (6) The State Treasurer is responsible for:
 - (a) ensuring that party finances are well managed; and
 - (b) each quarter, providing State Council with a written report on party finances.
- (7) The National Councillor is responsible for representing State Council on National Council.
- (8) State office bearers are delegated the powers necessary to carry out their responsibilities.
- (9) A state office bearer ceases to hold that office if:
 - (a) they resign by giving written notice to each State Councillor;
 - (b) they cease to be a State Councillor;
 - (c) they are removed from office by State Council; or
 - (d) a decision under subclause (3)(c) is not made.
- (10) State Council may appoint a State Councillor to act in a casual vacancy until it is filled at a state office bearer election.

3 State office bearer elections

- (1) An election of each state office bearer position must be held each year at the first ordinary State Council meeting held after 30 June.
- (2) A by-election to fill a casual vacancy in a state office bearer position must be held at the first ordinary State Council meeting given notice for, after it arises.
- (3) Before an election is held, State Council must appoint a Returning Officer who:
 - (a) is responsible for impartially conducting the election; and
 - (b) must not nominate for a state office bearer position during the election.
- (4) A State Councillor is eligible for election as a state office bearer if they have held a state office bearer position for less than 24 of the last 36 months.
- (5) For each state office bearer position open for election, the Returning Officer must:
 - (a) allow an opportunity for State Councillors to nominate for the position from the floor of the State Council meeting if they are in attendance or in writing if they are not in attendance;
 - (b) allow each candidate for the position two minutes to speak to their nomination if they are in attendance or have a candidate statement read out for them if they are not in attendance;
 - (c) run a ballot;
 - (d) only allow State Councillors in attendance (except by proxy) to vote; and
 - (e) declare which candidate is elected to office within 24 hours.
- (6) The term of office of a state office bearer begins when they are declared elected to office and ends at the opening of the first ordinary State Council meeting held after 30 June.

4 Secretariat Subcommittee

- (1) The Secretariat Subcommittee is made up of the state office bearers.
- (2) The Secretariat Subcommittee is responsible for:
 - (a) the following for each State Council meeting:
 - (i) ensuring that a draft agenda prepared;
 - (ii) ensuring that all documents and reports are submitted;
 - (iii) appointing a facilitator;
 - (iv) appointing a minute taker; and
 - (v) ensuring that minutes are made;
 - (b) administering the redaction of, and the removal of redactions of, minutes;
 - (c) convening, and recommending the programs of, State Council meetings, members' forums, members' meetings and general meetings, as required;
 - (d) moderating the State Council e-list;
 - (e) document management;
 - (f) when required, deeming documents confidential to State Councillors and appointed State Council attendees only;
 - (g) carrying out State Council's responsibility to report regularly to each member about its work and the affairs of the Party;
 - (h) ensuring the Party fulfils each member's entitlement, to a reasonable extent, to communicate with the whole membership about party matters through party communications and publications;

- (i) reporting feedback received from members and branches to State Council;
 - (j) managing incoming correspondence from members and party bodies to State Council;
 - (k) drafting answers to branch questions to State Council;
 - (l) advising State Council on dealing with branch proposals and joint branch proposals to State Council; and
 - (m) overseeing State Office and acting as the manager to the State Director.
- (3) The Secretariat Subcommittee is delegated the powers necessary to carry out its responsibilities.
- (4) The Secretariat Subcommittee:
- (a) may make decisions without meeting; and
 - (b) must report any substantive decision it makes to State Council for it to be recorded in the minutes of the next State Council meeting.

5 Urgent and Delegated Decisions Subcommittee

- (1) The Urgent and Delegated Decisions Subcommittee is made up of the state office bearers and another State Councillor appointed by State Council.
- (2) The Urgent and Delegated Decisions Subcommittee is responsible for:
- (a) considering urgent proposals put to it by any two State Councillors; and
 - (b) considering proposals on any matters delegated to it by State Council.
- (3) The Urgent and Delegated Decisions Subcommittee is delegated:
- (a) the power to pass an urgent proposal put to it by any two State Councillors if:
 - (i) at least three subcommittee members are in favour of it passing; and
 - (ii) none object to it passing; and
 - (b) the power to pass a proposal on a matter delegated to it by State Council if at least four subcommittee members are in favour of it passing.
- (4) A decision of the Urgent and Delegated Decisions Subcommittee:
- (a) must immediately be reported to each State Councillor;
 - (b) takes effect immediately, subject to subclause (4)(c); and
 - (c) to the fullest practical and legal extent, must be treated as never having been made if State Council does not ratify it by the end of the next State Council meeting.
- (5) The Urgent and Delegated Decisions Subcommittee:
- (a) may make decisions without meeting; and
 - (b) must report any decision it makes to State Council for it to be recorded in the minutes of the next State Council meeting.

6 Recruitment and Affirmative Action Subcommittee

- (1) The Recruitment and Affirmative Action Subcommittee is made up of three State Councillors appointed by State Council.
- (2) The Recruitment and Affirmative Action Subcommittee is responsible for:
- (a) soliciting and receiving expressions of interest from members to fill vacancies or optional positions on the following party bodies:
 - (i) the Constitutional Votes Committee;
 - (ii) the Victorian Campaigns Committee, Victorian Policy Committee, Finance and Administration Committee and National Affairs Committee;

- (iii) the Mediation Panel, Grievances and Constitution Panel, Misconduct Panel, Administrative Review Panel and Message Stick Facilitation Panel; and
 - (iv) other party bodies on State Council's request;
- (b) making recommendations to State Council on appointments, while considering the combination of skills and experience required, and the requirement under clause 6(1)(a) of the Constitution to implement affirmative action to achieve equity for underrepresented groups;
 - (c) making recommendations to State Council on the implementation of clause 6(1)(b) of the Constitution;
 - (d) measuring, and providing periodic reports to the membership on, the current representation of underrepresented groups within the Party;
 - (e) in accordance with any decisions of State Council, including regarding affirmative action, advising State Council on its decisions;
 - (f) making appointments where delegated to do so, while considering the recommendations from each committee, the combination of skills and experience required, and the requirement under clause 6(1)(a) of the Constitution to implement affirmative action to achieve equity for underrepresented groups;
 - (g) making recommendations to State Council on the appointment of returning officers, as required;
 - (h) making, and making available to members, position descriptions and expectations for various positions in the Party; and
 - (i) conducting exit interviews with members after they cease to be members of the Misconduct Panel.
- (3) The Recruitment and Affirmative Action Subcommittee is delegated the powers necessary to carry out its responsibilities.
 - (4) The Recruitment and Affirmative Action Subcommittee:
 - (a) must keep minutes of its meetings and give them to State Council; and
 - (b) must report any substantive decision it makes to State Council for it to be recorded in the minutes of the next State Council meeting.

7 Industrial Relations Subcommittee

- (1) The Industrial Relations Subcommittee is made up of two State Councillors appointed by State Council.
- (2) The Industrial Relations Subcommittee is responsible for:
 - (a) supporting and assisting the State Director on day-to-day staffing matters;
 - (b) where necessary, making recommendations to State Council about day-to-day staffing matters;
 - (c) where appropriate, serving on staff selection committees;
 - (d) establishing consultative arrangements with party staff; and
 - (e) engaging in enterprise bargaining negotiations on behalf of State Council.
- (3) The Industrial Relations Subcommittee is delegated the powers necessary to carry out its responsibilities.
- (4) The Industrial Relations Subcommittee:
 - (a) may make decisions without meeting; and
 - (b) must report any substantive decision it makes to State Council for it to be recorded in the minutes of the next State Council meeting.

8 Vacation of subcommittee position

- (1) An appointed subcommittee member ceases to hold that position if:
 - (a) they resign by giving written notice to State Council;
 - (b) they cease to be a State Councillor; or
 - (c) they are removed from that position by State Council.
- (2) Each appointed position on a subcommittee becomes vacant at the opening of the first ordinary State Council meeting held after 30 June.

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Committees of State Council Bylaw

Version as at 16 November 2024

1 Definition

In this Bylaw, **committee** means a committee established under this Bylaw.

2 Victorian Campaigns Committee

- (1) The Victorian Campaigns Committee has the status of senior party body.
- (2) The Victorian Campaigns Committee is made up of:
 - (a) two State Councillors appointed by State Council;
 - (b) three members elected under clause 10;
 - (c) up to three members who are not State Councillors appointed by State Council on the recommendation of the Victorian Campaigns Committee or the Recruitment and Affirmative Action Subcommittee for a specified term of up to 18 months;
 - (d) one member who holds public office from each level of government appointed by the members who hold public office at that level of government; and
 - (e) the State Director, or their delegate, who is not entitled to vote.
- (3) The Victorian Campaigns Committee is responsible for:
 - (a) after inviting input from the membership, party bodies and members who hold public office—recommending to State Council the objectives, priorities, tactics, strategy, budget, and affirmative action plan for each election campaign;
 - (b) implementing any electoral-related decisions of State Council;
 - (c) recommending, in a timely manner, any changes required to decisions of State Council;
 - (d) administering or overseeing the administration of all aspects of all election campaigns, including by-election campaigns;
 - (e) taking affirmative action measures in relation to candidates for public office, consistent with any decision of State Council; and
 - (f) where there is a gap in skills or experience in its membership—if possible, making a recommendation to State Council on a member to be appointed under subclause (2)(c) to fill that gap.
- (4) The Victorian Campaigns Committee is delegated:
 - (a) the powers necessary to carry out its responsibilities;
 - (b) the power to establish and dissolve a subcommittee; and
 - (c) the power to amend Bylaws on campaigns, preselection and probity.

3 Victorian Policy Committee

- (1) The Victorian Policy Committee has the status of senior party body.
- (2) The Victorian Policy Committee is made up of:
 - (a) two State Councillors appointed by State Council;
 - (b) three members elected under clause 10;
 - (c) up to three members who are not State Councillors appointed by State Council on the recommendation of the Victorian Policy Committee or the Recruitment and Affirmative Action Subcommittee for a specified term of up to 18 months; and
 - (d) one member who holds public office from each level of government appointed by the members who hold public office at that level of government.
- (3) The Victorian Policy Committee is responsible for:

- (a) recommending to State Council a timeline and process for systematic review of state policies, and for input into national policy development;
 - (b) acting as the liaison to the Australian Greens Policy Coordination Committee and supporting National Affairs Committee in relation to national policy as required;
 - (c) receiving requests from members and branches to make, amend or repeal a state policy and making a recommendation to State Council regarding each request;
 - (d) where State Council decides to facilitate a process for the membership to make, amend or repeal a state policy—formulating that process and then implementing it, subject to any decision of State Council;
 - (e) recommending to State Council that it make, amend or repeal a state policy in urgent circumstances under clause 2(4) of the Constitution;
 - (f) facilitating local policies being consistent with state and national policies, and state policies being consistent with national policies;
 - (g) advising branches about their powers in respect of local policy;
 - (h) overseeing policy working groups; and
 - (i) where there is a gap in skills or experience in its membership—if possible, making a recommendation to State Council on a member to be appointed under subclause (2)(c) to fill that gap.
- (4) The Victorian Policy Committee is delegated:
- (a) the powers necessary to carry out its responsibilities;
 - (b) the power to establish and dissolve policy working groups; and
 - (c) the power to appoint members to and remove members from policy working groups.

4 Finance and Administration Committee

- (1) The Finance and Administration Committee has the status of senior party body.
- (2) The Finance and Administration Committee is made up of:
 - (a) the State Treasurer and another State Councillor appointed by State Council;
 - (b) three members elected under clause 10;
 - (c) up to three members who are not State Councillors appointed by State Council on the recommendation of the Finance and Administration Committee or the Recruitment and Affirmative Action Subcommittee for a specified term of up to 18 months; and
 - (d) the State Director, or their delegate, who is not entitled to vote.
- (3) The Finance and Administration Committee is responsible for:
 - (a) ensuring that up-to-date financial records are kept for the Party;
 - (b) after inviting input from the membership and party bodies—recommending to State Council a four-year budget or yearly amendments to that budget;
 - (c) recommending to State Council any amendment to the budget that it considers prudent;
 - (d) advising and making recommendations to State Council on:
 - (i) financial, administrative, employment, membership, branch and infrastructure matters;
 - (ii) ensuring that financial delegations, procedures and authorities are robust and protect the Party from unacceptable risk; and
 - (iii) ensuring the independent auditing of the Party’s financial records and risk management system;

- (e) establishing a party body that is responsible for independently and directly advising State Council regarding financial and other risks, including in respect of the Finance and Administration Committee if necessary;
 - (f) ensuring that the ethical review of donors is completed where required;
 - (g) ensuring that a register of donors who have passed the ethical review is maintained;
 - (h) ensuring compliance with the donation and other financial disclosure requirements of local, state and federal authorities;
 - (i) dealing with applications made by:
 - (i) branches under clause 3(3) of the *Branches Bylaw*; and
 - (ii) community working groups under clause 4(3) of the *Community Working Groups Bylaw*;
 - (j) monitoring the number and relative share of membership payments made under clause 3(1) of the *Membership Bylaw* and number of hardship payments made under clause 3(2) of the *Membership Bylaw*; and
 - (k) where there is a gap in skills or experience in its membership—if possible, making a recommendation to State Council on a member to be appointed under subclause (2)(c) to fill that gap.
- (4) The Finance and Administration Committee is delegated:
- (a) the powers necessary to carry out its responsibilities; and
 - (b) the power to establish and dissolve a subcommittee.

5 National Affairs Committee

- (1) The National Affairs Committee has the status of senior party body.
- (2) The National Affairs Committee is made up of:
 - (a) the National Councillor elected by State Council and another State Councillor appointed by State Council;
 - (b) eight members elected under clause 10;
 - (c) the Victorian delegate to the Australian Greens Policy Coordination Committee; and
 - (d) all National Conference delegates otherwise appointed by the Party, which may include one delegate from each level of government.
- (3) The National Affairs Committee is responsible for:
 - (a) after inviting, whenever it is practicable to do so, input from the membership and party bodies—recommending to State Council position documents that set out how the Party should deal with issues that come to National Council and National Conference in enough time for State Council to consider those and provide its instructions;
 - (b) except when it is impractical to do so, holding a committee meeting in sufficient time before each National Council meeting and National Conference to:
 - (i) fulfil its responsibility in subclause (3)(a); and
 - (ii) receive and understand the instructions of State Council;
 - (c) advising State Council and the National Councillors regarding the Party's engagement with the Australian Greens;
 - (d) reporting to, and arranging for consultation with, members about National Council and National Conference matters;
 - (e) consisting of the National Conference delegates, who are its subclauses (2)(a) and (b) committee members; and

- (f) appointing, from its subclause (2)(a) and (b) members other than the National Councillor elected by State Council, a second National Councillor and alternates for both National Councillors.
- (4) The National Affairs Committee is delegated the powers necessary to carry out its responsibilities.

6 Office bearers

- (1) Each committee must appoint from its voting committee members the following committee office bearers for a specified term of up to 18 months:
 - (a) committee convenor; and
 - (b) committee secretary.
- (2) A committee office bearer position may be held individually by one voting committee member or jointly by two voting committee members.
- (3) A committee convenor is responsible for:
 - (a) convening committee meetings;
 - (b) preparing the agendas for committee meetings with the committee secretary;
 - (c) facilitating, or arranging for the facilitation of, committee meetings;
 - (d) acting as the primary point of contact for the committee;
 - (e) providing reports, or arranging for the provision of reports, to State Council; and
 - (f) arranging for the committee secretary's responsibilities to be fulfilled if one has not been appointed or if they are incapacitated.
- (4) A committee secretary is responsible for:
 - (a) taking the minutes of, or arranging for the taking of minutes of, committee meetings and giving these minutes to State Council;
 - (b) preparing the agendas for committee meetings with the committee convenor, and giving these agendas to committee members and State Council;
 - (c) ensuring that meeting dates and minutes are made available to the membership on the members' website or on other tools, where appropriate;
 - (d) ensuring that the committee has all the information, whether that be by reports or by other means, that it needs to discharge its functions;
 - (e) ensuring that decisions of the committee are carried out; and
 - (f) arranging for the committee convenor's responsibilities to be fulfilled if one has not been appointed or if they are incapacitated.
- (5) A committee office bearer ceases to hold that office if:
 - (a) they resign by giving written notice to the committee; or
 - (b) they cease to be a member of the committee.

7 Delegation

- (1) Each committee is delegated the power to delegate:
 - (a) its power, except this power to delegate, subject to any condition or limitation, to a committee member or a subcommittee it has established; and
 - (b) specific tasks and administrative responsibilities to a committee member with their consent.
- (2) Such delegation does not constitute the creation of an office.

- (3) Decisions made under delegation that would otherwise be made by a committee itself must be made in writing and recorded in the minutes of the next committee meeting.

8 Meeting procedure

- (1) A committee meeting must be convened at least once every three months or at the request of State Council.
- (2) Committee members and State Council must be given adequate notice of each committee meeting.
- (3) The quorum for a committee meeting is:
 - (a) a majority of current committee members; and
 - (b) at least one State Councillor.
- (4) A committee meeting must decide its own agenda.
- (5) The types of proposal that may be put to a committee meeting are:
 - (a) a procedural proposal; and
 - (b) a substantive proposal.
- (6) A proposal that is put to a vote is passed if it meets the following requirements:

Type	Requirements
Procedural proposal	A majority of voting committee members in attendance who vote on the proposal vote in favour
Substantive proposal	At least two thirds of the voting committee members in attendance who vote on the proposal, and a majority of current voting committee members, vote in favour

- (7) A committee may pass a substantive proposal without meeting by consensus.
- (8) A committee may, by a substantive proposal, make additional meeting procedures that are consistent with these procedures and those set out in the Constitution.
- (9) Committee members appointed under clauses 2(2)(d) and 3(2)(d) may appoint a member to attend and speak on their behalf at committee meetings.

9 Accountability

- (1) Each quarter and on request, each committee must provide State Council with a written report 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 membership.
- (2) Each committee member must:
 - (a) work to implement any decisions of the members and State Council;
 - (b) become familiar with the Bylaws governing the position they hold; and
 - (c) conscientiously participate in the work of the committee, including by attending committee meetings and carrying out the responsibilities and tasks they are delegated.

10 Election

Elected committee members are elected under the *Committee Elections Bylaw*.

11 Vacation of position

- (1) A appointed or elected committee member ceases to hold that position if:
 - (a) they resign by giving written notice to the committee and State Council;
 - (b) they cease to be a member;
 - (c) they are removed from that position by a decision of State Council after grounds are stated and an opportunity for them to be heard is given;
 - (d) they fail to attend three consecutive committee meetings without being an apology; or
 - (e) in the case of an elected member of a committee other than the National Affairs Committee—they become a State Councillor.
- (2) Each appointed State Councillor position on a committee becomes vacant at the opening of the first ordinary State Council meeting held after 30 June.
- (3) If a casual vacancy arises in an elected position on a committee, State Council must appoint another member to hold that position until the term of office is due to end.

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Panels of State Council Bylaw

Version as at 16 November 2024

1 Definition

In this Bylaw, **panel** means a panel established under this Bylaw.

2 Probity Panel

- (1) The Probity Panel is made up of at least nine members appointed by State Council for a specified term of up to two years.
- (2) The Probity Panel is responsible for conducting investigations of the backgrounds of members to determine their suitability to be a candidate for public office.
- (3) The Probity Panel is delegated:
 - (a) the powers necessary to carry out its responsibilities; and
 - (b) the power to establish and dissolve a sub-panel.

3 Mediation Panel

- (1) The Mediation Panel is made up of three members who are not State Councillors appointed by State Council for a specified term of up to two years.
- (2) The Mediation Panel is responsible for arranging for the confidential mediation of disputes between members by a mediator, who may or may not be a member.
- (3) The Mediation Panel is delegated the powers necessary to carry out its responsibilities.

4 Grievances and Constitution Panel

- (1) The Grievances and Constitution Panel is made up of three members who are not State Councillors appointed by State Council for a specified term of up to two years.
- (2) The Grievances and Constitution Panel is responsible for:
 - (a) dealing with disputes under the Constitution between a member and another member or the Party by:
 - (i) making a declaration, and optionally a recommendation, about it; and
 - (ii) providing that to State Council;
 - (b) advising State Council regarding each party body's compliance with the Constitution;
 - (c) advising State Council about suggested amendments to the Constitution; and
 - (d) recommending amendments to the Constitution to State Council.
- (3) The Grievances and Constitution Panel is delegated the powers necessary to carry out its responsibilities.

5 Misconduct Panel

- (1) The Misconduct Panel is established in the *Misconduct Bylaw*.
- (2) Clauses 8 to 10 do not apply to the Misconduct Panel.

6 Administrative Review Panel

- (1) The Administrative Review Panel is established in the *Misconduct Bylaw*.
- (2) Clauses 9 to 10 do not apply to the Administrative Review Panel.

7 Message Stick Facilitation Panel

- (1) The Message Stick Facilitation Panel is made up of five members appointed by State Council in consultation with the Blak Greens Victoria, for a specified term of up to two years.

- (2) The Blak Greens State Councillor may block a member from being appointed as a member of the Message Stick Facilitation Panel.
- (3) The Message Stick Facilitation Panel is responsible for:
 - (a) supporting, and facilitating where required, discussions among members within branches and community working groups, to consider and respond to the substance of the Message Stick received from the Australian Greens First Nations Network; and
 - (b) making recommendations to State Council on actions the Party should take on the Message Stick response.
- (4) The Message Stick Facilitation Panel has the powers necessary to carry out its responsibilities.

8 Office bearers

- (1) Each panel may appoint from its members the following panel office bearers for a specified term of up to two years:
 - (a) panel convenor; and
 - (b) panel secretary.
- (2) A panel must:
 - (a) appoint a panel office bearer if it is specified in another Bylaw; and
 - (b) if it decides not to appoint panel office bearers—delegate the responsibilities of those positions under clause 9(1).
- (3) A panel office bearer position may be held individually by one panel member or jointly by two panel members.
- (4) A panel convenor is responsible for:
 - (a) convening panel meetings;
 - (b) preparing the agendas for panel meetings with the panel secretary;
 - (c) facilitating, or arranging for the facilitation of, panel meetings;
 - (d) acting as the primary point of contact for the panel;
 - (e) providing reports, or arranging for the provision of reports, to State Council; and
 - (f) arranging for the panel secretary's responsibilities to be fulfilled if one has not been appointed or if they are incapacitated.
- (5) A panel secretary is responsible for:
 - (a) taking the minutes of, or arranging for the taking of minutes of, panel meetings and giving these minutes to State Council;
 - (b) preparing the agendas for panel meetings with the panel convenor, and giving these agendas to panel members;
 - (c) ensuring that meeting dates and minutes are made available to the membership on the members' website or on other tools, where appropriate;
 - (d) ensuring that the panel has all the information, whether that be by reports or by other means, that it needs to discharge its functions;
 - (e) ensuring that decisions of the panel are carried out; and
 - (f) arranging for the panel convenor's responsibilities to be fulfilled if one has not been appointed or if they are incapacitated.
- (6) A panel office bearer ceases to hold that office if:
 - (a) they resign by giving written notice to the panel and State Council; or
 - (b) they cease to be a member of the panel.

9 Delegation

- (1) A panel may delegate specific tasks and administrative responsibilities to panel members with their consent.
- (2) Such delegation does not constitute the creation of an office.
- (3) Decisions made under delegation that would otherwise be made by the panel itself must be made in writing and recorded in the minutes of the next panel meeting.

10 Meeting procedure

- (1) A panel meeting must be convened when required or at the request of State Council.
- (2) Panel members must be given adequate notice of each panel meeting.
- (3) The quorum for a panel meeting is a majority of current panel members, but not fewer than two.
- (4) A panel meeting must decide its own agenda.
- (5) The types of proposal that may be put to a panel meeting are:
 - (a) a procedural proposal; and
 - (b) a substantive proposal.
- (6) A proposal that is put to a vote is passed if it meets the following requirements:

Type	Requirements
Procedural proposal	A majority of panel members in attendance who vote on the proposal vote in favour
Substantive proposal	At least two thirds of the panel members in attendance who vote on the proposal, and a majority of current panel members, vote in favour

- (7) Panels must keep minutes of their meetings.
- (8) A panel may pass a substantive proposal without meeting by consensus.
- (9) A panel may, by a substantive proposal, make additional meeting procedures that are consistent with these procedures and those set out in the Constitution.

11 Accountability

- (1) Each quarter and on request, each panel must provide State Council with a written report on its activities.
- (2) Each panel member must:
 - (a) work to implement any decisions of the members and State Council;
 - (b) become familiar with the Bylaws governing the position they hold; and
 - (c) conscientiously participate in the work of the panel, including by attending panel meetings and carrying out the tasks and responsibilities they are delegated.

12 Vacation of position

A panel member ceases to hold that position if:

- (a) they resign by giving written notice to the panel and State Council;
- (b) they cease to be a member;
- (c) they fail to attend three consecutive panel meetings without being an apology; or
- (d) they are removed from that position by a decision of State Council after grounds are stated and an opportunity for them to be heard is given.

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Membership Bylaw

Version as at 1 November 2024

1 Scope

This Bylaw is made pursuant to clauses 8(2), 30(2) and 32(1) of the Constitution.

2 Joining the Party

- (1) 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.
- (2) Each member should provide a current residential, mailing and email address. They must ensure that they advise the Party of any changes to their residential, mailing or email address.

3 Membership fees

- (1) Membership fees will fall due annually and will be paid in advance for a period of 12 months.
- (2) The annual amount of membership fees payable will be paid by each member as follows:
 - (a) \$1 First Nations;
 - (b) \$5 Students;
 - (c) \$30 Concession;
 - (d) \$90 Regular; or
 - (e) \$180 Pay it forward.
- (3) A person facing financial hardship may apply for a reduction of their membership fee to \$1 by giving written notice to the State Director or their delegate.
- (4) The State Director or their delegate must approve such a reduction and report this to the Finance and Administration Committee.
- (5) Membership fees are not refundable, once the applicant has been formally accepted as a member.

4 Application for membership

- (1) An 'applicant' for membership is a natural person whose membership application and fee has been received by the Party defined in Schedule 8 of the Constitution.
- (2) An individual may apply for 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) opportunity to join relevant community working groups;
 - (e) a declaration signed by the applicant that they support the purposes of the Party and agree to be bound by the Constitution and the Charter; and
 - (f) 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 a member (see clause 34(3) and Schedule 8, item 1(d) of the Constitution).

5 Admitting an applicant as a member

- (1) An applicant will be admitted as a member if State Council is satisfied that they meet the eligibility set out in Schedule 8, item 1 of the Constitution.

- (2) The State Director must provide an online system that is made available to branch management bodies 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; and
 - (b) residential address outside any branch area—to State Council.
- (3) It is recommended that the relevant branch management body 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.
- (4) It is recommended the branch distribute the list of applicants within branch meeting documents seeking any feedback on applicants from within the branch membership.
- (5) Within 45 days the branch will determine a recommendation to State Council if the applicant meets the eligibility criteria in Schedule 8, item 1 of the Constitution.
- (6) 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 subclauses (3) and (4) have taken place. If no recommendation is made, the approval of membership will be delegated to the Finance and Administration Committee.
- (7) On a regular basis, the State Director or their delegate will review the list of applicants and recommendations from branches. If both the branch recommends the application based on criteria in Schedule 8, item 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.
- (8) 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.

6 Branch membership

A new member becomes a member of a branch depending on their residential address:

- (a) residential address within a branch area—the associated branch; and
- (b) residential address outside any branch area—in consultation with the member, a branch near the applicant's residential address.

7 Transfer of branch membership

- (1) 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; and
 - (b) residential address outside any branch area—in consultation with the member, a branch near the applicant's residential address.
- (2) A member may request to be transferred to another branch by writing to State Council and optionally explaining the reason for the request.
- (3) The Finance and Administration Committee must decide whether to grant or reject the request.

8 Membership renewal

- (1) The expiry date of a Membership term will be 12 months from the joining date.
- (2) 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.
- (3) The renewal notice will include:

- (a) the date that the Membership Term is due to expire; and
- (b) how to renew their membership, including the amount to be paid.

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Finances Bylaw

Version as at 1 November 2024

1 Party finances

- (1) State Council sets the party budget.
- (2) If 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; and
 - (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 must be referred to the Finance and Administration Committee for consideration and, if appropriate, funds must be reallocated within the approved budget;
 - (c) the State Director may delegate expenditure authorisation for specific budget items to party 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 party staff or to State Council; and
 - (e) any delegation of expenditure authority must be provided to the Finance and Administration Committee in writing and indicate the period of delegation.
- (4) The following persons are signatories on party bank accounts:
 - (a) the State Director and their delegate; and
 - (b) another member nominated by the Finance and Administration Committee.

2 Donations and disclosure

- (1) Donations:
 - (a) may only be directed to the Party or a party body that has a virtual account;
 - (b) may be directed to campaigns for a specific election or electorate; and
 - (c) must not be directed to a particular member, including a candidate for public office or a member who holds public office.
- (2) All donations solicited for the Party or accepted on behalf of the Party by any person:
 - (a) must be reported to the Party and deposited into a party bank account or petty cash fund within 14 days;
 - (b) may only be used for party endorsed activities; and
 - (c) must not be for personal use.
- (3) The acceptance of a donation by the Party does not imply endorsement of the activities, undertakings or processes of the donor.
- (4) The Party may reject or refund any donation at any time.
- (5) The party website must advise donors of party and regulatory disclosure requirements.
- (6) For any donation of more than \$50:
 - (a) the name and address of the donor must be recorded; and

- (b) a receipt must be issued.
- (7) If this requirement is not met within 3 months, the amount received will be donated to a charity nominated by the Finance and Administration Committee.
- (8) If any donor's one-off or cumulative donations to the Party totals \$1,000 or more within a financial year, then within 3 months after the end of the financial year:
 - (a) the donor must be subject to ethical review; and
 - (b) the name of the donor and the total amount donated must be disclosed on the party website.
- (9) The Finance and Administration Committee 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 and policies of the Party, and the Charter;
 - (b) accept donations only for supporting the aims of the Party;
 - (c) refuse any donation if any conditions are imposed by the donor; and
 - (d) refuse any donation if it gives rise to or is likely to give rise to a conflict of interest.
- (10) A person verifying to the Finance and Administration Committee that the requirements of subclause (9) have been met:
 - (a) must not have a conflict of interest arising from association with the donor;
 - (b) must not be a candidate for public office 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; and
 - (d) must keep a record of verification steps taken.
- (11) Any donation that is rejected must be refunded to the donor as soon as possible.

3 Conflict of interest

The Party 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 to uphold the Charter and promote the policies of the Party. It is the public duty of members who hold public office and other party officials to represent their constituents impartially and act without undue influence in the community interest;
- (c) private interests. Candidates for public office, members who hold public office and other party officials 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 a member who holds public office 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; and

- (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.

4 Reimbursement

- (1) 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; and
 - (c) evidence of expenditure is provided in the form of a tax invoice, or at the discretion of the State Director, other evidence such as a vehicle log or a signed and witnessed Statutory Declaration may be accepted.
- (2) Expenditure to be reimbursed can only be authorised by:
 - (a) party bodies with an agreed budget of their own; or
 - (b) the State Director or their delegate.
- (3) Expenditure to be reimbursed must be:
 - (a) accounted for in the budget of the authorising party body; and
 - (b) approved in the minutes of the authorising party body.
- (4) 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; and
 - (d) such other information as the State Director or their delegate may reasonably require.
- (5) Liability for reimbursement will not extend beyond the party body that authorised the expenditure except by a decision of the Finance and Administration Committee.
- (6) Any claim for reimbursement must be made within three months after the date of the expenditure.
- (7) Reimbursement for authorised expenses will be made within 30 days after the supporting documentation being provided, where all the conditions above have been met.
- (8) Additional expenditure authorisation controls may be established by the State Director.

5 Travel

- (1) The Finance and Administration may establish rules in relation to travel expenses.
- (2) In the absence of such rules, travel expenses can be authorised under the reimbursement rules in clause 4.

6 Honoraria

- (1) In recognition of the time contributed and expenses incurred by members who hold these party offices, the Party offers honoraria payments of:
 - (a) for each elected State Councillor—\$500 per quarter;
 - (b) for the Blak Greens State Councillor—\$1000 per quarter;
 - (c) for each state office bearer:
 - (i) in the case of them holding their state office bearer position individually—an additional \$500 per quarter; and
 - (ii) in the case of them holding their state office bearer position jointly—an additional \$250 each per quarter; and

- (d) for the National Councillor appointed by the National Affairs Committee—\$500 per quarter.
- (2) Honoraria payments are calculated pro rata on the basis of the number of calendar days a member was eligible for a payment.
- (3) To accept an honorarium, a member must complete the honorarium form and submit it to the State Director by the specified processing date.
- (4) Honoraria will be paid quarterly in arrears, but may be paid in advance at the discretion of the State Director.

7 Blak Greens Victoria fund

In each financial year the Party will provide funds to the Blak Greens Victoria, equivalent to 1% of the sum of all other party expenditure, which must be:

- (a) according to a formula determined by the Finance and Administration Committee, in consultation with the Blak Greens Victoria, which averages campaign-related expenditure over election cycles; and
- (b) credited to the Blak Greens Victoria's virtual account as soon as practicable at the beginning of each financial year.

8 Party body finances

- (1) Branches may manage funds in virtual accounts held with the Party.
- (2) Those funds sit outside of the party budget.
- (3) The Finance and Administration Committee may authorise other party bodies to manage funds in virtual accounts held with the Party, outside of the party budget.
- (4) The Finance and Administration Committee is responsible for ensuring that a register of account signatories for virtual accounts is maintained.
- (5) The Finance and Administration Committee 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.
- (6) A party body that is not in compliance with this Bylaw or the published standards may be issued with a notice of non-compliance by the Finance and Administration Committee.
- (7) If such non-compliance is not rectified within 30 days, the Finance and Administration Committee may take over the financial operations of the party body.
- (8) All income must be deposited to a party bank account within 14 days after receipt, and before any costs or other outgoings are paid from the income.
- (9) For each deposit a remittance advice must be submitted in the form specified by the State Director or their delegate providing all required information including:
 - (a) the virtual account that it should be attributed to;
 - (b) the purpose that it was received for; and
 - (c) the source that it was received from.
- (10) Income collected through online donation pages will be credited to the relevant virtual account monthly.
- (11) The following will be debited from each virtual account after income is credited:
 - (a) for operating cost recovery—5% of all income; and
 - (b) for donation-sharing with the Australian Greens—20% of each donation of under \$1,500.
- (12) Amounts debited under subclause (12)(b) will be covered by the Party on behalf of each branch, repaid to the branch as a subsidy, where the amounts arise from:

- (a) the first \$1000 of donations received by a branch in each financial year; and
 - (b) the first \$1000 of donations, for each candidate for public office that a branch is responsible for running, that the branch receives in the financial year in which the relevant election is held.
- (13) 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.
- (14) Expenditure must be authorised by a substantive proposal passed by the relevant party body and documented in its minutes.
- (15) Such a decision may delegate the authority to incur the expenditure, up to an approved amount, to a nominated individual or committee.
- (16) An official tax invoice must be received and kept for all payments made, and submitted to the State Director or their delegate.
- (17) Virtual account are managed on a GST exclusive basis, where:
- (a) amounts credited will have GST removed where applicable; and
 - (b) amounts debited will not include GST.

9 Tithing

- (1) Each member who holds public office must pay a tithe to the Party quarterly in accordance with the formula ' $t = 0.1(g - 0.5m) + pg$, if $g - 0.5m > 0$ ', where:
- (a) **t** is the amount of the quarterly tithe;
 - (b) **g** is the gross salary received by the member who holds public office from their office during the relevant quarter, excluding electorate allowances;
 - (c) **m** is one quarter of the annual base gross salary of a member of the Victorian Legislative Assembly; and
 - (d) **p** is 0.01 for a member who is a state or federal parliamentarian is 0 for a member who is a local councillor.
- (2) Each tithe must not be paid out of any electorate allowance controlled by the member who holds public office.
- (3) Any tithe due from a member who holds public office in federal office to the Australian Greens must be paid by the Party out of the tithe received from the member under this Bylaw.
- (4) The portion of any tithe represented by 'pg' in the formula in subclause (1) must be paid by the Party to the Global Greens Secretariat.

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Campaigns Bylaw

Version as at 1 November 2024

1 Victorian Campaigns Committee quick decision-making group

- (1) The Victorian Campaigns Committee will appoint a quick decision-making group, which must have four members and must include at least one State Councillor.
- (2) A decision by a quick decision-making group must be supported by at least three members and must not be opposed by any member of the quick decision-making group, and must be ratified in the minutes and Record of Decisions at the next meeting.
- (3) The functions and powers of a quick decision-making group are as follows:
 - (a) the quick decision-making group will make decisions for the Victorian Campaigns Committee regarding any matter of such urgency that it must be resolved before the next scheduled meeting of the Victorian Campaigns Committee;
 - (b) whilst it is the Convenor of the Victorian Campaigns Committee who is normally required to attempt to contact all quick decision-making group members, if necessary, any member of the quick decision-making group can call the meeting;
 - (c) the composition of the quick decision-making group is the Convenor and Secretary of the Victorian Campaigns Committee and two other persons elected from the other members of the Victorian Campaigns Committee; and
 - (d) procedures for the quick decision-making group include the following:
 - (i) the quick decision-making group will meet only as often as essential;
 - (ii) the quick decision-making group may meet face to face or by teleconference, or by electronic communication; in emergencies, the quick decision-making group may simply engage in telephone consultation; and
 - (iii) in matters relating to particular regions or issues, the quick decision-making group will consult where possible with party bodies or members who may be directly affected by the decision.
- (4) The quick decision-making group must keep a written record of any decisions made and present it to the next meeting of the Victorian Campaigns Committee.
- (5) Decisions of the quick decision-making group take effect immediately.
- (6) If a decision of the quick decision-making group is not ratified by the conclusion of the next quorate meeting of the Victorian Campaigns Committee, the decision lapses and, to the maximum extent possible, is taken to have never been made.

2 Overview of principles

- (1) Although branches are recognised as the primary organising unit for election purposes, this Bylaw 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.
- (2) State electoral and continuous campaigning rules 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.

3 Election and continuous campaigns

- (1) For any Local Government election in which the Party will be supporting a candidate (subject to clause 5 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.

- (2) For any Victorian Legislative Assembly or 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.
- (3) 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 Victorian Campaigns Committee if no regional campaign committee has been established.
- (4) For any Senate election in which the Party will be supporting a candidate, the campaign will be directed by the Victorian Campaigns Committee.
- (5) For any continuous campaigning, the campaign will be directed by the Victorian Campaigns Committee.
- (6) State Council may determine which branch has jurisdiction in relation to subclause (2), the powers, responsibilities, membership structures of campaign committees formed under subclauses (1), (2) or (3), and the direction of any campaign where either no responsible body exists, or the responsible body declines to direct the campaign.
- (7) All branches or campaign committees responsible for the direction of the campaign in an electorate, will:
 - (a) appoint a Campaign Coordinator (which may be an office bearer or any other committee member), and authorise the Campaign 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.
- (8) All election or continuous campaigning materials must be authorised by the State Director or their delegate.
- (9) Public spokespeople for elections and continuous campaigning will be limited to members who hold public office and candidates for public office. Other spokespeople may be selected by the Victorian Campaigns Committee. This does not prevent social media activity of party bodies allowed under other rules of the Party.
- (10) Media engagement by candidates for public office or spokespeople selected by Victorian Campaigns Committee must be approved by the State Director or their delegates.
- (11) Financial records relating to election campaign expenses will be kept for five years following the election to which they relate.
- (12) A campaign committee may be suspended by:
 - (a) a decision of the entity that created it; or
 - (b) a decision of State Council if there is evidence that the committee is seriously failing to meet its responsibilities under this Bylaw or financial responsibilities or persistently breaches State Council decisions.
- (13) If a campaign committee is dissolved or suspended under subclause (8), the direction of the campaign will transfer to the party body otherwise responsible under subclauses (1), (2) or (3) if

there is one, or to the Victorian Campaigns Committee if there is not, for the duration of the suspension.

4 Allocation of preferences

- (1) The decision on the allocation of preferences for local government electorates may be made by branches, subject to clause 5 where there is more than one branch in a local government area. If there is any ambiguity as to whether a branch has authority in a particular case, the dispute will be resolved by State Council.
- (2) Any branch may delegate the responsibility for deciding preference allocation to State Council.
- (3) The decision on the allocation of preferences for any electorate that is not a local government ward 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.

5 Special arrangements for certain local government areas and branches

- (1) The purpose of this clause is to ensure that, within local government areas where there are a number of branches (only), either those branches may continue or other arrangements as provided for in this clause are given effect.
- (2) The local government areas referred to in subclause (1) are the City of Greater Geelong, the Borough of Queenscliff and the Shire of Yarra Ranges. The branches referred to in subclause (1) are Geelong and District, Bellarine, Dandenong Ranges, Healesville and Upper Yarra.

6 Restrictions on holding multiple offices

- (1) To avoid doubt, this Bylaw 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.
- (2) While they hold a position or office listed in Column 1, no 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
Convenor of the Victorian Campaigns Committee.	Member of state or federal parliament or their staff, salaried mayor (or equivalent) of local government area, 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,	Member of the Victorian Campaigns Committee, State Director.	During an election campaign period applicable to the person's position under Column 2, being during the 26 weeks prior to the	

where the Party's vote in that seat in the previous election exceeded 20%.		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 a local government area, or party staff.	State Council or Victorian Campaigns Committee.		Where holding position in the capacity of staff, parliamentarian or local councillor.

- (3) In the table under subclause (2), 'staff' is defined to mean those employed as staff, other than those employed on a short-term temporary basis.
- (4) In this Bylaw, where one clause limits the holding of particular offices further than another clause, the more limiting clause will prevail.
- (5) The act of nominating for the position of Convenor of the Victorian Campaigns Committee carries an implicit undertaking that the person so nominating will not, during the following 12 months, nominate for preselection for:
 - (a) the lead position on the Party's 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.
- (6) Should a Convenor of the Victorian Campaigns Committee nominate for preselection for endorsement for any of the positions in subclause (5)(a), (b) or (c), they will thereby cease to hold that office.
- (7) For the purposes of this Bylaw, the holding of an office within the Party includes any holding of office on an acting basis.

7 Victorian Campaigns Committee additional delegations

- (1) Without limiting the operation of the Victorian Campaigns Committee, but not so as to give it control over the resources of any other party body, the Victorian Campaigns 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; and
 - (c) applicable decisions of State Council and the Australian Greens in respect of national electoral and related campaigns.
- (2) 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 members.
- (3) Wherever State Council adopts a campaign strategy statement, the Victorian Campaigns Committee must in performing its functions be guided by that statement, or if it departs from that guidance, must note that in its minutes and report this to the next State Council meeting.
 - (4) Prior to the expiry of the period covered by a campaign strategy statement, the Victorian Campaigns Committee must recommend and present to State Council a further campaign strategy statement.
 - (5) When a budget has been approved by State Council, the Victorian Campaigns Committee may amend the budget provided that the following conditions are met:
 - (a) there is no increase in total expenditure (except as provided for in subclause (6));
 - (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 Victorian Campaigns Committee, must not occur unless the convenor or (if they appear to be unavailable) some other appropriate person from each of these party bodies has been invited to the meeting and given the opportunity to be heard; and the reduction has then been then approved by State Council; and no such reduction will have effect if any such party body would be unable to meet its commitments solely because of such a reduction.
 - (6) Wherever it appears to the Convenor of the Victorian Campaigns Committee 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 Victorian Campaigns Committee will, 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 they appear 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.
 - (7) In addition to any other obligations under this Bylaw, the Victorian Campaigns Committee must hold a Victorian Campaigns Committee meeting to which all the convenors or (if a 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 will 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;
 - (b) within ten days of the dissolution of the state or federal parliament (or a House thereof); and
 - (c) between 4 and 6 weeks prior to a date on which local government elections are to be generally held across the state.
 - (8) The Victorian Campaigns Committee is responsible for determining the preselection process for Senate preselections and for directing the implementation of that process. Moreover, the Victorian Campaigns Committee 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 Victorian Campaigns Committee may do anything necessary, or authorise a person to do anything to ensure that there is a candidate for public office in a specific state or federal 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.
- (9) The Victorian Campaigns Committee is responsible within its powers, for ensuring that campaign communication infrastructure is effective.

8 Campaign Management Team

- (1) The Victorian Campaigns Committee may also meet in the form of the Campaign Management Team, which consists of:
- (a) the Convenor of the Victorian Campaigns Committee (or if they are unable to attend, they may nominate one general member of the Victorian Campaigns Committee to attend in their place);
 - (b) the State Director; and
 - (c) between two and four members appointed by the Victorian Campaigns Committee from time to time.
- (2) The quorum for the Campaign Management Team is at least half of its members.
- (3) State Councillors must be advised of meetings of the Campaign Management Team and may attend them. The State Director acts as the Secretary of the Campaign Management Team.
- (4) The Campaign Management Team has all the powers of the Victorian Campaigns Committee, except the following:
- (a) amending the Victorian Campaigns Committee 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 Victorian Campaigns Committee; and
 - (d) exercising any of the delegated powers of State Council under this Bylaw.
- (5) In performing their functions, each of the Victorian Campaigns Committee and the Campaign Management Team must be mindful of the intention of State Council in establishing these two party bodies:
- (a) in many circumstances, the day-to-day political pronouncements of the Party are necessarily those of members who hold public office, and there should be maximum cooperation between the Victorian Campaigns Committee and those members. Nevertheless, the campaign resources of the Party should at all times be directed in support of positions consistent with policies of the Party, and the Victorian Campaigns Committee has a responsibility to ensure this is the case;
 - (b) the Victorian Campaigns Committee'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 Victorian Campaigns Committee oversees but does not participate in the day-to-day management of campaign issues. In light of this, it would be expected that the Victorian Campaigns Committee would meet monthly, and more often during an election campaign period; and
 - (c) the Campaign Management Team is responsible to the Victorian Campaigns Committee for making day-to-day decisions about the content of campaigns and the allocation of

resources under the control of the Victorian Campaigns Committee. It would be convened by the Convenor of the Victorian Campaigns Committee 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 Victorian Campaigns Committee and these must be included in the minutes of the next Victorian Campaigns Committee meeting. The Campaign Management Team can direct the day-to-day priorities of the campaign staff through the State Director.

9 Election campaign governance

- (1) The branch with primary responsibility for directing the campaign for each Victorian Legislative Assembly or House of Representatives seat is set out in clause 14.
- (2) State Council may amend clause 14 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 multiple 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—that branch will be assigned the responsibility; and
 - (ii) if the branches disagree on which of them should direct the campaign—the branch with the most members residing in the electorate on the last census date will be assigned the responsibility; and
 - (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 Victorian Campaigns Committee.
- (3) 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.
- (4) 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; and
 - (b) without unreasonable delay, notify State Council and the Convenor of the Victorian Campaigns Committee of its formation, composition and office bearers.
- (5) 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 14) 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.

10 Campaign Coordinator

- (1) All campaigns must appoint or elect a Campaign Coordinator under clause 3(7)(a). This will normally be an office bearer or an employee employed to work with the committee.
- (2) The Campaign Coordinator is responsible for coordinating campaign activities.
- (3) The Campaign Coordinator will generally be the primary contact person for the campaign to the Victorian Campaigns Committee, other party bodies and relevant party staff.

- (4) Upon appointment, the Campaign Coordinator should notify the Convenor of the Victorian Campaigns Committee of their appointment with appropriate contact details.
- (5) 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.

11 Powers and responsibilities of election campaign committees

- (1) 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 Victorian Campaigns Committee 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 State Director, conduct any staff employment process, noting however that only the State Director may sign employment contracts and that direction of any employed campaign staff must be through the State Director 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 12(1)(g).
- (2) Election campaign committees are at all times accountable for:
 - (a) ensuring financial record keeping is undertaken in accordance with clause 3(7) and any advice issued by State Council or the Victorian Campaigns Committee;
 - (b) providing all necessary information to State Council, the Party Agent and the Registered Officer for the purposes of compliance with relevant Commonwealth or Victorian legislation; and
 - (c) complying with directives of State Council and the Victorian Campaigns Committee.
- (3) Election campaign committees must provide a written report within two months after the conclusion of an election for the electorate(s) it covers to its constituent branches and the Victorian Campaigns Committee, setting out the findings and recommendations of the committee in relation to the campaign. The Victorian Campaigns Committee may direct that the written report take a particular form.
- (4) The election campaign committee will cease to exist two months after an election, or when its final report has been produced, whichever is sooner.

12 Membership of and roles within election campaign committees

- (1) Election campaign committees will consist of:
 - (a) at least three and at most six members elected by the branch, who are 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 are 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 is a voting member;
 - (e) at the Victorian Campaigns Committee's discretion, a member appointed by the Victorian Campaigns Committee, who is a non-voting member of the committee and who therefore 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 is a non-voting member of the committee and who therefore may not block consensus on any question before the committee; and
 - (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.
- (2) At the request of a branch (other than the responsible cranch) 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 subclause (1)(g)(ii) for every whole 15% of the membership residing in the relevant electorates that are members of that branch.
 - (3) For local council election campaign committees, a branch may choose a structure other than that articulated in subclause (1), 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.
 - (4) Committee members described at subclause (1)(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.
 - (5) The branch may fill any casual vacancy for one or more of its representatives at any time.
 - (6) Committee members are expected to report committee activities and decisions to their branch and to communicate the expectations of their branch to the committee.
 - (7) 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.
 - (8) 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.
 - (9) The committee convenor or co-convenors are responsible, among other things, for:
 - (a) facilitating meetings or ensuring the appointment of meeting facilitators; and

- (b) providing the Victorian Campaigns Committee with written reports on the activity of the election campaign committee as and when requested.
- (10) The committee secretary (or co-secretaries) are responsible, among other things, for:
- (a) providing notice of meetings;
 - (b) preparing and distributing meeting agendas after consulting the committee convenor;
 - (c) preparing and distributing meeting minutes;
 - (d) keeping a record of all committee correspondence and other documentation; and
 - (e) providing State Council with any committee documentation requested.
- (11) The committee treasurer (or co-treasurers) are responsible, among other things, for:
- (a) supporting the committee's budget planning process;
 - (b) providing financial reports to meetings of the committee (except where an employee has been employed to undertake this role);
 - (c) leading the committee's financial management and record keeping work (except where an employee has been employed to undertake this role); and
 - (d) providing State Council with any committee documentation requested.

13 Meetings of election campaign committees

- (1) The quorum for a meeting of an election campaign committee is a majority of its current voting members appointed as at the date of the meeting, or three, whichever is more.
- (2) 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, will be responsible for advertising the next meeting with at least five days' notice.
- (3) 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.

14 Responsible branches for state and federal electorates

The responsible branches for state and federal electorates are:

State electorate	Responsible branch	Federal electorate	Responsible branch
Albert Park	Port Phillip	Aston	Maroondah-Knox
Ashwood	Monash	Ballarat	Ballaarat and District
Bass	Bass Coast	Bendigo	Bendigo
Bayswater	Maroondah-Knox	Bruce	Casey-Greater Dandenong
Bellarine	Bellarine	Calwell	Merri-bek and Hume
Benambra	North East Victoria	Casey	Dandenong Ranges
Bendigo East	Bendigo	Chisholm	Whitehorse
Bendigo West	Mount Alexander	Cooper	Darebin-Whittlesea
Bentleigh	Bayside-Glen Eira	Corangamite	Surf Coast
Berwick	Casey-Greater Dandenong	Corio	Geelong

Box Hill	Whitehorse	Deakin	Maroondah-Knox
Brighton	Bayside-Glen Eira	Dunkley	Carrum Carrum
Broadmeadows	Merri-bek and Hume	Flinders	Mornington Peninsula
Brunswick	Merri-bek and Hume	Fraser	Maribyrnong
Bulleen	Manningham	Gellibrand	Hobsons Bay
Bundoora	Banyule	Gippsland	East Gippsland
Carrum	Carrum Carrum	Goldstein	Bayside-Glen Eira
Caulfield	Bayside-Glen Eira	Gorton	Brimbank-Melton
Clarinda	Carrum Carrum	Higgins	Stonnington
Cranbourne	Casey-Greater Dandenong	Hawke	Merri-bek and Hume
Croydon	Maroondah-Knox	Holt	Casey-Greater Dandenong
Dandenong	Casey-Greater Dandenong	Hotham	Monash
Eildon	Healesville and Upper Yarra	Indi	North East Victoria
Eltham	Nillumbik	Isaacs	Carrum Carrum
Eureka	Ballaarat and District	Jagajaga	Banyule
Essendon	Moonee Valley	Kooyong	Boroondara
Euroa	North East Victoria	La Trobe	Cardinia
Evelyn	Dandenong Ranges	Lalor	Wyndham
Footscray	Maribyrnong	Macnamara	Port Phillip
Carrum Carrum	Carrum Carrum	Mallee	Mildura
Geelong	Geelong	Maribyrnong	Moonee Valley
Gippsland East	East Gippsland	McEwen	Macedon Ranges
Gippsland South	Greater Gippsland	Melbourne	Melbourne City
Glen Waverley	Whitehorse	Menzies	Manningham
Greenvale	Merri-bek and Hume	Monash	Greater Gippsland
Hastings	Mornington Peninsula	Nicholls	Goulburn Murray

Hawthorn	Boroondara	Scullin	Darebin-Whittlesea
Ivanhoe	Banyule	Wannon	Otways
Kalkallo	Merri-bek and Hume	Wills	Merri-bek and Hume
Kew	Boroondara		
Kororoit	Brimbank-Melton		
Lara	Geelong		
Laverton	Brimbank-Melton		
Lowan	Ballaarat and District		
Macedon	Macedon Ranges		
Malvern	Stonnington		
Melbourne	Melbourne City		
Melton	Brimbank-Melton		
Mildura	Mildura		
Mill Park	Darebin-Whittlesea		
Monbulk	Dandenong Ranges		
Mordialloc	Carrum Carrum		
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 Victoria		
Pakenham	Cardinia		
Pascoe Vale	Merri-bek and Hume		
Point Cook	Hobsons Bay		
Polwarth	Otways		
Prahran	Stonnington		
Preston	Darebin-Whittlesea		
Richmond	Yarra		
Ringwood	Whitehorse		
Ripon	Ballaarat and District		
Rowville	Maroondah-Knox		
Sandringhm	Bayside-Glen Eira		
Shepparton	Goulburn-Murray		
South Barwon	Geelong		
South-West Coast	Warrnambool		
St Albans	Brimbank-Melton		
Sunbury	Merri-bek and Hume		
Sydenham	Brimbank-Melton		
Tarneit	Wyndham		
Thomastown	Darebin-Whittlesea		
Warrandyte	Manningham		
Wendouree	Ballaarat and District		
Werribee	Wyndham		
Williamstown	Hobson's Bay		
Yan Yean	Nillumbik		

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Preselection Bylaw

Version as at 1 November 2024

1 Definitions

In this Bylaw:

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

2 Membership entitlements

- (1) All members are eligible to seek nomination for public office as a candidate for the Party, subject to clause 3(9).
- (2) 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 party body calling the vote or by the Returning Officer, provided that the date is not later than the close of voting.

3 Preselection and endorsement

- (1) Where a relevant election campaign committee exists, it will conduct the preselection, otherwise the party body with responsibility for directing the campaign will conduct the preselection.
- (2) 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 Victorian Campaigns Committee may designate another party body to conduct the preselection for that electorate.
- (3) 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.
- (4) If there is only one candidate for election for public office, endorsement will nevertheless be required in accordance with the procedure established under clause 3(3) of the Constitution, conducted by the relevant party body.
- (5) In the case of a casual vacancy in an office previously held by an endorsed party office holder in the 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. This clause will apply as if the preselection for the casual vacancy were a general election to that party body.
- (6) In the case of a by-election, the Victorian Campaigns Committee will determine a method for preselecting candidates and determine which party body will be responsible for conducting the preselection.
- (7) 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.

- (8) Candidates for public office who have been preselected under this Bylaw will be recognised as endorsed candidates of the Party.
- (9) Members who hold public office will also go through the candidate preselection process before each relevant election.
- (10) 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 a member;
 - (b) endorsement pursuant to the preselection process set out in this Bylaw; and
 - (c) endorsement by State Council.
- (11) 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 after they were elected to 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 membership.
- (12) Nothing in this Bylaw is to 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.

4 Method

- (1) The preselecting body must:
 - (a) select a preselection method that is provided for in clauses 13, 14, 15 and 16, 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.
- (2) The Victorian Campaigns Committee may (at any time) declare that it is the preselecting body if:
 - (a) the preselecting body has not complied with subclause (1) within the period required by clauses 13, 14, 15 and 16; or
 - (b) there is a snap election.

5 Returning Officer

- (1) The Returning Officer may appoint up to two Deputy Returning Officers to assist them, and may dismiss any of them at any time.
- (2) The Returning Officer and any Deputy Returning Officers must not have a material personal interest in the outcome of the preselection.
- (3) If such an interest develops during the preselection:
 - (a) in a Returning Officer—they must dismiss any Deputy Returning Officers and then resign their office; and
 - (b) in a Deputy Returning Officer—they must resign their office.
- (4) A member who believes that a Returning Officer or Deputy Returning Officer has such an interest must inform State Council.
- (5) If it has good reason to do so, State Council may dismiss a Returning Officer or Deputy Returning Officer at any time.

- (6) 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.
- (7) 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; and
 - (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 all members who are eligible to vote by email.

6 Qualification

- (1) To be eligible to nominate for preselection, a member must, within the last 36 months, have:
 - (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—passed a section 44 check.
- (2) 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).

7 Nomination

- (1) The nomination period must be no less than seven days, or 24 hours the case of a snap election.
- (2) 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:
 - (i) their probity check;
 - (ii) their 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 are eligible to provide a Supporting Declaration (see clause 17) and, in state and federal preselections, have not provided a Supporting Statement for any other nominee in the preselection.
- (3) The preselecting body may increase the word limit for the nomination statement, or the number of supporting statements required.

8 Nominees

- (1) Each nominee for preselection must not:
 - (a) discuss their nomination, any aspect of the preselection or the election with a person who is not a member, except to confirm their candidacy (unless an exemption is agreed to by the Victorian Campaigns Committee);
 - (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 Bylaw.
- (2) A member must not do anything on behalf of a nominee for preselection that the nominee must not do.
- (3) 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.

9 Result

- (1) The Returning Officer must inform all nominees, the Convenor of the Victorian Campaigns Committee and the State Director (or their delegate) of the preselection result as soon as practicable after they have declared it.
- (2) The Returning Officer may inform other members of the result before it is formally announced.
- (3) The Victorian Campaigns Committee may, before the result is declared, decide how and when the result must be formally announced.
- (4) Members must keep the result secret until it is formally announced.

10 Disputes

- (1) Members should raise any concerns about the conduct of the preselection with the Returning Officer.
- (2) All decisions of the Returning Officer are final.

11 Diversity

At the conclusion of general federal, state or local government elections, the Victorian Campaigns Committee must provide an aggregated anonymised report to State Council on the diversity of preselected candidates and elected candidates to the extent known.

12 Preselection method and timing

- (1) The Victorian Campaigns Committee may decide the period during which the nominations for each preselection must be opened.
- (2) If the Victorian Campaigns Committee 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.

13 Preselection method 1: ballot of members

- (1) 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) a postal ballot;
 - (ii) an electronic ballot; and
 - (iii) an attendance ballot;
 - (d) the number of 'Meet the Candidates' events to be held; and
 - (e) the voting period, which, for an electronic ballot must be at least:
 - (i) seven days; or
 - (ii) in the case of a snap election—24 hours.
- (2) 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; and
 - (ii) respond to questions and statements from members; and
 - (b) members to:
 - (i) ask questions of nominees; and
 - (ii) make statements about:
 - (A) the issues facing the Party and the public office we are preselecting for; and
 - (B) who eligible voters should vote for or against.
- (3) 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.
- (4) A reminder of the need for diversity must be provided with ballots.
- (5) 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; and
 - (b) be provided with voting system records in relation to any electronic ballots and the counting or distribution of them.

14 Preselection method 2: decision at a meeting of members

- (1) Further to the restriction in clause 4(1)(a), this method may only be used if:
- (a) the candidate primary vote in the previous relevant election was less than 10%;
 - (b) less than 12 weeks remain until the latest possible date for an ordinary election; or
 - (c) there is a snap election.
- (2) 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.
- (3) 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:
 - (A) introduce themselves and explain why they would be a good candidate for the electorate; and
 - (B) 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.
- (4) If a proposal to preselect a nominee is passed at the meeting of members:
- (a) the decision-making period ends; and
 - (b) the Returning Officer must declare that nominee to be preselected.
- (5) If the meeting is not quorate, another meeting may be called (with reasonable notice provided as per Returning Officer duties).
- (6) 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.

15 Preselection method 3: preselection panel

- (1) Further to the restriction in clause 4(1)(a), this method may only be used:
- (a) with the approval of the Victorian Campaigns Committee; and
 - (b) if:
 - (i) the candidate primary vote in the previous relevant election was less than 10%;
 - (ii) less than 12 weeks remain until the latest possible date for an ordinary election; or
 - (iii) there is a snap election.
- (2) 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; and
 - (c) in the case of multi-candidate tickets—invite the Victorian Campaigns Committee to appoint a member to the preselection panel.
- (3) 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.
- (4) 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.

16 Supporting declarations

- (1) In this clause, **applicant** means the member about whom the supporting declarations are made.
- (2) A supporting declaration must be provided in the form specified by the Victorian Campaigns Committee, 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 the policies of the Party as a candidate for public office and member who holds 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.
- (3) 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.
- (4) 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.

17 Candidate qualification form and undertaking

- (1) In this clause, **applicant** means the member completing the candidate qualification form and giving the undertaking.
- (2) Each applicant must provide all information requested in the candidate qualification form specified by the Victorian Campaigns Committee, which must include:
- (a) which offices they would like to be qualified to nominate for;
 - (b) prescribed personal information; and
 - (c) a brief biography.
- (3) Each applicant must undertake to:
- (a) abide by the *Public Office Holder and Candidate Code of Conduct*; and
 - (b) participate in candidate training and events whenever possible.
- (4) 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.

18 Section 44 check

- (1) In this clause, **applicant** means the member seeking to pass a section 44 check.

- (2) The Convenor of the Victorian Campaigns Committee or their delegate (**assessor**) will assess the eligibility of the applicant to nominate for election under section 44 of the Australian Constitution.
- (3) In doing this, the assessor may seek such advice as they deem necessary and may request further information from the applicant.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) 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 Victorian Campaigns Committee, which must then decide the matter.

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Probity Bylaw

Version as at 1 November 2024

1 Definitions

In this Bylaw:

- (a) **applicant** means a member who has applied for probity clearance;
- (b) **investigative period** means the period beginning when a sub-panel is appointed and ending 14 days later, unless it is extended by the Panel;
- (c) **Panel** means:
 - (i) the sub-panel; or
 - (ii) in the case of the sub-panel being unable to reach consensus on a decision—the Probity Panel;
- (d) **probity check** means an investigation of the background of an applicant to determine their suitability to be a candidate for public office; and
- (e) **sub-panel** means a sub-panel appointed by the Probity Panel to conduct a probity check.

2 Appointment procedure

- (1) The process for appointing members to the Probity Panel will usually be coordinated by the Convenor of the Probity Panel, but the Convenor of the Victorian Campaigns Committee Convenor, or another person delegated this task by the Victorian Campaigns Committee, may act in their place.
- (2) The usual process for appointment will be:
 - (a) the Convenor of the Probity Panel will give notice to the membership that the Probity Panel is seeking expressions of interest from suitable members;
 - (b) interested members will submit a reference from a branch or state office bearer and a curriculum vitae to the Convenor of the Probity Panel;
 - (c) interested members will be interviewed by a group made up of a member of the Probity Panel, a State Councillor and the Convenor of the Victorian Campaigns Committee;
 - (d) the interview group will:
 - (i) discuss the responsibility of the position with the member, emphasising the importance of trust;
 - (ii) ensure the member understands the duration of the appointment;
 - (iii) ensure the member is prepared to sign a confidentiality agreement on appointment;
 - (iv) ensure that the member has the personal and professional aptitude required for the role;
 - (v) ensure the member has been actively participating in the Party by being involved in branch, campaigning or party governance roles; and
 - (vi) ensure the member has a demonstrated capacity or experience to exercise political judgement, which may include having held leadership positions in the Party or related organisations;
 - (e) if the interview group believes that the member is suitable, they will make a recommendation to State Council that the member be appointed; and
 - (f) State Council will consider appointing the member as a member of the Probity Panel.

3 Application

- (1) A member may apply for probity clearance by completing and submitting a probity application form, which must include:

- (a) all names and pseudonyms that they have used or been known by;
 - (b) an undertaking to comply with clauses 3(5), (6) and (7) of the Constitution;
 - (c) information about their publications and media mentions or appearances in the last five years;
 - (d) whether they have made any public statements in opposition to a policy of the Party;
 - (e) a list of all social media and online engagement accounts they have used in the last five years; and
 - (f) a valid working with children check under their name.
- (2) An application for probity clearance may be refused if, in the last 24 months, the applicant:
- (a) has had a probity check rejected; or
 - (b) has withdrawn from a probity check.
- (3) A member may withdraw from a probity check without prejudice at any point before a final decision is made by the Panel.

4 Timeline

- (1) A sub-panel must be appointed within 7 days of an application for probity clearance being submitted.
- (2) An applicant must be notified of the composition of their sub-panel within 48 hours of its appointment.
- (3) An applicant must be notified of an extension of their investigation period within 48 hours of it being made.

5 Sub-panel

- (1) A sub-panel is made up of three to seven members of the Probity Panel.
- (2) A sub-panel member must not:
 - (a) be biased;
 - (b) have a conflict of interest; or
 - (c) be a member of the same branch as the applicant.
- (3) A sub-panel may be appointed by:
 - (a) a decision of the Probity Panel; or
 - (b) a person delegated this power by the Probity Panel.
- (4) A record of the composition of each sub-panel must be made available to each member of the Probity Panel.
- (5) A sub-panel may only make a decision by consensus.
- (6) The quorum for a sub-panel decision is three sub-panel members.
- (7) If a sub-panel is unable to reach consensus on a decision, the decision must be considered by the Probity Panel.

6 Probity check

- (1) A probity check must, at least, include:
 - (a) scrutiny of the probity application form submitted by the applicant;
 - (b) searches of information available online about the applicant, their professional and community organisation affiliations, and their media and social media presence, if any;
 - (c) a request for any relevant information from the Misconduct Panel;

- (d) an invitation for input from:
 - (i) the state office bearers;
 - (ii) the office bearers of the applicant's branch;
 - (iii) the Convenor of the Victorian Campaigns Committee;
 - (iv) the State Director; and
 - (v) in the case of the applicant being a member who holds or has held public office—the leader of any party room of which they are or have been a member; and
 - (e) consideration of any objections to, or concerns about, the applicant raised by those or other members.
- (2) A sub-panel may:
- (a) require that the applicant provide it with access to:
 - (i) all past publications, including content posted on social media and online engagement accounts, which may involve providing a copy or accepting a 'friend' or 'follow' request; or
 - (ii) any other information;
 - (b) carry out any investigations it deems necessary in relation to the applicant;
 - (c) contact any person while conducting a probity check, without reference to the applicant;
 - (d) request that the applicant complete a statutory declaration about any relevant matter;
 - (e) interview the applicant should they believe that this is necessary; and
 - (f) require that the applicant complete a police records check.

7 Probity decision

- (1) By the end of the investigative period, the Panel must decide that the application for probity clearance is:
 - (a) approved;
 - (b) approved, subject to specified conditions; or
 - (c) rejected.
- (2) In deciding that an application for probity clearance is approved, or approved subject to specified conditions, the Panel may note certain risks that should be managed.
- (3) If the application for probity clearance is approved subject to specified conditions, approved with risks noted, or rejected—the decision is considered an interim decision until the following process is complete:
 - (a) the applicant will be provided with a document setting out the reasons for the interim decision and will have 7 days to provide a response to the Panel;
 - (b) in the case of the applicant providing a response—the Panel must consider that response and then make a final decision within 7 days; and
 - (c) in the case of the applicant failing to provide a response—the interim decision will become a final decision.
- (4) If no decision has been made by the end of the investigative period, the application for probity clearance stands rejected, subject to subclause (5).
- (5) If the investigative period ends without a decision being made due to an administrative oversight, the Panel may make a decision to retrospectively extend the investigative period.
- (6) Written notice of each final decision, and any specified conditions or risks noted, must be given to the applicant, the Convenor of the Victorian Campaigns Committee and the State Director or their delegate, as soon as practicable.

8 Guidance for members of the Probity Panel

- (1) The paramount duty of the Probity Panel is to make decisions in the best interests of the Party.
- (2) The Probity Panel must consider the values, policy positions and political imperatives of the Party in making all decisions.
- (3) It is not the task of the Probity Panel to make conclusive findings of fact in relation to any matter adverse to the applicant.
- (4) To the extent that it is consistent with subclauses (1), (2) and (3), the Probity Panel must provide fairness to the nominee in the conduct of each probity check.
- (5) Without limiting the circumstances in which the Panel may reject an application:
 - (a) the Panel must reject any application where the sub-panel judges that:
 - (i) a candidacy of the applicant would, whether justly or unjustly, pose a serious reputational risk to the Party or its other candidates;
 - (ii) a candidacy of the applicant would be otherwise inappropriate or politically damaging, including on grounds relating to past conduct, character or reputation;
 - (iii) the applicant holds a public position in opposition to a policy of the Party that would damage the Party's electoral opportunities;
 - (iv) the applicant has not given an undertaking to comply with clauses 3(5), (6) and (7) of the Constitution; or
 - (v) the applicant is unwilling to comply with proposed conditions or to work with the Party to mitigate identified risks; and
 - (b) the Panel may reject any application on the grounds that the candidate:
 - (i) fails to fully cooperate with the Panel;
 - (ii) appears to lack insight in relation to proposed conditions or identified risks; or
 - (iii) appears, on the balance of probabilities, to have provided false information about, or concealed, important matters relevant to their application.
- (6) The Panel may only reject an application if there are compelling and serious reasons to do so.

9 Appeal

- (1) Within 7 days of notice being provided of the final decision, the applicant, a member of the Probity Panel, or the Convenor of the Victorian Campaigns Committee may appeal the final decision by giving written notice to State Council.
- (2) An appeal may only be made on the basis that:
 - (a) there was a significant failure of the Panel to comply with this Bylaw in considering the application for probity clearance;
 - (b) the final decision is so unreasonable that it cannot have been properly made; or
 - (c) the final decision cannot be considered a responsible reflection of the political judgement or risk tolerance that an experienced member would be expected to apply.
- (3) If an appeal is made, the next meeting of State Council must consider it.

10 Confidentiality

- (1) All information provided to the Panel, and all deliberations of the Panel, are confidential to the Panel, except where this Bylaw provides otherwise.
- (2) Any person contacted by the Panel must be advised of the confidential nature of the process, and that they must not disclose to any other person:
 - (a) that the applicant has applied for probity clearance;

- (b) any questions asked by the Panel; and
 - (c) their response to the Panel.
- (3) The Probity Panel will disclose information to:
- (a) the State Director or their delegate, in order to provide administrative support and implement decisions;
 - (b) State Council, as required for an appeal to be considered; and
 - (c) the Convenor of the Victorian Campaigns Committee, the State Director or their delegate, and the convenor of any party body responsible for an election campaign in which the applicant will be a candidate for public office, in relation to probity approval conditions or noted risks.

11 Probity Panel operations

- (1) Each member of the Probity Panel must:
- (a) complete a deed of confidentiality upon appointment, before being given access to any confidential information; and
 - (b) as soon as they become aware of it, disclose to the Probity Panel:
 - (i) any interest that may give rise to a conflict of interest; and
 - (ii) any matters that may give rise to a real or perceived bias.
- (2) Records of all applications, investigations and decisions must be securely maintained by the Probity Panel for a period of 5 years following their undertaking.
- (3) Probity Panel members must permanently destroy any copies they separately hold of documents related to probity checks once a final decision has been made.
- (4) A person who directly decides on, manages or participates in the rating of candidates for public office on behalf of an external organisation has a real, perceived or potential conflict of interest in relation to participation in the Probity Panel.

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Urgent Endorsement Review Bylaw

Version as at 1 November 2024

1 Definition

In this Bylaw, **candidate** means candidate for public office.

2 Delegation

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

3 Procedure

- (1) Any endorsed candidate may be removed as a candidate under this Bylaw.
- (2) These procedures cease at any stage should the relevant candidate withdraw as a candidate.
- (3) The Endorsement Review Committee is made up of:
 - (a) the Convenor of the Victorian Campaigns Committee; and
 - (b) two members appointed by State Council.
- (4) 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 Endorsement Review Committee, which notice need only state the name of the candidate proposed for disendorsement, but may include any other relevant matter.
- (5) The Endorsement Review Committee must confer. If any member of the Endorsement Review Committee thinks the matter should proceed, the Endorsement Review Committee must forthwith:
 - (a) advise the candidate; and
 - (b) advise any relevant campaign committee convenor.
- (6) The Endorsement Review Committee must 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 must 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 Endorsement Review Committee meeting (and any phone number by which its meeting may be attended). The candidate should have the opportunity to address the Endorsement Review Committee, and every attempt must be made to contact the candidate to ensure that the notice has been received. Copies of the notice must be sent to the relevant campaign committee convenor and, in the case of a federal candidate, to the Parliamentary Leader of the Australian Greens.
- (7) The Endorsement Review Committee must determine its own procedures having regard to the circumstances and urgency of the matter. All proceedings before the Endorsement Review Committee are confidential. The Endorsement Review Committee must 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 will have the right to confer with the Endorsement Review Committee, and in any case, the Endorsement Review Committee will have regard to their advice, which may be given in confidence.
- (8) The terms of reference of the Endorsement Review Committee are 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 Endorsement Review Committee so determines, it must do so.
- (9) Proceedings before the Endorsement Review Committee 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 Endorsement Review Committee to make any decision;
 - (b) where an issue involves an allegation or suggestion related to any past or present conduct by the candidate, the Endorsement Review Committee 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.); and
 - (c) where a decision to cancel the candidate's endorsement occurs in circumstances where the candidate denies any allegation or suggestions in relation to their conduct, any public statement by the Party must acknowledge this denial.
- (10) The Endorsement Review Committee may authorise the making of a statement on behalf of the Party following its decision. Where appropriate, an attempt will be made to reach agreement with the candidate or former candidate about the terms of that statement.
- (11) A decision of the Endorsement Review Committee to disendorse a candidate must be by consensus, but is final, provided that the Endorsement Review Committee may refer the matter to State Council for a final decision if it is not certain, and must do so if it cannot reach consensus. In this case, a State Council meeting will be called forthwith to determine the matter. The members of the Endorsement Review Committee and the Parliamentary Leader of the Australian Greens will as far as practicable, be in attendance, but otherwise the meeting will be closed, unless State Council decides that others may attend.

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Misconduct Bylaw

Version as at 1 November 2024

1 Scope

This Bylaw is, in part, made pursuant to clause 34(2) of the Constitution.

2 Delegation

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 Bylaw, to make the decisions permitted under this Bylaw.

3 Definitions—part I

In this Bylaw, **biased** means unable to bring an impartial and unprejudiced mind to the resolution of the question under consideration.

4 Members who hold public office

- (1) Subject to subclause (2), members who hold public office must not:
 - (a) to any degree, displace or interfere with the role of the Administrative Review Panel or Misconduct Panel; and
 - (b) make any public statement regarding a matter being dealt with, or that has been dealt with, under this Bylaw that has not been approved in writing (in specific or general terms) by State Council.
- (2) Subclause (1) does not prohibit a member who holds public office from making an appeal under clause 6(1) or making a misconduct allegation under clause 9(1).

5 Definitions—part II

In clauses 6 to 7, **decision** includes:

- (a) a failure or refusal to make a decision; and
- (b) an action.

6 Administrative Review Panel procedure

- (1) A member, or former member expelled under clause 13(3), (**the appellant**) may appeal to, and only to, the Administrative Review Panel for a finding that a decision of a member or party body under clauses 8 to 13:
 - (a) did not comply with clauses 8 to 13; or
 - (b) was so unreasonable that no reasonable decision-maker could have made it.
- (2) An appeal may be made about multiple decisions.
- (3) A member must not make an appeal in bad faith.
- (4) Members of the Administrative Review Panel who are biased must not be present during the consideration and resolution of the appeal.
- (5) A member involved in an appeal may appoint any person to act on their behalf for the purposes of the appeal.
- (6) In dealing with an appeal, the Administrative Review Panel:
 - (a) may:
 - (i) inform itself in any way it deems appropriate, including by obtaining expert advice from a non-member; and
 - (ii) direct a member to truthfully answer its questions in person or in writing;

- (b) may, at any time, after giving brief reasons in writing for doing so, dismiss so much of an appeal 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; and
- (c) subject to subclause (6)(b), must:
 - (i) give notice in writing of the substance of the appeal and a reasonable opportunity to make a written and oral submission on the matter to:
 - (A) the appellant; and
 - (B) those members and party bodies that it decides ought to be heard in respect of the appeal, given the issues involved;
 - (ii) decide whether or not to make one of the findings in subclause (1);
 - (iii) state that decision, and give brief reasons for it, in writing; and
 - (iv) if it makes one of the findings in subclause (1), decide whether to grant a remedy aimed at rectifying, in whole or in part:
 - (A) the decision; and
 - (B) any consequences that flowed from it.
- (7) A remedy granted under subclause (6)(c)(iv) may include:
 - (a) setting a decision aside; and
 - (b) making a decision that plainly should have been made.
- (8) If, having dismissed an appeal, the Administrative Review Panel decides that the appeal may have been made in bad faith, a member of the Administrative Review Panel may make a misconduct allegation under clause 9(1) against the appellant.

7 Administrative Review Panel—part I

- (1) The Administrative Review Panel is composed of 5 members appointed by State Council.
- (2) The term of appointment of a member of the Administrative Review Panel is 2 years.
- (3) To be eligible to be appointed to and remain a member of the Administrative Review Panel, a member:
 - (a) must have been a member for the past 2 years;
 - (b) must not be:
 - (i) a member who holds public office;
 - (ii) a member who has held public office in the last 5 years (except as a local councillor);
 - (iii) a member of 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) 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.
- (4) The Administrative Review Panel has a Convenor who is appointed by the Administrative Review Panel from its members.

- (5) A meeting of the Administrative Review Panel may be convened by:
 - (a) the Convenor of the Administrative Review Panel; or
 - (b) any two other members of the Administrative Review Panel.
- (6) The quorum for a meeting of the Administrative Review Panel is three of its members.
- (7) In dealing with an appeal, the Administrative Review Panel must exercise its powers and make its decisions by consensus or, if it is unable to reach consensus, by majority vote.
- (8) A meeting of the Administrative Review Panel is quorate if so declared by:
 - (a) the Convenor of the Administrative Review Panel; or
 - (b) in their absence—the member of the Administrative Review Panel present with the longest current tenure on the Administrative Review Panel.
- (9) The Administrative Review Panel must not be granted or have imposed upon it, and must not accept, further powers or obligations.

8 Definitions—part III

In clauses 9 to 17:

- (a) **misconduct** means a breach of:
 - (i) the *Member Code of Conduct*;
 - (ii) an express prohibition provided for in the Constitution or this Bylaw that is committed in bad faith;
 - (iii) a direction given by the Administrative Review Panel or Misconduct Panel; or
 - (iv) a sanction; and
- (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 clause 8(b)(i) to (v); or
 - (vii) the member is expelled from the Party.

9 Misconduct allegation

- (1) A member (**the applicant**) may make a misconduct allegation against a member (**the respondent**) by giving notice in writing of the following to, and only to, the Convenor of the Misconduct Panel or, if the allegation is made against the Convenor of the Misconduct Panel, to any other member of the Misconduct Panel:
 - (a) their name;
 - (b) the name of the respondent;
 - (c) a description of the act or acts of the respondent that are said to be misconduct; and
 - (d) a brief submission setting out why the applicant believes that act or those acts constitute misconduct.
- (2) A member must not make a misconduct allegation in bad faith.

- (3) A respondent may appoint any person to act on their behalf for the purposes of the misconduct allegation.

10 Appointment of sub-panel

- (1) A member of the Misconduct Panel who receives a notice under clause 9(1) (*the appointer*) must:
- (a) regarding so much of a misconduct allegation made against a member who is an appellant under clause 6(1), or any member appointed to act on their behalf under clause 6(5), in relation to the matter which is the subject of the appeal under clause 6(1):
 - (i) exercise their power under subclause (1)(b) and (c) only after the appeal under clause 6(1) is dealt with; and
 - (ii) notify the applicant of the state of the misconduct allegation;
 - (b) if another misconduct allegation against the respondent is already being dealt with by another sub-panel—in writing assign the allegation to that sub-panel unless doing so would increase the effort or time required for the Misconduct Panel to deal with all of the allegations; or
 - (c) otherwise—in writing appoint a 3-member sub-panel (which may include themselves) to deal with the misconduct allegation.
- (2) Subject to subclause (3), a sub-panel must be made up of members of the Misconduct Panel.
- (3) If, because of the effect of subclause (4) or clause 19, 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 17(4) and clause 19 until the sub-panel is completely appointed.
- (4) Each member of a sub-panel must be a party member and must not be biased.
- (5) In each of the circumstances to which this subclause 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.
- (6) The circumstances to which subclause (5) applies are:
- (a) a member resigns from a sub-panel or the Misconduct Panel;
 - (b) the Misconduct Panel decides that a member of a sub-panel is unable to discharge their duties on that sub-panel, including because of illness or time constraints; or
 - (c) a sub-panel advises the Misconduct Panel that, after appropriate efforts to do so, it cannot arrive at a decision; or
 - (d) the Misconduct Panel decides that the procedure being carried out by a sub-panel has miscarried to such an extent that it should intervene.

11 Decision by sub-panel

- (1) The sub-panel must dismiss without consideration under subclause (13)(a)(i) so much of a misconduct allegation that concerns an act or acts that are alleged to have occurred more than 180 days before the allegation was made except if:
- (a) that part of the allegation was reinstated under subclauses (15) and (16); or
 - (b) it decides that:
 - (i) that part of the allegation is of repeated similar conduct that continued into the 180 day period before the allegation was made;

- (ii) that part of the allegation relates to matters of a sexual nature; or
 - (iii) exceptional circumstances warrant it not doing so.
- (2) A misconduct allegation is under consideration from when it is made until all parts of it are either:
 - (a) dismissed; or
 - (b) found to be substantiated and a sanction imposed or not imposed.
- (3) 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 (3)(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 9 to 17, no party body (other than State Council) may discuss the allegation.
- (4) The sub-panel's powers under subclause (3)(a) may be exercised more than once, and include the power to revise or rescind a direction or suspension.
- (5) A direction given or suspension imposed under subclause (3)(a) expires once the misconduct allegation is no longer under consideration.
- (6) Subject to subclause (7), all aspects of a misconduct allegation (including the fact that it was made), and all Notices of Decision, must be kept confidential, and this obligation survives the cessation of membership.
- (7) Subclause (6) does not prohibit the disclosure of information:
 - (a) that is strictly necessary in order to make or deal with a misconduct allegation; and
 - (b) as provided for in clauses 9 to 19.
- (8) The quorum for meetings of a sub-panel is three of its members.
- (9) In dealing with a misconduct allegation, a sub-panel:
 - (a) must exercise its powers and make its decisions by consensus or, if it is unable to reach consensus, by majority vote;
 - (b) must make findings about facts on the balance of probabilities;
 - (c) must make its decision as soon as is reasonably practicable;
 - (d) in balancing the speed of its decision against the fairness of its process and the correctness of its decision, must take an urgent and robust approach;
 - (e) must not take the external or internal political ramifications of its decision into account;
 - (f) subject to subclause (9)(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 subclause (13)(c); or
 - (ii) found to have been substantiated under subclauses (13)(d), (e) or (f);
 - (k) may reopen any of the previous allegations to which subclause (9)(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.
- (10) Before deciding that a misconduct allegation (or part of it) is substantiated, a sub-panel must:
- (a) give the respondent:
 - (i) notice in writing of the substance of the relevant part of the allegation;
 - (ii) notice in writing of information adverse to the respondent that is credible, relevant and significant to the decision to be made; and
 - (iii) a reasonable opportunity to make an oral and written submission to the sub-panel regarding the relevant part of the allegation and what sanction should be imposed if it is substantiated; and
 - (b) consider any such submission.
- (11) The information described in subclause (10)(a)(i) and (ii) must only include the name of or other identifying information about any person if:
- (a) it is strictly necessary in order to comply with those clauses; and
 - (b) the person whose name or other identifying information is to be included gives their express consent in writing.
- (12) If a sub-panel cannot comply with subclause (10)(a)(i) and (ii) because a person will not give consent under subclause (11)(b), the relevant part of the allegation must be dismissed under subclause (13)(a)(iv).
- (13) Subject to subclause (14), regarding the whole or each part of the misconduct allegation, the sub-panel must decide that it is:
- (a) dismissed without determination because:
 - (i) it concerned an act or acts alleged to have occurred more than 180 days before it was made;
 - (ii) the information given under clause 9(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.
- (14) If the respondent is a member who holds public office at the time the sub-panel comes to make its decision, subclause (13)(e) is not available as a decision.
- (15) A misconduct allegation (or part of it) dismissed under subclause (13)(a)(ii) is reinstated before the same sub-panel if, within 60 days of it having been dismissed, the applicant gives a member of the Misconduct Panel notice in writing of the information required under clause 9(1).
- (16) A misconduct allegation (or part of it) dismissed under subclause (13)(a)(iv) is reinstated before the same sub-panel if, within 60 days of it having been dismissed, the person whose name or other identifying information was to be included gives a member of the Misconduct Panel their express consent in writing under subclause (11)(b).
- (17) A member of the sub-panel may make a misconduct allegation:
- (a) against a member for breaching a direction given or suspension imposed by the sub-panel under subclause (3)(a);
 - (b) if the sub-panel dismisses a misconduct allegation (or part of it) under clauses (13)(b) or (c)—against the applicant for making their allegation in bad faith; and
 - (c) against any member based on information obtained in dealing with a misconduct allegation.

12 Notice of Decision

- (1) 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 applicant and the respondent information about their right to apply to the Administrative Review Panel to have the decision and sanction (if any) reviewed under clauses 6(1) and 14, within the time limit provided under clause 14(4).
- (2) Additionally, the sub-panel must, within 24 hours of making a decision under clause 11(13)(f)
- (a) give the Notice of Decision to State Council; and
 - (b) consider whether to make a decision under clause 11(3)(a).
- (3) A Notice of Decision must be in writing and contain only:
- (a) the name of the respondent;
 - (b) the name of the appointer;
 - (c) the names of the members of the sub-panel that made the decision;
 - (d) the date that the sub-panel was appointed;
 - (e) the date of the decision;
 - (f) in relation to each part of a misconduct allegation dealt with by the decision:
 - (i) the date that the Misconduct Panel received it;

- (ii) 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 provision of clause 11(13) under which the decision was made;
- (g) if any of the particular decisions made are a decision under clause 11(13)(f)—the single sanction (covering all of the relevant misconduct allegations) that the sub-panel recommends to State Council and a brief justification for it; and
- (h) any other information that the sub-panel decides is necessary that does not concern the substance of a misconduct allegation.

13 Decision by State Council

- (1) If a sub-panel makes a decision under clause 11(13)(f), the next meeting of State Council must consider a proposal to impose the recommended sanction.
- (2) Before considering that proposal, State Council must consider whether to make a decision under each of clause 5(1)(b) and Schedule 5, item 6(3) of the Constitution.
- (3) State Council must decide to impose:
 - (a) the recommended sanction;
 - (b) another sanction; or
 - (c) no sanction.
- (4) The only members that may speak regarding the proposal are:
 - (a) the respondent or a person appointed under clause 9(3);
 - (b) State Councillors; and
 - (c) appointed State Council attendees.
- (5) 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 9(3) to State Council at least 3 days before the meeting.
- (6) State Councillors who are biased must not be present during the consideration and resolution of the proposal.
- (7) If State Council fails in its obligation under subclause (3), 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 subclause (3).
- (8) The respondent must be given 14 days' notice in writing of each meeting to which subclauses (1) or (7) apply.
- (9) State Council must inform the sub-panel of a decision by State Council within 24 hours. The sub-panel must then inform the applicant and the respondent of the decision as soon as practicable. If the matter is no longer under consideration then the sub-panel must also notify them that their opportunity to appeal has started.

14 Appeal to the Administrative Review Panel

- (1) In this clause, **appeal** means an appeal under clause 6(1) to the Administrative Review Panel regarding a decision of a sub-panel under clause 11(9).
- (2) An applicant or a respondent may make an appeal once a misconduct allegation is no longer under consideration.
- (3) No other consideration or reconsideration (whether by review, appeal or otherwise) of the decisions made under clauses 9 to 19 is allowed.
- (4) An appeal made more than 7 days after notification of the opportunity to appeal was sent must be dismissed by the Administrative Review Panel unless it decides that exceptional circumstances justify it not being dismissed.
- (5) The remedies that the Administrative Review Panel may grant on an appeal 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 11(13)(d) or (e) with a decision under clause 11(13)(f), with the Administrative Review Panel recommending a sanction and carrying out the procedure in clause 12 in place of the sub-panel; and
 - (c) a remedy granted in aid of a remedy granted under subclause (5)(a) or (b).
- (6) If the Administrative Review Panel grants a remedy under subclause (5):
 - (a) the Administrative Review Panel must set aside or amend (adding a brief procedural history of its decision) any related Notice of Decision and Notice of Sanction as necessarily follows from its decision; and
 - (b) the Convenor of the Administrative Review Panel must within 24 hours provide such information to such members as is necessary to inform them of the decision and its effect on the membership status of the respondent.

15 Notice of Sanction

- (1) The Convenor of the Misconduct Panel must make, and provide to all members, a Notice of Sanction if a sanction has been imposed, and all related misconduct allegations against the member are no longer under consideration, and:
 - (a) no appeal to the Administrative Review Panel is made regarding it within 7 days; or
 - (b) an appeal to the Administrative Review Panel is made within 7 days and the Administrative Review Panel decides not to make one of the findings in clause 6(1) or not to grant a remedy.
- (2) A Notice of Sanction must be in writing and contain only:
 - (a) the name of the respondent;
 - (b) the sanction imposed;
 - (c) the date that the sanction was imposed;
 - (d) the name of the body that imposed the sanction (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;
 - (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.
- (3) A Notice of Sanction is confidential to members, excepting that State Council may make a public statement that discloses its contents.
- (4) State Council may lift confidentiality in respect of the membership on all or part of a notice of decision by a substantive proposal. Prior to doing so, State Council must seek the view of the sanctioned member and where that member opposes lifting of confidentiality, weigh that member's views up against the purpose of lifting confidentiality.

16 Miscellany

- (1) If a respondent's membership ceases while a misconduct allegation against them is under consideration:
 - (a) the allegation must continue to be dealt with under clauses 9 to 19 as if their membership had not ceased; and
 - (b) any sanction imposed takes effect upon the respondent being readmitted to membership.
- (2) 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.
- (3) Subject to subclause (4), 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;
 - (b) stipulates the time and place of the meeting; and
 - (c) advises the member of the opportunity to address that meeting.
- (4) The timeframe within which subclause (3) may be applied is:
 - (a) within 12 weeks prior to any date which has been set for any state or local election for which the Party has 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).

17 Misconduct Panel—part I

- (1) The Misconduct Panel is composed of nine members appointed by State Council. In extraordinary measures State Council may appoint additional members to the Misconduct Panel.
- (2) The term of appointment of a member of the Misconduct Panel is two years.
- (3) A member of the Misconduct Panel whose term of appointment to the Misconduct Panel expires whilst they are a member of a sub-panel remains a member of that sub-panel whilst it exists, including if a misconduct allegation (or part of one) is reinstated before it under clauses 11(15) and (16).
- (4) 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 Administrative Review Panel;
 - (v) 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.
- (5) The quorum for meetings of the Misconduct Panel is the lesser of five and all current members of the Misconduct Panel that are not for some reason not permitted under this Bylaw to participate in the meeting.
- (6) The Misconduct Panel has a Convenor who is appointed by the Misconduct Panel from its members. This position may be job-shared by two members of the Misconduct Panel.
- (7) The Misconduct Panel has a Deputy Convenor who is appointed by the Misconduct Panel from its members. This position may be job-shared by two members of the Panel. The only role of the Deputy Convenor of the Misconduct Panel is to act as the Convenor of the Misconduct Panel in circumstances where that position is not filled or that individual is unavailable.
- (8) In circumstances where neither the Convenor nor Deputy Convenor of the Misconduct Panel positions are filled, the State Director or their delegate may act as the Convenor of the Misconduct Panel for the purposes of convening a meeting of the Misconduct Panel in order to elect one or both of the Convenor and Deputy Convenor of the Misconduct Panel.
- (9) Subject to subclause (10), 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; and
 - (d) ensure that the Notices of Sanction made in the previous 5 years are readily accessible on the members' website.
- (10) 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.
- (11) 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 except:
- (a) on the authority of a proposal passed by the Misconduct Panel
 - (b) State Council decides otherwise in a particular case; or

- (c) the State Director, or their delegate, for the purposes of administrative support.
- (12) The Misconduct Panel must not be granted or have imposed upon it, and must not accept, further powers or obligations.

18 Administrative Review Panel—part II

- (1) It is recommended that the Administrative Review Panel should, regarding appeals relating to clause 14, take:
 - (a) at most, 14 days to deal with a straightforward appeal; and
 - (b) at most, 30 days to deal with a complex appeal.
- (2) The following members are not eligible to be appointed to and remain a member of the Administrative Review Panel:
 - (a) a member who, in the past 12 months, has been:
 - (i) a local councillor; or
 - (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.
- (3) The search for candidates for appointment to the Administrative Review Panel will adopt the following procedure:
 - (a) all members will be invited to express interest whenever a vacancy arises on the Administrative Review Panel by the Convenor of the Administrative Review Panel, 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; and
 - (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.
- (4) So far as is practicable, the Administrative Review Panel will be made up of:
 - (a) not more than three men;
 - (b) at least one member from a non-dominant culture in Australia; and
 - (c) not more than two members from any one branch.
- (5) A member must not hold the position of the Convenor of the Administrative Review Panel for more than 24 consecutive months.
- (6) The Convenor of the Administrative Review Panel must:
 - (a) keep and maintain a record of appeals made to, and decisions made and reasons given by, the Administrative Review Panel; and
 - (b) ensure that the members' website contains a page updated at least monthly that contains:
 - (i) a brief description of each appeal currently before the Administrative Review Panel;
 - (ii) links to the decisions made and reasons given by the Administrative Review Panel in the previous 5 years; and
 - (iii) a link to a document that records all of the current interpretations of this Bylaw given by the Administrative Review Panel.

19 Misconduct Panel—part II

- (1) It is recommended that a sub-panel should take:
 - (a) at most, 30 days to deal with a straightforward misconduct allegation; and
 - (b) at most, 90 days to deal with a complex misconduct allegation.
- (2) The following bodies are excepted from the prohibition imposed by clause 11(3)(c):
 - (a) the Probity Panel; and
 - (b) the Endorsement Review Committee.
- (3) The following disclosures are excepted from the obligation imposed by clause 11(6):
 - (a) if the member has been assured by the intended recipient of the disclosure that they will keep the information confidential—to a close family member, partner or close friend for the purposes of personal support;
 - (b) to the police, the Victorian Equal Opportunity and Human Rights Commission, or other similar investigative person or body;
 - (c) to a counsellor for the purposes of counselling;
 - (d) to a registered health practitioner for the purposes of treatment;
 - (e) to an Australian legal practitioner for the purposes of legal advice;
 - (f) in court documents or proceedings, or as required by law;
 - (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.
- (4) The updates under clause 11(9)(n) must be provided fortnightly.
- (5) 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.
- (6) The search for candidates for appointment to the Misconduct Panel will adopt the same procedure as for the Administrative Review Panel (as provided above).
- (7) So far as is practicable, the Misconduct Panel will be made up of:
 - (a) not more than five men;
 - (b) at least three members from a non-dominant culture in Australia; and
 - (c) not more than two members from any one branch.
- (8) Former members of the Misconduct Panel are disqualified from being eligible to be elected or appointed to the Victorian Campaigns Committee for a period of one year after having been a member of the Misconduct Panel.
- (9) A member must not hold the position of Convenor of the Misconduct Panel for more than 24 consecutive months.

- (10) The power and duty to provide a Notice of Sanction to all members under clause 15(1) includes:
 - (a) ensuring that the members' 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 party e-bulletin includes a link to the Notice of Sanction page; and
 - (c) if the Notice of Sanction includes a sanction against a State Councillor, member of the Victorian Campaigns Committee or member who holds public office, ensuring that the notice in the party e-bulletin includes which of these positions the person holds in the Party.
- (11) Notices of Sanction will be stored on the members website and distributed to all members via a link in the party e-bulletin.
- (12) The Convenor of the Misconduct Panel should ensure that the members' 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.
- (13) The Misconduct Panel and the Administrative Review Panel 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 appeals received, outcomes, identified issues with organisational rules and this Bylaw, and any proposals for reform, as they see fit.

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Conflicts of Interest Bylaw

Version as at 25 October 2024

1 Definitions

In this Bylaw:

- (a) **material personal interest** means a **general interest** or **material interest** that does not fall under a **general exemption**;
- (b) **general interest** means:
 - (i) any situation which relates to the relevant person or a **personal relationship** that may affect a person's rights, advantages, duties, titles or liabilities; or
 - (ii) any situation where a person's interests—family, friendships, employment, social or financial factors—may conflict with their ability to act in the best interests of the Party;
- (c) **material interest** means a situation in which action or inaction has benefits or losses that are:
 - (i) *direct*, in which the person is the immediate recipient benefits or suffers a loss themselves, or indirect and impacts the person's **personal relationship** in a similar manner; or
 - (ii) *pecuniary*, in which a benefit or loss is measured in money, or non-pecuniary, which is not measured in monetary terms;
- (d) **general exemption** means:
 - (i) anything so remote or insignificant that a reasonable person would consider it incapable of influencing the person's actions or decisions;
 - (ii) something held in common with a substantial proportion of the party body;
 - (iii) a situation in which the relevant person does not know of the circumstances that create the conflict of interest;
 - (iv) anything in which the relevant person would not be reasonably expected to know of those circumstances; or
 - (v) a situation that only arises due to a relevant personal attribute, defined as 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;
- (e) **personal relationship** means:
 - (i) a **family member**;
 - (ii) a body corporate where the relevant person or their spouse or domestic partner is a director or is on the governing body;
 - (iii) an employer, unless it is a public body;
 - (iv) a business partner;
 - (v) a person for whom the relevant person is a consultant, contractor or agent;
 - (vi) a beneficiary under a trust or an object of a discretionary trust of which the relevant person is a trustee; or
 - (vii) a person from whom the relevant person has received a substantial gift;
- (f) **family member** means:
 - (i) a spouse or domestic partner;
 - (ii) a parent, grandparent, sibling, child, grandchild, step-parent, step-sibling or step-child of the relevant person or of their spouse or domestic partner; or

- (iii) another relative that regularly resides with the relevant person;
- (g) **member** means a person who is entitled to vote on the relevant body;
- (h) **participant** means anyone, including other **members**, in attendance at the meeting;
- (i) **formal disclosure** means a **material personal interest** has been disclosed to the meeting and the meeting accepts that it meets the definition and is otherwise not managed, and is recorded in the minutes; and
- (j) **conflict of interest** means a **material personal interest** that has been **formally disclosed**.

2 Procedure

- (1) Members and participants of State Council, the Constitutional Votes Committee, committees established under the *Committees of State Council Bylaw* and panels established under the *Panels of State Council Bylaw*:
 - (a) provide all known material interests to the party body;
 - (b) disclose any material personal interests either at the beginning of the meeting or otherwise as soon as it becomes apparent;
 - (c) the meeting must then assess the material personal interest according to clause 1(i) and determine whether it meets the definition of a conflict of interest;
 - (d) participants must exclude themselves from the decision-making process, including any discussion or vote on the matter where a conflict of interest arises; and
 - (e) the participant must not return until the matter is concluded or deferred.
- (2) State Council, the Constitutional Votes Committee, committees established under the *Committees of State Council Bylaw* and panels established under the *Panels of State Council Bylaw* must:
 - (a) provide a method to disclose material interests as part of induction to the party body; and
 - (b) provide time on the agenda before general business to disclose all material personal interests.
- (3) If a participant does not disclose a material personal interest, but a member of State Council, the Constitutional Votes Committee or any committee established under the *Committees of State Council Bylaw* believes a material personal interest exists, then a procedural proposal may be put to have it formally disclosed.
- (4) If a participant refuses to recuse themselves upon formal disclosure of a material personal interest, the participant may be removed from the meeting by a procedural proposal.
- (5) If a conflict of interest is formally disclosed at the meeting and not resolved with the participant's recusal or removal during the matter, then the decisions of the meeting do not take effect.
- (6) A formal disclosure must give details to:
 - (a) the nature and extent of the interest; and
 - (b) the relation of the interest to the activities of the party body.
- (7) All formal disclosures must be provided for the next general meeting.

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State Council Procedure Bylaw

Version as at 16 November 2024

1 Scope

This Bylaw is made pursuant to Schedule 5, item 7 of the Constitution.

2 Definition

In this Bylaw, **meeting** means State Council meeting.

3 Purpose

- (1) This Bylaw, along with clause 4 and Schedule 5 of the Constitution, and the *Member Code of Conduct*, are the principal source of procedural authority for meetings of State Council. All meetings of State Council are to be conducted within the framework provided by this Bylaw. Adherence to this Bylaw is required for the proper conduct of State Council meetings.
- (2) The Party seeks to make substantive decisions through consensus. Efficient consensus processes and time management often require an issue to be 'taken away' from a meeting for a subgroup to help craft possible ways forward, and minor decisions to be delegated to trusted entities.

4 Starred and unstarred agenda items

- (1) Each item on the agenda of a meeting must be:
 - (a) marked with a star (**starred**); or
 - (b) not marked with a star (**unstarred**).
- (2) If an agenda item is starred, it must be considered by the meeting unless it is deferred.
- (3) If an agenda item is unstarred:
 - (a) it must not be considered by the meeting; and
 - (b) any proposal in it is passed by consensus when the meeting is closed.
- (4) If a State Councillor in attendance at a meeting objects to an agenda item being unstarred, it must be starred.

5 Moving in camera

- (1) A meeting may, by a procedural proposal, move in camera for a specified period.
- (2) The effect of such a proposal being passed is that:
 - (a) for the period specified by the proposal, the entitlement to be in attendance at the meeting is limited to:
 - (i) State Councillors;
 - (ii) appointed State Council attendees; and
 - (iii) any other person allowed by the proposal; and
 - (b) the members in attendance for the period specified by the proposal must keep the contents of that part of the meeting confidential from other members.

6 Agenda

- (1) The agenda is set by the State Secretary.
- (2) The agenda will specify the order and substance of matters for reporting or for debate.
- (3) The agenda will include the full text of any and all proposals in the body of the agenda.
- (4) The State Secretary may, in framing the agenda, list a matter as starred (with an asterisk) for discussion or unstarred for items for which it is proposed that no discussion is entered into. The

facilitator will check when confirming the agenda that no one wishes any unstarred item to be starred. Anyone who wishes to star an item should do so at that stage. Any unstarred items are considered passed at the close of the meeting.

- (5) The name of the intended facilitator for any and all parts of any State Council meeting will appear in the agenda, and be agreed to in the confirmation of agenda.
- (6) The agenda will specify that the beginning of each meeting will, before any substantive matters are discussed, include:
 - (a) an Acknowledgement of Country;
 - (b) a values statement, including a reminder of the *Member Code of Conduct*, the complaints process and State Council's contact persons;
 - (c) a determination by the facilitator of whether or not the meeting is quorate;
 - (d) a report of State Councillors absent with or without apologies;
 - (e) a report of proxies for State Councillors that are absent;
 - (f) the proposal "that the proposed agenda be adopted". To this Proposal, State Councillors may propose amendments to:
 - (i) select different facilitators for any particular agenda item;
 - (ii) add agenda items;
 - (iii) star any unstarred items at the request of any State Councillor;
 - (iv) unstar any starred items by consensus;
 - (v) propose a variation to the time allocation for each item; or
 - (vi) a proposal for the acceptance of the minutes from the previous meeting;
 - (g) a moment where the facilitator will ask State Councillors to disclose any material personal interest they have in relation to any agenda item. State Councillors must disclose any material personal interest in relation to any matter being considered at this point, or as soon as they become aware of their interest in the matter. Any disclosure must:
 - (i) give details of the nature and extent of the interest;
 - (ii) give details of the relation of the interest to the matter being considered;
 - (iii) be recorded in the minutes, with brief details; and
 - (iv) any State Councillor who has a material personal interest must disclose the nature and extent of their interest in the matter. They should leave the meeting unless requested to stay by State Council. Should they stay, they must not block consensus or vote on the relevant matter;
 - (h) a review of the State Council decisions and actions registers; and
 - (i) during a 15 minute session at the start of a meeting, observers may ask questions of State Council or make statements to the meeting. Each observer will be limited to two minutes.

7 Quorum

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

8 Facilitation of meetings

- (1) State Councillors will at all times during meetings adhere to the *Member Code of Conduct* and respect the authority of the facilitator to facilitate discussion and work towards consensus.
- (2) As a general practice, facilitation should be rotated across State Council.
- (3) A procedural question may be raised with the facilitator by any State Councillor at any time if the State Councillor believes clause 4 or Schedule 5 of the Constitution, or this Bylaw, is being breached. A procedural question has priority over other discussion and will be resolved before discussion continues on the substantive issue.
- (4) A procedural question may be raised on any of the following:
 - (a) procedural errors;
 - (b) behaviour in breach of the *Member Code of Conduct*; and
 - (c) issues related to the facilitation of the meeting.

9 Items for discussion

- (1) As far as reasonably practicable items listed for discussion should fall into the following three categories.
- (2) The category of 'items listed for short discussion', which in general should be:
 - (a) limited in number; and
 - (b) limited to 10 minutes duration, and one of:
 - (i) uncontroversial (for example, a motion of thanks, which it would be inappropriate to put through without consideration);
 - (ii) necessary (for example, because the information on which a recommendation could be based could only be available at the last minute, such as legal advice or a cost-quote, but where the matter was otherwise uncontroversial);
 - (iii) an update on an issue which has previously been considered by State Council and where a deliberative process is being undertaken.
- (3) The category of 'issues for discussion':
 - (a) unless urgent or relatively minor, a decision on these items will in general not be made at the meeting that they are first listed as an item for discussion; and
 - (b) in general an issue should first be brought to State Council as an issue, rather than a proposal as to how State Council should deal with the issue. The purpose of this initial discussion is to canvas the views of State Councillors about the issue then determine a process for further consideration about the issue. This may be through:
 - (i) formulating a proposal for decision immediately if the item is relatively uncontroversial;
 - (ii) allocating a small group of State Councillors to attempt to formulate a proposal for decision for a separate agenda item at the meeting; and
 - (iii) referring the issue to a small group of State Councillors, a committee or a working group for deliberation and development of a proposal to be considered by State Council at a later date. This deliberation may include a consultation process with the wider membership.
- (4) The category of 'proposals listed for decision': In general the issue which the proposal is addressing will have previously been considered by State Council as an issue and have had a deliberative consensus building process undertaken on the issue. The proposal would be brought to the meeting with a brief summary of:
 - (a) the history of the matter;

- (b) consultation undertaken about the issue and the proposal;
 - (c) the rationale for any proposals;
 - (d) the range of views on the issue, noting that care may need to be taken if some of these views may be harmful or hurtful to some people; and
 - (e) links to relevant documents, articles etc.
- (5) In general each meeting should have no more than three or four agenda items in a category set out in subclause (3) or (4).

10 Discussion

- (1) The person bringing the issue to the meeting or making the proposal will be asked to introduce the item.
- (2) The facilitator will then take any questions and comments from the floor.
- (3) The facilitator will keep a list of people wishing to speak. The facilitator will in general ask people to contribute in the order that they indicated their wish to contribute, but be flexible with the order of recognition of speakers, for example, in the interests of affirmative action, to ensure the maximum participation of all involved, to allow for discussion of different views and to not allow any member to dominate the discussion.
- (4) An observer must not participate in the discussion of an agenda item without the consent of the meeting.
 - (a) consent of the meeting is granted where observers are providing a submission to State Council on an item, providing a report to State Council, or have been specifically invited to attend the meeting to provide their perspectives on an item; and
 - (b) in circumstances other than those listed in subclause (4)(a) the facilitator or any State Councillor may seek the leave of the meeting for an observer to be added to the speaking list for an item. If there is not consensus then the matter may be put to a procedural proposal.
- (5) The facilitator will have the right to speak at any time. Minimal discussion on substantive matters will be entered into by the meeting facilitator, unless they have placed themselves on the speaking list and stood aside from the facilitator role.
- (6) The facilitator will close discussion when the time allotted for the agenda item has expired. The facilitator will seek feedback as to how the meeting wishes to proceed if the discussion is not finalised. An extension of time will only be permitted if a procedural question is passed.

11 Decision-making process

Every proposed decision of State Council will:

- (a) begin with the word “that”;
- (b) be recorded in the minutes; and
- (c) have the outcome recorded in the minutes in the terms “passed” or “not passed”, and whether the outcome was reached by consensus or vote, and if it was by a vote—a count of members for, against and abstaining.

12 Proposals

- (1) In general, a proposal for a decision on a substantive issue should go through a process of deliberation before being brought to State Council. It should either be formulated as a proposal that takes account of the range of views about the issue in the Party and is a proposal that the proposer genuinely believes there is a chance of reaching consensus on; or a proposal where the proposer believes that there are irreconcilable differences on the issue and believes that State Council needs to make a decision on the issue. State Council has the right to refuse to discuss a proposal put to it if it hasn't been through a process of deliberation, and to instead

undertake a deliberative process about the issue at hand, or request to the proposer that such a deliberative process take place.

- (2) Proposals will only be considered if:
 - (a) they appear in the agenda, or a procedural question to allow consideration is passed;
 - (b) a discussion held earlier during the meeting has constructed a proposal that is directly relevant to the agenda item; or
 - (c) a member has formulated a proposal directly relevant to an agenda item during the consideration of an item.
- (3) Proposals will be numbered, with numbering beginning at '1' at the beginning of each new agenda item.
- (4) Agenda papers, including reports, proposals and accompanying documents must include name of author or proponent and date submitted.
- (5) Proposals will be minuted consistently as follows:
 - (a) if a proposal is dealt with in the usual way:
 - (i) Proposal [number]: That [text of proposal in full].
 - (ii) Proposal [number][not] passed by consensus.
 - (b) if a proposal lapses:
 - (i) Proposal [number]: That [text of proposal in full].
 - (ii) A procedural question, "that the proposal lapse", was passed.
 - (iii) Proposal [number] lapsed.
 - (c) if a proposal is deferred:
 - (i) Proposal [number]: That [text of proposal in full].
 - (ii) A procedural question, "that the Proposal be considered at [a later time this day / the next / a further meeting]", was passed by consensus.
 - (iii) Proposal [number] deferred.
 - (d) if a proposal is put to a vote as required by a procedural question being passed:
 - (i) Proposal [number]: That [text of proposal in full].
 - (ii) Proposal [number] not passed.
 - (iii) A procedural question "that the proposal be put to a vote" was passed.
 - (iv) Proposal [number] was put to a vote and was [not] passed ([number] Ayes; [number] Noes; [number] Abstentions).

13 Modifications to proposals to aim to reach consensus

- (1) If a proposal does not have consensus then the facilitator will ask for clarification from the meeting as to what are the barriers to consensus.
- (2) The facilitator will then call for any proposed modifications to the proposal which could help reach consensus.
- (3) Modifications to proposals should be made in good faith as changes that the person proposing them believe will help reach consensus.
- (4) Modifications to proposals will, if longer than ten words, be written.
- (5) The proposal as modified will then be tested for consensus. If consensus is still not reached, the facilitator will seek further feedback as to what the blockages to consensus are and seek further or additional suggested changes to the original or modified proposal. This process may continue for some time while the meeting assesses that progress is being made towards consensus.

- (6) The facilitator may call for or consider procedural proposals if it seems that progress towards consensus is stalled, or if the time allocated for discussion is about to be reached.

14 Procedural proposals

- (1) Procedural proposals must be dealt with once raised.
- (2) Procedural proposals may be raised by any State Councillor at any time. If the facilitator deems the frequency or substance of procedural questions from any one State Councillor to be deliberately vexatious, that State Councillor must abide by any request of the facilitator to cease raising procedural questions for a period of time stated by the facilitator.
- (3) Once a procedural proposal is raised by a State Councillor, that State Councillor may briefly state a reason for raising it and the facilitator must then immediately ask State Councillors if there is any dissent to the procedural proposal being passed. Following this:
 - (a) if there is no dissent, the procedural proposal is passed; or
 - (b) if there is dissent, the facilitator may allow the reasons for dissent to be stated briefly, then the proposer may ask for the procedural proposal to be voted on.
- (4) Procedural proposals should generally only take the form of one of the following phrases or of those referred to elsewhere in this Bylaw:
 - (a) "that consideration of this agenda item be extended for [number] minutes": The effect of this procedural question being agreed is to extend time for discussion beyond the time allowed for in the agenda;
 - (b) "that time for discussion on the proposal now expire": The effect of this procedural proposal being agreed is to require the facilitator to immediately test for consensus on the proposal, that is, to end any discussion immediately. It should not be used in an attempt to silence dissent, and generally should only be used if the time allotted to debate is nearing its end;
 - (c) "that the proposal be considered at a later time this meeting"*:
 - (i) the effect of this procedural proposal being agreed is to require the State Secretary to schedule time later in the meeting for further consideration of the proposal at hand; and
 - (ii) *if this proposal is passed there may also be additional processes proposed for a smaller number of state councillors to attempt to reach consensus about a proposal before the issue returns to the meeting;
 - (d) "that the matter be considered at a future meeting":
 - (i) the effect of this procedural proposal being agreed is to require the State Secretary to schedule time on the agenda for the next State Council meeting for debate on the substantive matter at hand, but allows flexibility for the redrafting of any proposals; and
 - (ii) if this is passed there may also be additional proposals to determine timelines and processes for deliberation before the issue returns to State Council;
 - (e) "that the proposal lapse": The effect of this procedural proposal being agreed is to defeat, rather than defer, a proposal, without first testing for consensus. It should only be put if it has become apparent that a decision on the matter is not required;
 - (f) "that the proposal be put to a vote": The effect of this procedural proposal being agreed is to put the proposal at hand to a vote. It should only be put for the reasons stated in the Constitution;
 - (g) "that proposal [number] be now considered" the effect of this procedural proposal being agreed is to consider a proposal in a different order to that stated on the agenda;

- (h) “that a proposal regarding [very short description of substance of proposal] be considered”: The effect of this procedural question being agreed is for State Council to consider a Proposal that did not appear on the agenda;
 - (i) “that the *State Council Procedure Bylaw* be suspended for [number] minutes to allow for [details of matter]”: The effect of this procedural question being agreed is to suspend this Bylaw for a determined amount of time;
 - (j) “that the meeting go in camera to discuss [details of matter]” and, if necessary, “and that [observers’ names] be permitted to stay due to [short rationale]”: the effect of this procedural question being agreed is for the meeting to go in camera and, if necessary, for certain observers to be permitted to stay. This procedural question should only be raised when absolutely necessary;
 - (k) “that the ruling of the facilitator be overturned”: the effect of this procedural question being agreed is to overturn the facilitator’s most recent ruling on a procedural matter or procedural question. It must only be raised in the most serious of cases;
 - (l) “that the facilitator step down”: the effect of this procedural question being agreed is to require the facilitator to step down, and for the State Convenor to choose another facilitator. It must only be raised in the most serious of cases; and
 - (m) “that [name] cease raising procedural questions”: the effect of this procedural question being agreed is to disallow any one State Councillor from raising procedural questions for the rest of the meeting. It must only be raised in the most serious of cases.
- (5) Procedural questions will be minuted consistently as follows: A procedural proposal, “that [text of question]”, was [not] passed.
- (6) Proposals with budgetary implications must indicate where changes to income and/or expenditure would need to be made in order to balance the current budget.

15 Post meeting process

- (1) The draft minutes will be distributed within 7 days of the meeting.
- (2) Should any State Councillor wish to raise any concerns with the minutes, these should be emailed in advance in preference to raising them at the next meeting.

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General Meetings Bylaw

Version as at 15 September 2024

1 Scope

This Bylaw is made pursuant to clauses 39(2) and (6) of the Constitution.

2 Notice

Notice of general meetings and proposed special resolutions must be given electronically by email.

3 Procedure

- (1) A general meeting must decide its own agenda, subject to the Constitution.
- (2) Any member in attendance at a general meeting may put a procedural proposal to the meeting.
- (3) If a procedural proposal is put to a general meeting by a member, the facilitator must at least allow an opportunity for:
 - (a) the member who put the proposal to speak in favour of it for 30 seconds; and
 - (b) another member to speak against the proposal for 30 seconds.
- (4) If the facilitator considers that a member is attempting to disrupt a general meeting, they may refuse any procedural proposal put to the meeting by that member.
- (5) A proposal that is put to a vote is passed if it meets the following requirements:

Type	Requirements
Procedural proposal	A majority of members in attendance who vote on the proposal vote in favour
Formal proposal	At least two thirds of the members in attendance who vote on the proposal vote in favour
Ceremonial proposal	

- (6) Before the facilitator puts a proposed special resolution to a vote, they must at least allow an opportunity for:
 - (a) the member(s) who submitted the proposed resolution, or a member they have appointed as their delegate, (**mover**) to speak to it for two minutes;
 - (b) members to ask genuine questions (not 'Dorothy Dixers') of the mover for five minutes;
 - (c) three members to speak against the proposed resolution for two minutes each;
 - (d) two members to speak in favour of the proposed resolution for two minutes each; and
 - (e) the mover to again speak to the proposed resolution for two minutes.
- (7) If the facilitator considers that it may not be possible to consider each proposed special resolution on the agenda while keeping the general meeting to a reasonable length, they must:
 - (a) announce this to the meeting and act to ensure that remaining proposed special resolutions are considered and voted on in a timely manner; or
 - (b) put a procedural proposal to the meeting to defer consideration of any remaining proposed special resolutions after the meeting comes to a specified time.

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Committee Elections Bylaw

Version as at 16 November 2024

1 Definitions

In this Bylaw:

- (a) **committee** has the meaning given in the *Committees of State Council Bylaw*; and
- (b) **election period** means the period of a committee election beginning at the opening of the nomination period and ending 30 days after the results are declared.

2 Elections

- (1) A committee election must be held each year, beginning with the call for nominations within three months after the State Council scheduled election and ending with the declaration of which candidates are elected no more than two months after the call for nominations.
- (2) The positions open for election at a committee election are the elected positions on each committee for a term of office beginning on the day the results of the election are declared and ending on the day the results of the committee election held the next year are declared.
- (3) Each member is eligible to vote in a committee election.
- (4) If a committee election is terminated or its results are declared void, it must be held again as soon as possible.

3 Returning Officer

- (1) Before each committee election, State Council must appoint one member individually, or two members jointly, to be the Returning Officer.
- (2) A member is not eligible to be appointed as the Returning Officer if they:
 - (a) are a State Councillor;
 - (b) are a member who holds public office; or
 - (c) are an employee or a member of the staff of the Party or a member who holds public office.
- (3) The Returning Officer:
 - (a) is responsible for impartially conducting the committee election; and
 - (b) is delegated the powers necessary to carry out their responsibilities.
- (4) The Returning Officer may:
 - (a) make information and statistics about committee elections available to members; and
 - (b) request the assistance of any person or party body except the Constitutional Votes Committee and each member of the Committee in that capacity.
- (5) If, during the associated election period, the Returning Officer decides that the committee election has been or was unacceptably compromised, they must take remedial action, including by:
 - (a) winding it back to any point;
 - (b) terminating it;
 - (c) conducting a recount; and
 - (d) amending or declaring void its results.
- (6) The Returning Officer must not take direction from any person or party body.

4 Eligibility for election

- (1) A member is eligible for election to a committee if they live in Victoria.

- (2) A member is not eligible for election to a committee if they:
 - (a) are a State Councillor;
 - (b) are the Returning Officer;
 - (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 the Party or a member who holds public office; or
 - (f) in the last five years, have been suspended for a period of three months or more, or expelled, from the Party or another Greens party.
- (3) Subclause (2)(a) does not apply to election to the National Affairs Committee.

5 Conduct of elections

- (1) Each committee election must be conducted in accordance with the following principles:
 - (a) equal treatment of candidates;
 - (b) prevention of improper or unfair influence;
 - (c) encouragement of the maximum number of nominees;
 - (d) freedom of debate and truthful communication;
 - (e) informed voting; and
 - (f) substantial compliance is sufficient compliance.
- (2) The Returning Officer 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 running for more than one committee to provide the order of preference they have for election to each such committee;
 - (h) make available to members:
 - (i) candidate statements;
 - (ii) orders of preference provided by candidates running for more than one committee;
 - (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 positions open for election on each committee;
 - (k) provide a means for members to raise concerns about the committee election;
 - (l) employ a system under which, if a candidate would be elected to more than one committee other than the National Affairs Committee, they must be elected based on their order of preference or, if that is not possible, by random assignment, and then eliminated from the count for the further committee(s) that they must not be elected to, and their preferences distributed;
 - (m) declare which candidates are elected to which positions; and

- (n) make the results of the ballot available to members.
- (3) 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.

6 Election rules

- (1) Before each committee election, the Returning Officer must make, and make available to members, rules for that election (**election rules**) that provide for the practical implementation of the principles in clause 5(1), the requirements in clause 5(2) and the rule in clause 5(3).
- (2) 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.
- (3) The election rules may provide that:
 - (a) certain modes of campaigning are prohibited; and
 - (b) candidates must be assisted by the Party to contact each member.
- (4) 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 a ruling of the Returning Officer.
- (5) State Council may amend the election rules in exceptional circumstances.

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Other Matters Bylaw

Version as at 16 November 2024

1 Offices required by legislation

- (1) State Council must appoint the State Director to be:
 - (a) the Secretary of the Association;
 - (b) the registered officer under the *Commonwealth Electoral Act 1918* (Cth); and
 - (c) the registered officer under the *Electoral Act 2002*.
- (2) The State Director must appoint:
 - (a) at least one party employee to be a deputy registered officer under the *Commonwealth Electoral Act 1918* (Cth);
 - (b) at least one party employee to be a deputy registered officer under the *Electoral Act 2002*; and
 - (c) a party employee to be the party agent under the *Commonwealth Electoral Act 1918* (Cth).

2 Census

- (1) Each year, the State Director or their delegate must conduct a census on at least the following information as at 1 March:
 - (a) the number of members;
 - (b) the number of members of each branch; and
 - (c) the number of members of each branch living in:
 - (i) each local government area;
 - (ii) each state electorate; and
 - (iii) each federal electorate.
- (2) The State Director or their delegate must make a written report on the census and make that report available to members on the members' website.

3 State Council deed of confidentiality

- (1) The State Director must keep a deed about the use of confidential party information by State Councillors and appointed State Council attendees (***deed of confidentiality***).
- (2) When a State Councillor or appointed State Council attendee assumes office, they must be asked to sign the deed of confidentiality and submit it to the State Director.
- (3) State Councillors and appointed State Council attendees who have signed and submitted the deed of confidentiality must be granted online access to confidential State Council documents.
- (4) State Councillors and appointed State Council attendees who have not signed and submitted the deed of confidentiality may only access confidential State Council documents by:
 - (a) making an appointment with the State Director or their delegate to view the documents in-person at State Office; and
 - (b) relinquishing access to any recording device for the duration of such an appointment.

4 Bylaws

- (1) State Council may make, amend or repeal, or suspend in whole or in part for a specified period, a Bylaw.
- (2) State Council must give members at least 14 days' notice of a proposal to make, amend, repeal or suspend a Bylaw.

- (3) State Council may make, amend, repeal or suspend a Bylaw in urgent circumstances, or amend a Bylaw to correct drafting errors, without giving notice to members.
- (4) A decision of State Council overrides these Bylaws to the extent of any inconsistency, subject to the Constitution and the Act.

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Definitions Bylaw

Version as at 1 November 2024

In these Bylaws:

Act has the meaning given in the Constitution;

appointed State Council attendee means a member appointed to attend, and speak at, State Council meetings under Schedule 5, item 6(1) or (2) of the Constitution;

Australian Greens has the meaning given in the Constitution;

ballot has the meaning given in the Constitution;

Blak Greens State Councillor means the State Councillor appointed under Schedule 7 of the Constitution;

casual vacancy has the meaning given in the Constitution;

Charter has the meaning given in the Constitution;

consensus has the meaning given in the Constitution;

Constitution means the Constitution of The Australian Greens Victoria Incorporated;

disciplinary action has the meaning given in the Constitution;

Greens party has the meaning given in the Constitution;

insolvent under administration has the meaning given in the Constitution;

local councillor has the meaning given to the term **councillor** in the *Local Government Act 2020*;

local government area has the meaning given in the Constitution;

member who holds public office has the meaning given in the Constitution;

National Constitution has the meaning given in the Constitution;

ordinary State Council meeting means a State Council meeting for which State Councillors are given at least 7 days' notice;

Party has the meaning given in the Constitution;

party body has the meaning given in the Constitution;

party office has the meaning given in the Constitution;

policy has the meaning given in the Constitution;

political party has the meaning given in the Constitution;

procedural proposal has the meaning given in the Constitution;

public office has the meaning given in the Constitution;

reconsideration proposal has the meaning given in the Constitution;

represented person has the meaning given in the *Guardianship and Administration Act 2019*;

resolution has the meaning given in the Constitution;

Secretary of the Association has the meaning given in the Constitution;

senior party body has the meaning given in the Constitution;

special measure has the meaning given in the Constitution;

special resolution has the meaning given in the Constitution; and

substantive proposal has the meaning given in the Constitution.