



## **Bylaws of *The Australian Greens Victoria Inc.***

Version as at 17 May 2025

Made by State Council

# Bylaws of *The Australian Greens Victoria Inc.*

Version as at 17 May 2025

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# Bylaws of *The Australian Greens Victoria Inc.*

## Membership Bylaw

Version as at 17 May 2025

### 1 Authorising provisions

This Bylaw is, in part, made under clauses 8(2) and 30(2) of the Constitution.

### 2 Applying for membership

- (1) The State Director or their delegate must make a form (***membership application form***) available on the public website that requires a person to at least:
  - (a) provide their name, phone number, email address, postal address and residential address;
  - (b) regarding any community working group of which they wish to and are eligible to be a member, select that:
    - (i) they wish to be a member of that community working group; and
    - (ii) they declare they are eligible to be a member of that community working group;
  - (c) declare that they:
    - (i) support the purposes of the Party;
    - (ii) agree to be bound by the Constitution and the Charter; and
    - (iii) are not a member of, and as a member will not simultaneously become a member of, a political party that is not a Greens party;
  - (d) pay:
    - (i) a general membership fee; or
    - (ii) if it is applicable to them—a special membership fee; and
  - (e) select if they wish for that membership fee to be automatically paid when their membership fee is due.
- (2) The State Director or their delegate must make available with the membership application form information about how a person can apply for a reduction of their membership fee if they are facing financial hardship.
- (3) A natural person who resides in Victoria may apply for membership by completing and submitting the membership application form.

### 3 Admitting an applicant as a member

- (1) The State Director or their delegate must ensure that each applicant is listed as such on the membership list of the branch of which they will become a member if they are admitted as a member.
- (2) For each applicant listed on a branch's membership list, the branch must:
  - (a) ensure an effort is made to vet the applicant;
  - (b) ensure the applicant is welcomed and informed of how to get involved;
  - (c) ensure the applicant's name is given to branch members for the purpose of seeking any information about them;
  - (d) make a recommendation (***admission recommendation***) that:
    - (i) the applicant be admitted as a member; or
    - (ii) the applicant's membership application be rejected; and

- (e) ensure that recommendation is entered into its membership list.
- (3) If a branch does not carry out the requirements in subclauses (2)(d) and (e) within 45 days after an applicant applies for membership, the State Director or their delegate must refer that applicant to the Finance and Administration Committee.
- (4) If an applicant is referred to the Finance and Administration Committee, it must:
  - (a) ensure that the branch carries out the requirements in subclause (2)(d) and (e); or
  - (b) carry out the requirements of the branch in subclauses (2)(a) and (d) itself.
- (5) After an admission recommendation is entered into a branch's membership list or made by the Finance and Administration Committee, the State Director or their delegate must:
  - (a) if only State Council may admit the applicant as a member—refer the admission recommendation to State Council; and
  - (b) otherwise:
    - (i) if the admission recommendation is that the applicant be admitted as a member—admit the applicant as a member; or
    - (ii) if the admission recommendation is that the applicant's membership application be rejected—refer the admission recommendation to State Council.
- (6) Only State Council may admit an applicant as a member if:
  - (a) they have been expelled from the Party;
  - (b) their last membership application was rejected;
  - (c) they are a candidate for or a holder of public office; or
  - (d) State Council has decided that only it may admit them under clause 13(4) of the *Misconduct Bylaw*.
- (7) If an admission recommendation is referred to State Council, it must, within the next two ordinary State Council meetings:
  - (a) consider the admission recommendation and any other relevant information; and
  - (b) decide to:
    - (i) admit the applicant as a member; or
    - (ii) reject the applicant's membership application.
- (8) Before considering an admission recommendation, State Council must consider whether to move into closed session.

#### 4 Membership fees

- (1) Each member is due to pay a membership fee each year by the first day of the month in which they were admitted as a member.
- (2) The general membership fees are:

Type	Amount
Concession	\$30
Regular	\$90
Pay it forward	\$180

- (3) The special membership fees are:

Type	Amount
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First Nations	\$1
Student	\$5

- (4) The State Director or their delegate must make a form (**membership renewal form**) available on the public website that requires a member to at least:
  - (a) pay:
    - (i) a general membership fee; or
    - (ii) if it is applicable to them—a special membership fee; and
  - (b) select if they wish for that membership fee to be automatically paid when their membership fee is due.
- (5) The State Director or their delegate must make available with the membership renewal form information about how a person can apply for a reduction of their membership fee if they are facing financial hardship.
- (6) The State Director or their delegate must give each member, within a reasonable time before they are due to pay a membership fee, written notice of:
  - (a) when their membership fee is due;
  - (b) if they have selected for a membership fee to be automatically paid:
    - (i) the fact that their membership fee is set to be automatically paid; and
    - (ii) how they can change the type of membership fee they are set to pay;
  - (c) where they can access the membership renewal form; and
  - (d) how they can apply for a reduction of their membership fee if they are facing financial hardship.
- (7) If a member has not paid their membership fee by the day it is due, the State Director or their delegate must make an effort to send them written notice by post of:
  - (a) where they can access the membership renewal form;
  - (b) the date they will cease to be a member if they fail to pay a membership fee; and
  - (c) how they can apply for a reduction of their membership fee if they are facing financial hardship.
- (8) A person facing financial hardship may apply for a reduction of their membership fee to no less than \$1 by giving written notice to the State Director or their delegate.
- (9) If such an application is made, the State Director or their delegate must approve the reduction and notify the Finance and Administration Committee of this in writing.
- (10) If a person's membership application is rejected, the membership fee they paid must be refunded.

## 5 Branch membership

- (1) Upon being admitted as a member, a member must be made a member of:
  - (a) the branch in whose branch area they live; or
  - (b) if they have given written notice to the State Director or their delegate requesting that they become a member of a particular adjacent branch—that branch.
- (2) A member may apply to be transferred to another branch by:
  - (a) if the branch is the one in whose branch area they live or an adjacent branch—giving written notice requesting that they be transferred to that branch to the State Director or their delegate (**local transfer application**); and

- (b) otherwise—giving written notice requesting that they be transferred to that branch, and a written explanation of why they wish to be transferred to that branch, to the State Director or their delegate (***special transfer application***).
- (3) The State Director or their delegate must:
  - (a) approve each local transfer application; and
  - (b) refer each special transfer application to the Finance and Administration Committee.
- (4) If a special transfer application is referred to the Finance and Administration Committee, it must consider the merits of the application and decide to approve or reject the transfer.

## **6 Membership of another political party**

- (1) If the State Director or their delegate is reasonably satisfied that a member is simultaneously a member of a political party that is not a Greens party or the Australian Greens, they must, in writing, direct the member to either:
  - (a) resign as a member; or
  - (b) resign as a member of any political party that is not a Greens party.
- (2) If such a member does not comply with that direction within seven days, the State Director or their delegate must:
  - (a) expel the member from the Party; and
  - (b) give them written notice:
    - (i) of the decision; and
    - (ii) that their opportunity to appeal the decision under subclause (3) has started.
- (3) A former member expelled under subclause (2)(a) may appeal the decision to expel them to State Council within seven days of being notified of their right to appeal.
- (4) If an appeal is made, the next ordinary State Council meeting:
  - (a) must consider the appeal; and
  - (b) if circumstances justify, may set aside the decision to expel the member and readmit them to membership.
- (5) Before considering the appeal, State Council must consider whether to move into closed session.

## **7 Changes to membership information**

A member must give written notice to the State Director or their delegate of any changes to the information they provided under clause 2(1)(a).

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**Branches Bylaw**  
Version as at 17 May 2025

**1 Authorising provision**

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

**2 Access to branch resources**

- (1) For the purposes of branch management, each branch must pass a proposal each year to grant:
  - (a) access to only the branch inbox, e-list and membership list (**communications access**) to two to six of its members; and
  - (b) access to the branch inbox, e-list, membership list, virtual account and financial reporting tool (**financial access**) to two to 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) If such an application is made, the Finance and Administration Committee must consider the merits of the application and decide to approve or reject the increase.

**3 Contact persons**

Each branch must, each year, appoint at least one of its members as a contact person.

**4 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 members of the branch, convene a branch meeting.

**5 Change of branch name**

- (1) A branch may apply for its name to be changed by:
  - (a) passing a proposal that specifies its proposed new name; and
  - (b) giving written notice of that resolution, and a written explanation of the reasons for the proposed change of its name, to State Council.
- (2) If such an application is made, State Council must, within the next two ordinary State Council meetings, consider the merits of the application and decide to approve or reject the change of the branch's name.

**6 Branch areas**

Each branch's branch area corresponds to one or more of the following local government areas:

Branch area	Corresponding local government area(s)
Ballaarat and District	Rural City of Ararat City of Ballarat Shire of Hepburn Shire of Moorabool Rural City of Horsham Shire of Northern Grampians Shire of Pyrenees Shire of Southern Grampians



Banyule	City of Banyule
Bass Coast	Shire of Bass Coast
Bayside-Glen Eira	City of Bayside City of Glen Eira
Bellarine	Borough of Queenscliffe City of Greater Geelong wards of Leopold, Connewarre and Murradoc
Bendigo	City of Greater Bendigo
Boroondara	City of Boroondara
Brimbank-Melton	City of Brimbank City of Melton
Cardinia	Shire of Cardinia
Carrum Carrum	City of Frankston City of Kingston
Casey-Greater Dandenong	City of Casey City of Greater Dandenong
Dandenong Ranges	Shire of Yarra Ranges wards of Billanook, Chandler, Chirnside, Lyster, Melba, Streeton and Walling
Darebin-Whittlesea	City of Darebin City of Whittlesea
East Gippsland	Shire of East Gippsland
Geelong	City of Greater Geelong wards of Barrabool Hills, Charlemont, Deakin, Cheetham, Corio, Hamlyn Heights, Kardinia and You Yangs
Greater Gippsland	Shire of Baw Baw City of Latrobe Shire of South Gippsland Shire of Wellington
Goulburn-Murray	City of Greater Shepparton Shire of Moira Shire of Campaspe
Healesville and Upper Yarra	Shire of Yarra Ranges wards of Ryrie and O'Shannassy
Hobsons Bay	City of Hobsons Bay
Macedon	Shire of Macedon Ranges
Manningham	City of Manningham

Maribyrnong	City of Maribyrnong
Maroondah-Knox	City of Knox City of Maroondah
Melbourne City	City of Melbourne
Mildura	City of Mildura City of Swan Hill Rural
Monash	City of Monash
Moonee Valley	City of Moonee Valley
Merri-bek and Hume	City of Hume City of Merri-bek
Mornington Peninsula	Shire of Mornington Peninsula
Mount Alexander	Shire of Mount Alexander
Nillumbik	Shire of Nillumbik
North East Victoria	Shire of Alpine Rural City of Benalla Shire of Indigo Shire of Mansfield Shire of Murrindindi Shire of Strathbogie Shire of Towong Rural City of Wangaratta City of Wodonga
Otways	Shire of Colac Otway
Port Phillip	City of Port Phillip
Stonnington	City of Stonnington
Surf Coast	Shire of Surf Coast
Warrnambool	City of Warrnambool Shire of Glenelg Shire of Moyne
Whitehorse	City of Whitehorse
Wyndham	City of Wyndham
Yarra	City of Yarra
No branch area	Shire of Buloke Shire of Central Goldfields Shire of Corangamite Shire of Gannawarra Shire of Golden Plains Shire of Hindmarsh

	Shire of Loddon Shire of Mitchell Shire of West Wimmera Shire of Yarriambiack
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# Community Working Groups Bylaw

Version as at 17 May 2025

## 1 Definitions

- (1) In this Bylaw, **working group** means community working group.
- (2) In these Bylaws, **community working group** means:
  - (a) the Blak Greens Victoria;
  - (b) any party body established by a terms of reference made under clause 2(1); and
  - (c) any listed party body, within the meaning of clause 3 of the *Transitional Provisions Bylaw*.

## 2 Terms of reference

- (1) State Council may make, amend or repeal the terms of reference of a working group.
- (2) The terms of reference of a working group must provide for at least:
  - (a) the name of the working group;
  - (b) the purposes of the working group;
  - (c) the eligibility requirements for membership of the working group;
  - (d) the quorum for a meeting of the working group;
  - (e) the management of the working group; and
  - (f) the appointment or election of the management of the working group.
- (3) Subclauses (1) and (2)(c) do not apply to the Blak Greens Victoria.

## 3 Membership

A member must be made a member of a working group if they:

- (a) in an appropriate form on the public website, select that:
  - (i) they wish to be a member of that working group; and
  - (ii) they declare they are eligible to be a member of that working group; or
- (b) give written notice to the State Director or their delegate:
  - (i) requesting that they be made a member of that working group; and
  - (ii) declaring that they are eligible to be a member of that working group.

## 4 Meeting procedure

- (1) A working group meeting may be convened:
  - (a) in accordance with any procedure in the terms of reference of a working group or made under subclause (9);
  - (b) in the absence or failure of any such procedure—in consultation with members of 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) A working group meeting must comply with the requirements in clause 4 of the Constitution.
- (4) A working group meeting must decide its own agenda.
- (5) Working groups must keep minutes of their meetings.
- (6) The types of proposal that may be put to a working group meeting are:
  - (a) a procedural proposal; and

(b) a substantive proposal.

(7) 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

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

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

## 5 Reporting

Each working group must give State Council a written report each year about its work and any matters it considers important.

## 6 Access to working group resources

(1) For the purposes of working group management, each working group must pass a proposal each year to grant:

(a) access to only the working group inbox, e-list and membership list (**communications access**) to two to 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 two to 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) If such an application is made, the Finance and Administration Committee must consider the merits of the application and decide to approve or reject the increase.

## 7 Contact persons

Each working group must, each year, appoint at least one of its members as a contact person.

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# State Council Governance Bylaw

Version as at 17 May 2025

## 1 Definition

In this Bylaw, **subcommittee** means a subcommittee of State Council established by this Bylaw.

## 2 State office bearers

- (1) The state office bearer positions are:
  - (a) the State Convenor;
  - (b) the State Secretary;
  - (c) the State Treasurer; and
  - (d) State Council's National Councillor.
- (2) Each state office bearer position must be held by:
  - (a) one State Councillor; or
  - (b) except for State Council's National Councillor, two State Councillors jointly.
- (3) If a state office bearer position is held by two State Councillors jointly:
  - (a) they may each individually carry out all of the responsibilities of, and exercise all of the powers of, the position;
  - (b) in their capacity as state office bearers, if they disagree on a decision, they are deemed to have not made a decision; and
  - (c) if the position confers membership of a party body:
    - (i) they are considered to be one member of that party body;
    - (ii) the attendance of only one of them at a meeting of that party body is sufficient to contribute to quorum; and
    - (iii) if they disagree on a vote on a proposal put to a meeting of that party body, they are deemed to have abstained.
- (4) A State Councillor must not hold more than one state office bearer position at the same time.
- (5) The State Convenor is responsible for:
  - (a) ensuring that State Council has a schedule each year for ordinary State Council meetings, members' forums and the annual State Conference;
  - (b) making, with the agreement of all State Councillors, a plan each quarter for State Council's work, and publishing it on the members' website;
  - (c) facilitating, or appointing facilitators of, State Council meetings, State Conferences and members' meetings;
  - (d) on behalf of State Council, reporting regularly to each member about State Council's work and the affairs of the Party;
  - (e) before each annual State Conference, ensuring State Council's annual report is made;
  - (f) acting as a spokesperson for State Council and the Party on party matters;
  - (g) consulting all other State Councillors as a group before making a statement on behalf of State Council or the Party, unless urgent circumstances make this impracticable; and
  - (h) serving as Convenor of the Greens party in respect of the Party for the purposes of the provisions of the National Constitution.
- (6) The State Secretary is responsible for:
  - (a) ensuring that correspondence and notices received by State Council are responded to, dealt with, filed, and reported to all State Councillors, as appropriate;

- (b) giving members notice of State Council meetings, members' forums, State Conferences and members' meetings;
  - (c) regarding the draft agendas of State Council meetings:
    - (i) making them in consultation with the State Convenor;
    - (ii) giving them to each State Councillor and appointed State Council attendee; and
    - (iii) publishing them on the members' website;
  - (d) regarding the agendas of members' forums, State Conferences and members' meetings:
    - (i) making them in consultation with all State Councillors;
    - (ii) giving them to each member; and
    - (iii) publishing them on the members' website;
  - (e) taking minutes of, or appointing minute takers for, State Council meetings, State Conferences and members' meetings;
  - (f) regarding the minutes of State Council meetings and members' meetings, and the draft minutes of State Conferences:
    - (i) making them with the agreement of State Councillors; and
    - (ii) publishing them on the members' website;
  - (g) ensuring that State Council has the information that it requires to carry out its responsibilities;
  - (h) facilitating the implementation of State Council's decisions, and of resolutions of State Conferences and members' meetings, as required;
  - (i) filing State Council's documents; and
  - (j) serving as Secretary of the Greens party in respect of the Party for the purposes of the provisions of the National Constitution.
- (7) The State Treasurer is responsible for:
- (a) overseeing the management of party finances;
  - (b) giving State Council a written report each quarter about party finances; and
  - (c) before each annual State Conference, ensuring the audited financial statements and the report of the audit of those statements are made.
- (8) State Council's National Councillor is responsible for:
- (a) representing State Council on National Council; and
  - (b) liaising with National Council on behalf of State Council.
- (9) State Council delegates to state office bearers the powers necessary to carry out their responsibilities.
- (10) A state office bearer ceases to hold that office if:
- (a) they resign by giving written notice to each State Councillor;
  - (b) they are no longer eligible to be elected to that office; or
  - (c) they are removed from office by State Council.
- (11) If two State Councillors hold a state office bearer position jointly and one of them ceases to hold that office, the position becomes vacant immediately before the opening of the next ordinary State Council meeting.
- (12) 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 must be held at the first ordinary State Council meeting after a casual vacancy arises, unless it arises in June.
- (3) Before an election is held, State Council must appoint a member as the Returning Officer.
- (4) The Returning Officer is responsible for impartially conducting the election.
- (5) State Council delegates to the Returning Officer the powers necessary to carry out their responsibilities.
- (6) The Returning Officer must not nominate for a state office bearer position.
- (7) For each state office bearer position open for election, the Returning Officer must:
  - (a) provide an opportunity for State Councillors to nominate for the position by written notice, or by verbal notice during the State Council meeting, to the Returning Officer;
  - (b) provide an opportunity for candidates to make, or have the Returning Officer read out for them, a statement to the meeting about their candidacy;
  - (c) run a ballot;
  - (d) allow only State Councillors in attendance (except by proxy) to vote; and
  - (e) declare which candidate is elected to office.
- (8) Each state office bearer position becomes vacant 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:
  - (a) the State Convenor;
  - (b) the State Secretary;
  - (c) the State Treasurer; and
  - (d) State Council's National Councillor.
- (2) The Secretariat Subcommittee is responsible for:
  - (a) receiving and responding to correspondence on behalf of State Council;
  - (b) receiving notices and minutes of meetings on behalf of State Council;
  - (c) convening State Council meetings, members' forums, State Conferences and members' meetings, as required;
  - (d) regarding a calendar for State Council:
    - (i) making one each year;
    - (ii) publishing it on the members' website; and
    - (iii) notifying each State Councillor and appointed State Council attendee in writing of any change it makes to it;
  - (e) keeping the party handbook;
  - (f) conducting, and publishing on the members' website a written report about, a census each year on at least the following information as at 1 March:
    - (i) the number of members;
    - (ii) the number of members of each branch; and



- (iii) the number of members of each branch living in each local government area, federal electorate and state electorate;
  - (g) deeming documents confidential to State Councillors and appointed State Council attendees only as required;
  - (h) with the agreement of all other State Councillors, answering branch questions to State Council;
  - (i) advising State Council on dealing with branch proposals and joint branch proposals to State Council;
  - (j) giving State Councillors leave not to attend State Council meetings;
  - (k) carrying out the responsibilities of a state office bearer position in the case of a casual vacancy or the State Councillor(s) holding it being on leave; and
  - (l) overseeing State Office and acting as the manager of the State Director.
- (3) State Council delegates to the Secretariat Subcommittee the powers necessary to carry out its responsibilities.

## 5 Urgent and Delegated Decisions Subcommittee

- (1) The Urgent and Delegated Decisions Subcommittee is made up of:
- (a) the State Convenor;
  - (b) the State Secretary;
  - (c) the State Treasurer;
  - (d) State Council's National Councillor; and
  - (e) one other State Councillor.
- (2) The Urgent and Delegated Decisions Subcommittee is responsible for:
- (a) considering proposals on urgent matters put to it by any two State Councillors (**urgent proposals**); and
  - (b) considering proposals on matters delegated to it by State Council (**delegated proposals**).
- (3) State Council delegates to the Urgent and Delegated Decisions Subcommittee the power to consider and pass urgent proposals and delegated proposals.
- (4) A proposal put to the Urgent and Delegated Decisions Subcommittee is passed if it meets the following requirements:

Type	Requirements
Urgent proposal	At least three members of the Urgent and Delegated Decisions Subcommittee are in favour and none are against
Delegated proposal	At least four members of the Urgent and Delegated Decisions Subcommittee are in favour

- (5) The Urgent and Delegated Decisions Subcommittee must give written notice to each State Councillor and appointed State Council attendee of any resolution it makes as soon as possible.
- (6) A resolution of the Urgent and Delegated Decisions Subcommittee must, to the fullest practical and legal extent, be treated as never having been made if State Council does not ratify it by the end of the next ordinary State Council meeting.

## 6 Recruitment and Affirmative Action Subcommittee

- (1) The Recruitment and Affirmative Action Subcommittee is made up of three State Councillors.
- (2) The Recruitment and Affirmative Action Subcommittee is responsible for:

- (a) soliciting and receiving expressions of interest from members to fill vacancies or additional positions on the following bodies (***specified bodies***):
    - (i) the Constitutional Votes Committee;
    - (ii) committees of State Council;
    - (iii) panels of State Council;
    - (iv) the Australian Greens bodies specified in clause 2 of the *Other Matters Bylaw*; and
    - (v) any other party body specified by State Council;
  - (b) after considering expressions of interest received, the skills and experience required, and the requirement under clause 6(1)(a) of the Constitution:
    - (i) recommending members to State Council for appointment to specified bodies; or
    - (ii) if State Council has requested that it do so—appointing members to specified bodies;
  - (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 about, 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) recommending members for State Council to appoint as returning officers as required;
  - (g) making position descriptions and expectations for each specified body and making these available to members; and
  - (h) conducting exit interviews or surveys with members after they cease to be a member of a specified body.
- (3) State Council delegates to the Recruitment and Affirmative Action Subcommittee the powers necessary to carry out its responsibilities.
  - (4) A recommendation of the Recruitment and Affirmative Action Subcommittee that State Council appoint a member to a specified body:
    - (a) must be considered by the next ordinary State Council meeting; and
    - (b) lapses if that meeting does not appoint the member accordingly, unless State Council defers consideration of it.

## **7 Industrial Relations Subcommittee**

- (1) The Industrial Relations Subcommittee is made up of two State Councillors.
- (2) The Industrial Relations Subcommittee is responsible for:
  - (a) where appropriate, supporting and assisting the State Director on party employment matters;
  - (b) where necessary, making recommendations to State Council about party employment matters;
  - (c) establishing consultative arrangements with employees of the Party; and
  - (d) engaging in enterprise bargaining negotiations on behalf of State Council.
- (3) State Council delegates to the Industrial Relations Subcommittee the powers necessary to carry out its responsibilities.

## **8 Subcommittee procedure**

- (1) A subcommittee may make decisions without meeting by the unanimous agreement of its members.

- (2) A substantive decision of a subcommittee must be made in writing and recorded in the minutes of the next ordinary State Council meeting.

## **9 Appointment to subcommittee**

- (1) State Council must appoint a State Councillor to fill a vacancy on a subcommittee as soon as possible.
- (2) Subclause (1) does not apply to a vacancy on the Secretariat Subcommittee or the Urgent and Delegated Decisions Subcommittee of a state office bearer.

## **10 Vacation of subcommittee position**

- (1) A subcommittee member ceases to hold that position if:
  - (a) they resign by giving written notice to State Council;
  - (b) they are no longer eligible to be appointed to that position; or
  - (c) they are removed from that position by State Council.
- (2) Subclauses (1)(a) and (c) do not apply to state office bearers as members of the Secretariat Subcommittee or the Urgent and Delegated Decisions Subcommittee.
- (3) Each subcommittee position becomes vacant at the opening of the first ordinary State Council meeting held after 30 June.

## **11 Contact persons**

State Council must, each year, appoint three State Councillors as contact persons.

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# Committees of State Council Bylaw

Version as at 17 May 2025

## 1 Definitions

- (1) In this Bylaw, **committee** means committee of State Council.
- (2) In these Bylaws, **committee of State Council** means a committee established by this Bylaw.

## 2 Constitutional status

Each committee has the status of senior party body, within the meaning of the Constitution.

## 3 Victorian Campaigns Committee

- (1) The Victorian Campaigns Committee is made up of:
  - (a) two State Council representatives;
  - (b) three general representatives;
  - (c) up to three additional representatives;
  - (d) three public office representatives; and
  - (e) the State Director or their delegate.
- (2) 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; and
  - (e) taking affirmative action measures in relation to candidates for public office, consistent with any decision of State Council.
- (3) State Council delegates to the Victorian Campaigns Committee:
  - (a) the powers necessary to carry out its responsibilities; and
  - (b) the power to reasonably amend the *Campaigns Bylaw*, the *Preselection Bylaw* and the *Probity Bylaw*.
- (4) The Victorian Campaigns Committee must give written notice and a written explanation of a decision to amend a Bylaw to State Council as soon as possible.

## 4 Victorian Policy Committee

- (1) The Victorian Policy Committee is made up of:
  - (a) two State Council representatives;
  - (b) three general representatives;
  - (c) up to three additional representatives; and
  - (d) three public office representatives.
- (2) 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) convening, giving notice of, and giving notice of proposals to be considered at, state policy forums for the membership to make, amend or repeal state policies;

- (c) acting as the liaison to the Australian Greens Policy Coordination Committee and supporting National Affairs Committee in relation to national policy as required;
  - (d) receiving requests from members and branches to make, amend or repeal a state policy and making a recommendation to State Council regarding each request;
  - (e) if 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;
  - (f) recommending to State Council that it make, amend or repeal a state policy in urgent circumstances;
  - (g) facilitating local policies being consistent with state and national policies, and state policies being consistent with national policies;
  - (h) advising branches on their power to make local policies;
  - (i) establishing, and appointing members to, policy working groups as required; and
  - (j) overseeing policy working groups.
- (3) The Victorian Policy Committee:
- (a) must appoint one of its members as the Party's delegate to the Australian Greens Policy Coordinating Committee; and
  - (b) may appoint another one of its members as the Party's alternate delegate to the Australian Greens Policy Coordinating Committee.
- (4) State Council delegates to the Victorian Policy Committee the powers necessary to carry out its responsibilities.

## **5 Finance and Administration Committee**

- (1) The Finance and Administration Committee is made up of:
- (a) the State Treasurer;
  - (b) one State Council representative;
  - (c) three general representatives;
  - (d) up to three additional representatives; and
  - (e) the State Director or their delegate.
- (2) 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 federal, state and local authorities; and
  - (i) monitoring the number and relative share of membership payments made under the *Membership Bylaw* and number of hardship payments made under clause 4 of the *Membership Bylaw*.
- (3) The Finance and Administration Committee:
- (a) must appoint one of its members as the Party's delegate to the Australian Greens Donations Reference Group; and
  - (b) may appoint another one of its members as the Party's alternate delegate to the Australian Greens Donations Reference Group.
- (4) State Council delegates to the Finance and Administration Committee the powers necessary to carry out its responsibilities.

## **6 National Affairs Committee**

- (1) The National Affairs Committee is made up of:
- (a) State Council's National Councillor;
  - (b) one State Council representative;
  - (c) seven general representatives;
  - (d) the Party's delegate to the Australian Greens Policy Coordinating Committee; and
  - (e) any members who hold public office who are delegates to National Conference.
- (2) 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 (2)(a); and
    - (ii) receive and understand the instructions of State Council;
  - (c) advising State Council and the National Councillors on the Party's engagement with the Australian Greens; and
  - (d) reporting to, and arranging for consultation with, members about National Council and National Conference matters.
- (3) The National Affairs Committee must appoint:
- (a) one of its members under subclauses (1)(b) to (d) as a National Councillor; and
  - (b) from its other members under subclauses (1)(b) to (d), alternates for both National Councillors.
- (4) The members of the National Affairs Committee under subclauses (1)(a) to (d) are the Party's delegates to National Conference.
- (5) State Council delegates to the National Affairs Committee the powers necessary to carry out its responsibilities.

## **7 Office bearers**

- (1) The committee office bearer positions on each committee are:
- (a) the committee convenor; and

- (b) the committee secretary.
- (2) Each committee office bearer position must be held by:
  - (a) one committee member; or
  - (b) two committee members jointly.
- (3) If a committee office bearer position is held by two committee members jointly:
  - (a) they may each individually carry out all of the responsibilities of, and exercise all of the powers of, the position;
  - (b) in their capacity as committee office bearers, if they disagree on a decision, they are deemed to have not made a decision; and
  - (c) if the position confers membership of a party body:
    - (i) they are considered to be one member of that party body;
    - (ii) the attendance of only one of them at a meeting of that party body is sufficient to contribute to quorum; and
    - (iii) if they disagree on a vote on a proposal put to a meeting of that party body, they are deemed to have abstained.
- (4) A committee member must not hold more than one committee office bearer position at the same time.
- (5) A committee convenor is responsible for:
  - (a) convening committee meetings at least once every three months;
  - (b) facilitating, or appointing facilitators of, committee meetings;
  - (c) acting as the primary point of contact for the committee;
  - (d) ensuring that the reports required by clause 10 are given to State Council; and
  - (e) ensuring that the responsibilities of the committee secretary are carried out in the case of a vacancy or the committee member(s) holding the position being on leave.
- (6) A committee secretary is responsible for:
  - (a) ensuring that correspondence and notices received by the committee are responded to and dealt with, as appropriate;
  - (b) giving committee members and State Council notice of committee meetings;
  - (c) regarding the draft agendas of committee meetings:
    - (i) making them in consultation with the committee convenor;
    - (ii) giving them to each committee member; and
    - (iii) publishing them on the members' website;
  - (d) taking minutes of, or appointing minute takers for, committee meetings;
  - (e) regarding the minutes of committee meetings:
    - (i) making them with the agreement of committee members; and
    - (ii) publishing them on the members' website;
  - (f) ensuring that the committee has the information that it requires to carry out its responsibilities;
  - (g) facilitating the implementation of the committee's decisions as required;
  - (h) filing the committee's documents; and
  - (i) ensuring that the responsibilities of the committee convenor are carried out in the case of a vacancy or the committee member(s) holding the position being on leave.

- (7) State Council delegates to committee office bearers the powers necessary to carry out their responsibilities.
- (8) Each committee must, from its members, appoint committee office bearers.
- (9) A committee office bearer ceases to hold that office if:
  - (a) they resign by giving written notice to the committee;
  - (b) they are no longer eligible to be appointed to that office; or
  - (c) they are removed from office by the committee.
- (10) If two committee members hold a committee office bearer position jointly and one of them ceases to hold that office, the position becomes vacant at the opening of the next committee meeting.
- (11) Each committee office bearer position becomes vacant at the opening of the first committee meeting held after a committee election.

## 8 Delegation

- (1) State Council delegates to each committee the power to delegate their power, except this power to delegate, subject to any condition or limitation, to a committee member or a subcommittee it has established.
- (2) A substantive decision made under a committee's delegation must be made in writing and recorded in the minutes of the next committee meeting.

## 9 Meeting procedure

- (1) A committee meeting may be convened:
  - (a) by the committee convenor;
  - (b) by any three committee members;
  - (c) in accordance with any procedure made under subclause (12); or
  - (d) by 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, but not fewer than three; 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 committee members in attendance who vote on the proposal vote in favour
Substantive proposal	At least two thirds of the committee members in attendance who vote on the proposal, and a majority of current committee members who are entitled to vote, vote in favour

- (7) Neither the State Director nor their delegate are entitled to vote at committee meetings.



- (8) A public office representative may appoint a member as their proxy to attend and speak on their behalf at each committee meeting.
- (9) Proxy voting at committee meetings is not allowed.
- (10) A committee may make decisions without meeting by the unanimous agreement of its members who are entitled to vote.
- (11) Such decisions must be made in writing and recorded in the minutes of the next committee meeting.
- (12) A committee may, by a substantive proposal, make additional meeting procedures that are consistent with these procedures.

## **10 Reporting**

Each committee must give State Council a written report, each quarter and on State Council's request, about:

- (a) important matters it is dealing with;
- (b) any strategic, financial or risk concerns it has; and
- (c) any matters that it considers are likely to lead to significant controversy, including amongst the membership.

## **11 Obligations of committee members**

Each committee member must:

- (a) become familiar with the parts of the Constitution and these Bylaws that are relevant to the position they hold; and
- (b) conscientiously participate in the work of the committee of which they are a member.

## **12 Appointment and election**

- (1) State Council must appoint a State Councillor to fill a vacancy in a State Council representative position as soon as possible.
- (2) General representatives are elected under the *Committee Elections Bylaw*.
- (3) State Council must appoint a member to fill a casual vacancy in a general representative position as soon as possible.
- (4) The term of office of a general representative appointed to fill a casual vacancy ends when the term of office of the vacancy was due to end.
- (5) State Council may appoint a member as an additional representative.
- (6) State Council must specify a term of appointment of up to 18 months when appointing an additional representative.
- (7) A committee may recommend a member for State Council to appoint as an additional representative to fill a gap in skills or experience in its membership.
- (8) A member is not eligible to be elected or appointed as a general representative or additional representative if they:
  - (a) are a State Councillor;
  - (b) in the case of election or appointment as a general representative—are the Returning Officer for a committee election;
  - (c) are a member of the Constitutional Votes Committee;
  - (d) are a member who holds public office;
  - (e) are an employee of the Party;
  - (f) are a member of the staff of a member who holds public office; or

- (g) 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.
- (9) Subclause (8)(a) does not apply to the election or appointment of general representatives to the National Affairs Committee.
- (10) Members who hold public office at each of the federal, state and local levels of government must appoint from their number:
  - (a) a public office representative on the Victorian Campaigns Committee; and
  - (b) a public office representative on the Victorian Policy Committee.
- (11) A member must not hold more than one position of committee member on a particular committee at the same time.

### **13 Vacation of position**

- (1) A State Council representative, general representative or additional representative ceases to hold that position if:
  - (a) they resign by giving written notice to State Council;
  - (b) they are no longer eligible to be elected or appointed to the committee;
  - (c) they fail to attend three consecutive committee meetings without giving an apology to the committee; or
  - (d) they are removed from that position by State Council.
- (2) Each State Council representative position becomes vacant at the opening of the first ordinary State Council meeting held after 30 June.
- (3) Before State Council removes a general representative or additional representative from that position, it must:
  - (a) state grounds for the member's removal; and
  - (b) allow an opportunity for the member to be heard.

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# Panels of State Council Bylaw

Version as at 17 May 2025

## 1 Definitions

- (1) In this Bylaw, **panel** means panel of State Council.
- (2) In these Bylaws, **panel of State Council** means a panel established by this Bylaw.

## 2 Probity Panel

- (1) The Probity Panel is made up of at least nine members.
- (2) State Council delegates to the Probity Panel, and any sub-panel of the Probity Panel established under the *Probity Bylaw*, the power to make the decisions permitted under the *Probity Bylaw*.

## 3 Endorsement Review Panel

- (1) The Endorsement Review Panel is made up of:
  - (a) the Convenor of the Victorian Campaigns Committee; and
  - (b) two other members.
- (2) State Council delegates to the Endorsement Review Panel the power to make the decisions permitted under the *Candidate Endorsement Review Bylaw*.

## 4 Mediation Panel

- (1) The Mediation Panel is made up of three members.
- (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) State Council delegates to the Mediation Panel the powers necessary to carry out its responsibilities.

## 5 Administrative Review Panel

- (1) The Administrative Review Panel is made up of five members.
- (2) State Council delegates to the Administrative Review Panel the power to make the decisions permitted under the *Misconduct Bylaw*.

## 6 Grievances and Constitution Panel

- (1) The Grievances and Constitution Panel is made up of three members.
- (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 on 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 must appoint:
  - (a) one of its members as the Convenor of the Grievances and Constitution Panel; and
  - (b) another one of its members as the Secretary of the Grievances and Constitution Panel.
- (4) State Council delegates to the Grievances and Constitution Panel the powers necessary to carry out its responsibilities.

## **7 Misconduct Panel**

- (1) The Misconduct Panel is made up of at least nine members.
- (2) State Council delegates to the Misconduct Panel, and sub-panel of the Misconduct Panel established under the *Misconduct Bylaw*, the power to make the decisions permitted under the *Misconduct Bylaw*.

## **8 Reporting**

Each panel must give State Council a written report, each quarter and on State Council's request, about its work and any matters it considers important.

## **9 Obligations of panel members**

Each panel member must:

- (a) become familiar with the parts of the Constitution and these Bylaws that are relevant to the position they hold; and
- (b) conscientiously participate in the work of the panel of which they are a member.

## **10 Appointment**

- (1) State Council must appoint a member to fill a vacancy on a panel as soon as possible.
- (2) Subclause (1) does not apply to a vacancy on the Endorsement Review Panel of the Convenor of the Victorian Campaigns Committee.
- (3) State Council must specify a term of appointment of up to two years when appointing a panel member.
- (4) A member is not eligible to be appointed to a panel if they:
  - (a) are a State Councillor;
  - (b) are a member who holds public office;
  - (c) are an employee of the Party;
  - (d) are a member of the staff of a member who holds public office; or
  - (e) 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.
- (5) A member is not eligible to be appointed to the Probity Panel if they are a member of:
  - (a) the Endorsement Review Panel;
  - (b) the Administrative Review Panel; or
  - (c) the Misconduct Panel.
- (6) A member is not eligible to be appointed to the Endorsement Review Panel if they:
  - (a) are a member of:
    - (i) the Probity Panel;
    - (ii) the Administrative Review Panel; or
    - (iii) the Misconduct Panel; or
  - (b) are a candidate for public office.
- (7) A member is not eligible to be appointed to the Administrative Review Panel or the Misconduct Panel if they:
  - (a) in the case of the Administrative Review Panel—are a member of the Misconduct Panel;
  - (b) in the case of the Misconduct Panel—are a member of the Administrative Review Panel;
  - (c) are a member of:

- (i) the Probity Panel; or
- (ii) the Endorsement Review Panel;
- (d) in the last five years, have been a member who holds public office in federal or state parliament;
- (e) in the last year, have been a member who holds public office in a council; or
- (f) in the last five years, have been the subject of a sanction that was imposed or which had effect.

## **11 Vacation of position**

- (1) A panel member ceases to hold that position if:
  - (a) they resign by giving written notice to State Council;
  - (b) they are no longer eligible to be appointed to the panel; or
  - (c) they are removed from that position by State Council.
- (2) Subclause (1) does not apply to the Convenor of the Victorian Campaigns Committee as a member of the Endorsement Review Panel.
- (3) Before State Council removes a panel member from that position, it must:
  - (a) state grounds for the member's removal; and
  - (b) allow an opportunity for the member to be heard.

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## **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 employees of the Party, 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 employees of the Party 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 public 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 public 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 of 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 the Blak Greens State Councillor—\$1000 per quarter;
  - (b) for each other State Councillor—\$500 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 of 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 (11)(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 holds public office in federal or state parliament and is 0 for a member who holds public office in a council.
- (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 parliament 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 13 April 2024

## 1 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.

## 2 Election and continuous campaigns

- (1) For any Local Government election in which the Party will be supporting a candidate (subject to clause 4 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 registered officer of the Party and the Party Agent 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 (12), 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.

### **3 Allocation of preferences**

- (1) The decision on the allocation of preferences for local government electorates may be made by branches, subject to clause 4 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.

### **4 Certain local government area special arrangements**

- (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 Queenscliffe and the Shire of Yarra Ranges. The branches referred to in subclause (1) are Geelong and District, Bellarine, Dandenong Ranges, Healesville and Upper Yarra.

### **5 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.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
Convenor of the Victorian Campaigns Committee	Member of state or federal parliament or their staff, salaried mayor (or equivalent)	During an election campaign period applicable to the person's position	A person who is in a position or office as described in Column 1 who during their

	of local government area, or employee of the Party	under Column 2, during the 12 weeks prior to the scheduled date of an election (or from the date of the issuing of writs)	term of office obtains a staff position may continue to hold that position or office for the balance of the term of office, if that balance is less than 9 months, with the permission of State Council
Preselected candidate for either a 'lead position' for the Senate or Legislative Council Region, or for a federal or state lower house seat, where the Party's vote in that seat in the previous election exceeded 20%	Member of the 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 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 employee of the Party	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 provision limits the holding of particular offices further than another provision, the more limiting provision 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 subclauses (5)(a) to (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.

## **6 Victorian Campaigns Committee other 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 ordinary 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 State Council meeting 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 federal or state 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 federal or state 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.

## **7 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.

## **8 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 13.
- (2) The Victorian Campaigns Committee may amend clause 13 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 federal or state 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 13) 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.

## **9 Campaign Coordinator**

- (1) All campaigns must appoint or elect a Campaign Coordinator under clause 2(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 employees of the Party.
- (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.

## **10 Duties 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 11(1)(g).
- (2) Election campaign committees are at all times accountable for:
- (a) ensuring financial record keeping is undertaken in accordance with clause 2(7) and any advice issued by State Council or the Victorian Campaigns Committee;
  - (b) providing all necessary information to State Council, the registered officer of the Party and the Party Agent 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.

## **11 Membership of 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 branch) that falls wholly or partly within the electorate(s) overseen by the committee, at least one member of that branch must be co-opted under 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.

## **12 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.

### 13 Responsibility for federal and state electorates

The responsible branch for each federal and state electorates is:

Responsible branch	Federal electorate(s)	State electorate(s)
Ballaarat and District	Ballarat	Eureka Lowan Ripon Wendouree
Banyule	Jagajaga	Bundoora Ivanhoe
Bass Coast		Bass
Bayside-Glen Eira	Goldstein	Bentleigh Brighton Caulfield Sandringham
Bellarine		Bellarine
Bendigo	Bendigo	Bendigo East
Boroondara	Chisholm Kooyong	Hawthorn Kew
Brimbank-Melton	Gorton	Kororoit Laverton Melton St Albans Sydenham
Cardinia	La Trobe	Pakenham
Carrum Carrum	Dunkley Isaacs	Carrum Clarinda Frankston Mordialloc
Casey-Greater Dandenong	Bruce Holt	Berwick Cranbourne Dandenong Mulgrave Narre Warren North Narre Warren South
Dandenong Ranges	Casey	Evelyn Monbulk
Darebin-Whittlesea	Cooper Scullin	Mill Park Northcote Preston Thomastown
East Gippsland	Gippsland	Gippsland East

Geelong	Corio	Geelong Lara South Barwon
Greater Gippsland	Monash	Gippsland South Morwell Narracan
Goulburn-Murray		Shepparton
Healesville and Upper Yarra		Eildon
Hobsons Bay	Gellibrand	Point Cook
Macedon	McEwen	Macedon
Manningham	Menzies	Bulleen Warrandyte
Maribyrnong	Fraser	Footscray
Maroondah-Knox	Aston Deakin	Bayswater Croydon Rowville
Melbourne City	Melbourne	Melbourne
Mildura	Mallee	Mildura
Monash	Hotham	Ashwood Oakleigh
Moonee Valley	Maribyrnong	Essendon Niddrie
Merri-bek and Hume	Calwell Hawke Wills	Broadmeadows Brunswick Greenvale Kalkallo Pascoe Vale Sunbury
Mornington Peninsula	Flinders	Hastings Mornington Nepean
Mount Alexander		Bendigo West
Nillumbik		Eltham Yan Yean
North East Victoria	Indi	Benambra Euroa Ovens Valley
Otways		Polwarth

Port Phillip	Macnamara	Albert Park
Stonnington		Malvern Prahran
Surf Coast	Corangamite Wannon	
Warrnambool		South-West Coast
Whitehorse		Box Hill Glen Waverley Ringwood
Wyndham	Lalor	Tarneit Werribee
Yarra		Richmond
No branch		Murray Plains

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## Preselection Bylaw

Version as at 13 April 2025

### 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, federal parliament, state parliament or any local council 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 federal or state 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 12 to 15, provided that the method under clause 13 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 12 to 15; 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 16) and, in federal and state 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.
- (3) The preselecting body may allow more than the minimum time specified in these rules for any step in the preselection process.
- (4) The preselecting body must have approval from the Victorian Campaign Committee to set a preselection timeline that allows less than the minimum time specified in these rules for any step in the preselection process.

## **13 Preselection by 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 by 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 by 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 four or five 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; and
    - (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 Candidate and Holder 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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## 1 Definitions

- (1) 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; and
  - (d) **sub-panel** means a sub-panel appointed by the Probity Panel to conduct a probity check.
- (2) In these Bylaws, **probity check** means an investigation of the background of an applicant to determine their suitability to be a candidate for public office.

## 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, 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) to (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) to (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) to (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 to State Council**

- (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 ordinary State Council meeting must consider the appeal.
- (4) Before considering an appeal, State Council must consider whether to move into closed session.

## **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;
  - (c) the Endorsement Review Panel, as required for an endorsement review application to be dealt with; and
  - (d) 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) The Probity Panel is responsible for conducting investigations of the backgrounds of members to determine their suitability to be a candidate for public office.
- (2) The Probity Panel must appoint:
  - (a) one of its members as the Convenor of the Probity Panel; and
  - (b) another one of its members as the Secretary of the Probity Panel.
- (3) 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.
- (4) Records of all applications, investigations and decisions must be securely maintained by the Probity Panel for a period of five years following their undertaking.
- (5) Probity Panel members must permanently destroy any copies they separately hold of documents related to probity checks once a final decision has been made.
- (6) 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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# Candidate Endorsement Review Bylaw

Version as at 17 May 2025

## 1 Definition

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

## 2 Endorsement review application

- (1) In this clause, **specified member** means:
  - (a) a member who holds public office;
  - (b) a State Councillor; or
  - (c) the State Director.
- (2) A specified member may make an endorsement review application regarding a candidate by giving verbal or written notice to any member of the Endorsement Review Panel of:
  - (a) the name of the candidate; and
  - (b) any other information they consider relevant.
- (3) A specified member must not make an endorsement review application in bad faith.
- (4) All aspects of an endorsement review application (including the fact that it was made) must be kept confidential, except where the disclosure of information is:
  - (a) to a counsellor for the purposes of counselling;
  - (b) to a registered health practitioner for the purposes of treatment;
  - (c) to an Australian legal practitioner for the purposes of legal advice;
  - (d) where appropriate, by the State Director to:
    - (i) a member of the staff of a member who holds public office; or
    - (ii) an employee of the Party; and
  - (e) as provided for in this Bylaw.

## 3 Decision by the Endorsement Review Panel

- (1) A member of the Endorsement Review Panel who receives a notice under clause 2(2) must ensure that all other members of the Endorsement Review Panel are informed of the details of the endorsement review application as soon as possible.
- (2) If any member of the Endorsement Review Panel is of the view that the endorsement review application should be considered, the Endorsement Review Panel must:
  - (a) convene an Endorsement Review Panel meeting as soon as is reasonably practicable and at a time that:
    - (i) is at least eight hours after notice is given under subclause (2)(b);
    - (ii) is not between 24:00 and 8:00; and
    - (iii) balances the desirability of allowing sufficient time for the candidate to respond and any urgency regarding the political circumstances; and
  - (b) give written notice to the candidate, the State Director, the Federal Parliamentary Leader and the State Parliamentary Leader that:
    - (i) sets out the name of the candidate;
    - (ii) sets out the reasons why it may be considered necessary for the candidate's endorsement to be withdrawn;
    - (iii) specifies the time and location of the Endorsement Review Panel meeting;

- (iv) advises the candidate of the opportunity to address the Endorsement Review Panel meeting; and
  - (v) advises the candidate of the opportunity to make a written submission to the Endorsement Review Panel before the Endorsement Review Panel meeting.
- (3) The quorum for an Endorsement Review Panel meeting is two members of the Endorsement Review Panel.
- (4) In dealing with an endorsement review application, the Endorsement Review Panel must:
  - (a) deal with the application as soon as is reasonably practicable;
  - (b) inform itself in any way it deems appropriate, including by:
    - (i) reviewing probity check documents and candidate agreements; and
    - (ii) interviewing any person involved in a probity check;
  - (c) consider any advice, which may be given in confidence, from:
    - (i) the State Director;
    - (ii) in the case of the candidate running for federal parliament—the Federal Parliamentary Leader; and
    - (iii) in the case of the candidate running for state parliament or a council—the State Parliamentary Leader; and
  - (d) hold its meetings in closed session, except that the following persons may attend:
    - (i) the State Director;
    - (ii) in the case of the candidate running for federal parliament—the Federal Parliamentary Leader; and
    - (iii) in the case of the candidate running for state parliament or a council—the State Parliamentary Leader.
- (5) The Endorsement Review Panel must, by consensus, decide to withdraw the candidate's endorsement if it considers that, in all the circumstances, there are clear and compelling reasons why doing so is in the interests of the Party.
- (6) After considering whether to make a decision under subclause (5), the Endorsement Review Panel:
  - (a) may, by majority vote, refer the endorsement review application to State Council; and
  - (b) if it refers the application to State Council—must give written notice of the details of the application to State Council as soon as possible.
- (7) If the Endorsement Review Panel does not withdraw the candidate's endorsement or refer the endorsement review application to State Council, the candidate remains a candidate.
- (8) If the Endorsement Review Panel withdraws the candidate's endorsement, refers the endorsement review application to State Council, or does neither after dealing with the application, it must give written notice of this to:
  - (a) the candidate;
  - (b) the State Director;
  - (c) the the Federal Parliamentary Leader; and
  - (d) the State Parliamentary Leader.

#### **4 Decision by State Council**

- (1) If an endorsement review application is referred to State Council, a State Council meeting must be held to consider the application as soon as is reasonably practicable.

- (2) Before considering the endorsement review application, State Council must consider whether to move into closed session.
- (3) As far as practicable, the following persons must attend the State Council meeting:
  - (a) the members of the Endorsement Review Panel;
  - (b) the State Director;
  - (c) in the case of the candidate running for federal parliament—the Federal Parliamentary Leader; and
  - (d) in the case of the candidate running for state parliament or a council—the State Parliamentary Leader.
- (4) At the State Council meeting, State Council must decide to withdraw the candidate's endorsement if it considers that, in all the circumstances, there are clear and compelling reasons why doing so is in the interests of the Party.
- (5) If State Council does not withdraw the candidate's endorsement at the State Council meeting, the candidate remains a candidate.
- (6) After the State Council meeting, State Council must give written notice of whether the candidate remains a candidate to:
  - (a) the candidate;
  - (b) the State Director;
  - (c) the Federal Parliamentary Leader; and
  - (d) the State Parliamentary Leader.

## **5 Statement**

- (1) The Endorsement Review Panel or State Council may authorise the making of a public statement on behalf of the Party after dealing with an endorsement review application.
- (2) Where appropriate, an attempt must be made to reach agreement with the candidate or former candidate about the terms of such a statement.
- (3) If a former candidate whose endorsement has been withdrawn under this Bylaw denies any allegations or suggestions about their conduct, any statement must acknowledge this denial.

## **6 Miscellany**

- (1) No reconsideration (whether by review, appeal or otherwise) of the decisions made, failures to make decisions, or actions taken, under this Bylaw is allowed.
- (2) For the avoidance of doubt, the procedure in this Bylaw is not a disciplinary procedure, and accordingly, it is:
  - (a) not the role of the Endorsement Review Panel or State Council to make any findings of fact in relation to any allegation or suggestion about the conduct of a candidate; and
  - (b) not necessary for any allegation or suggestion about the conduct of a candidate to be proven for the Endorsement Review Panel or State Council to withdraw their endorsement.
- (3) The Endorsement Review Panel or State Council must cease to deal with an endorsement review application if the candidate ceases to be a candidate.

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## Misconduct Bylaw

Version as at 17 May 2025

### 1 Authorising provision

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

### 2 Definitions

- (1) In this Bylaw:
- (a) **misconduct** means a breach of:
    - (i) the Member Code of Conduct;
    - (ii) an express prohibition provided for in the Constitution or these Bylaws that is committed in bad faith;
    - (iii) a direction given by the Administrative Review Panel or the Misconduct Panel; or
    - (iv) a sanction; and
  - (b) **sub-panel** means sub-panel of the Misconduct Panel.
- (2) In these Bylaws, **sanction** means under this Bylaw:
- (a) the member is censured;
  - (b) for a period of up to one 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;
  - (c) for a period of up to one year, the member is disqualified from being a member of some or all party bodies or holding some or all party positions;
  - (d) the member is disendorsed as a candidate for or holder of public office;
  - (e) for a period of up to one year, the member is suspended from the Party;
  - (f) some combination of subclauses (2)(a) to (e); or
  - (g) the member is expelled from the Party.

### 3 Misconduct allegation

- (1) A member (**the applicant**) may make a misconduct allegation against a member (**the respondent**) by giving written notice 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.
- (4) All aspects of a misconduct allegation (including the fact that it was made), and all Notices of Decision, must be kept confidential, except where the disclosure of information is:
- (a) strictly necessary in order to make or deal with a misconduct allegation;
  - (b) 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;

- (c) to the police, the Victorian Equal Opportunity and Human Rights Commission, or other similar investigative person or body;
  - (d) to a counsellor for the purposes of counselling;
  - (e) to a registered health practitioner for the purposes of treatment;
  - (f) to an Australian legal practitioner for the purposes of legal advice;
  - (g) in court documents or proceedings, or as required by law;
  - (h) to a party body appointed by State Council to conduct a review of the Party's misconduct or complaints system, for the purposes of that review;
  - (i) 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;
  - (j) between the Misconduct Panel and the State Director, or their delegate, for the purposes of administrative support; and
  - (k) as provided for in this Bylaw.
- (5) That obligation survives the cessation of membership.

#### **4 Appointment of sub-panel**

- (1) A member of the Misconduct Panel who receives a notice under clause 3(1) (***the appointer***) must:
- (a) regarding so much of a misconduct allegation made against a member who is an appellant under clause 11(1), or any member appointed to act on their behalf under clause 8(5), in relation to the matter which is the subject of the appeal under clause 11(1):
    - (i) exercise their power under subclause (1)(b) and (c) only after the appeal under clause 11(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 three-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 10, 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 to be appointed to the Misconduct Panel under clause 10 of the *Panels of State Council Bylaw* until the sub-panel is completely appointed.
- (4) Each member of a sub-panel must not be biased.
- (5) A member of a sub-panel ceases to hold that position if they cease to be a member.
- (6) Subclause (7) applies if:
- (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;
  - (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.



- (7) If 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 three; 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.

## **5 Decision by sub-panel**

- (1) The sub-panel must dismiss without consideration under subclause (11)(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 (13) or (14); 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 this Bylaw, no party body may discuss the allegation, except:
    - (i) State Council;
    - (ii) the Probity Panel; and
    - (iii) the Endorsement Review Panel.
- (4) The sub-panel's powers under subclause (3)(a):
- (a) may be exercised more than once; and
  - (b) 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) The quorum for a sub-panel meeting is three sub-panel members.
- (7) 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 (7)(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 written notice 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 (11)(c); or
    - (ii) found to have been substantiated under subclauses (11)(d), (e) or (f);
  - (k) may reopen any of the previous allegations to which subclause (7)(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 each fortnight 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.
- (8) Before deciding that a misconduct allegation (or part of it) is substantiated, a sub-panel must:
  - (a) give the respondent:
    - (i) written notice of the substance of the relevant part of the allegation;
    - (ii) written notice 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.
- (9) The information described in subclause (8)(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 subclauses; and
  - (b) the person whose name or other identifying information is to be included gives their express consent in writing.
- (10) If a sub-panel cannot comply with subclause (8)(a)(i) and (ii) because a person will not give consent under subclause (9)(b), the relevant part of the allegation must be dismissed under subclause (11)(a)(iv).
- (11) 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 3(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) subject to subclause (12), found to be substantiated and the member is censured; or
  - (f) found to be substantiated and recommend a sanction to State Council.
- (12) If the respondent is a member who holds public office at the time the sub-panel comes to make its decision, subclause (11)(e) is not available as a decision.
- (13) A misconduct allegation (or part of it) dismissed under subclause (11)(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 written notice of the information required under clause 3(1)(c).
- (14) A misconduct allegation (or part of it) dismissed under subclause (11)(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 (9)(b).
- (15) 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 subclauses (11)(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.

## **6 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 appeal to the Administrative Review Panel to have the decision and sanction (if any) reviewed under clauses 8 and 11, within the time limit provided under clause 8(4).

- (2) Additionally, the sub-panel must, within 24 hours of making a decision under clause 5(11)(f):
  - (a) give the Notice of Decision to State Council; and
  - (b) consider whether to make a decision under clause 5(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 5(11) under which the decision was made;
  - (g) if any of the particular decisions made are a decision under clause 5(11)(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.

## **7 Decision by State Council**

- (1) If a sub-panel makes a decision under clause 5(11)(f), the next ordinary State Council meeting must consider a proposal to impose the recommended sanction.
- (2) Before considering a proposal to impose the recommended sanction, State Council must consider whether to move into closed session.
- (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 3(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 three pages in length, provided by the respondent or a person appointed under clause 3(3) to State Council at least three days before the meeting.

- (6) State Councillors who are biased must not be present during the consideration of and decision on the proposal.
- (7) If State Council fails in its obligation under subclause (3), each subsequent ordinary State Council meeting must consider a proposal to impose the recommended sanction until State Council fulfils its obligation under subclause (3).
- (8) The respondent must be given at least 14 days' written notice of each meeting to which subclauses (1) or (7) apply.
- (9) The State Secretary must give written notice to the sub-panel of a decision by State Council within 24 hours of it being made.
- (10) As soon as is practicable after receiving a notice under subclause (9), the sub-panel must give written notice to the applicant and the respondent of the decision by State Council.
- (11) Once the misconduct allegation is no longer under consideration, the sub-panel must notify the applicant and the respondent in writing that their opportunity to appeal has started.

## **8 Appeal to the Administrative Review Panel**

- (1) In this clause, **appeal** means an appeal under clause 11(1) to the Administrative Review Panel regarding a decision of a sub-panel under clause 5(11).
- (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 3 to 7 is allowed.
- (4) An appeal made more than 7 days after notification of the opportunity to appeal was given 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 5(11)(d) or (e) with a decision under clause 5(11)(f), with the Administrative Review Panel recommending a sanction and carrying out the procedure in clause 6 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.

## **9 Notice of Sanction**

- (1) The Convenor of the Misconduct Panel must make a Notice of Sanction if:
  - (a) a sanction has been imposed;
  - (b) all related misconduct allegations against the member are no longer under consideration; and
  - (c) either:
    - (i) no appeal to the Administrative Review Panel is made regarding it within 7 days; or

- (ii) 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 11(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; and
    - (ii) in brief terms, the substance of it, without identifying any person other than the respondent; and
  - (f) any other information that the Convenor of the Misconduct Panel decides is necessary that does not concern the substance of a misconduct allegation.
- (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.
- (5) Before passing a proposal under subclause (4), 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.
- (6) The Convenor of the Misconduct Panel must:
  - (a) ensure that the members' website contains a page, updated at least monthly that contains links to the Notices of Sanction issued in the last five years;
  - (b) when a new Notice of Sanction is issued, ensure that the members' e-bulletin includes a link to the Notice of Sanction page; and
  - (c) if the Notice of Sanction includes a sanction against a state office bearer, State Councillor, member of a committee of State Council or member who holds public office, ensure that the notice in the members' e-bulletin includes which of these positions the person holds in the Party.

## **10 Misconduct Panel procedure**

- (1) 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 5(13) or (14).
- (2) The quorum for a Misconduct Panel meeting 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.
- (3) The Misconduct Panel must appoint one of its members, or two of its members jointly, as the Convenor of the Misconduct Panel.
- (4) The Misconduct Panel must appoint one of its members, or two of its members jointly, as the Deputy Convenor of the Misconduct Panel.

- (5) 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.
- (6) 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 Misconduct Panel meeting in order to appoint one or both of the Convenor and Deputy Convenor of the Misconduct Panel.
- (7) Subject to subclause (8), the Convenor of the Misconduct Panel must:
  - (a) convene Misconduct Panel meetings as required;
  - (b) regarding the Probity Panel and the Endorsement Review Panel:
    - (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 last five years are readily accessible on the members' website.
- (8) If a misconduct allegation is made against a member of the Misconduct Panel:
  - (a) they must not participate in Misconduct Panel meetings; and
  - (b) in the case of the Convenor of the Misconduct Panel—they must resign from that position until the allegation is no longer under consideration.
- (9) 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) where State Council decides otherwise in a particular case; or
  - (c) the State Director, or their delegate, for the purposes of administrative support.
- (10) 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.
- (11) 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.

## 11 Procedure of the Administrative Review Panel

- (1) In this clause and clause 12, **decision** includes:
  - (a) a failure or refusal to make a decision; and
  - (b) an action.
- (2) A member, or former member expelled under clause 7(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 3 to 7:

- (a) did not comply with clauses 3 to 7; or
  - (b) was so unreasonable that no reasonable decision-maker could have made it.
- (3) An appeal may be made about multiple decisions.
- (4) A member must not make an appeal in bad faith.
- (5) A member involved in an appeal may appoint any person to act on their behalf for the purposes of the appeal.
- (6) Members of the Administrative Review Panel who are biased must not be present during the consideration of and decision on the appeal.
- (7) The quorum for an Administrative Review Panel meeting is three members of the Administrative Review Panel.
- (8) In dealing with an appeal, the Administrative Review Panel:
  - (a) must exercise its powers and make its decisions by consensus or, if it is unable to reach consensus, by majority vote;
  - (b) may inform itself in any way it deems appropriate, including by obtaining expert advice from a non-member;
  - (c) may direct a member to truthfully answer its questions in person or in writing;
  - (d) 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
  - (e) subject to subclause (8)(d), must:
    - (i) give written notice 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.
- (9) A remedy granted under subclause (8)(e)(iv) may include:
  - (a) setting a decision aside; and
  - (b) making a decision that plainly should have been made.
- (10) 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 3(1) against the appellant.

## **12 Administrative Review Panel procedure**

- (1) The Administrative Review Panel must appoint one of its members as the Convenor of the Administrative Review Panel.
- (2) An Administrative Review Panel meeting may be convened by:



- (a) the Convenor of the Administrative Review Panel; or
  - (b) any two other members of the Administrative Review Panel.
- (3) An Administrative Review Panel meeting 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.
- (4) It is recommended that the Administrative Review Panel should, regarding appeals relating to clause 8, take:
  - (a) at most, 14 days to deal with a straightforward appeal; and
  - (b) at most, 30 days to deal with a complex appeal.
- (5) 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; and
    - (ii) links to the decisions made and reasons given by the Administrative Review Panel in the last five years.

### 13 Miscellany

- (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 11(1) or making a misconduct allegation under clause 3(1).
- (3) 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 this Bylaw as if their membership had not ceased; and
  - (b) any sanction imposed takes effect upon the respondent being readmitted to membership.
- (4) State Council may decide 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.
- (5) Before considering making such a decision, State Council must consider whether to move into closed session.
- (6) Subject to subclause (7), 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.

(7) The timeframe within which subclause (6) 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).

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## Conflicts of Interest Bylaw

Version as at 13 April 2025

### 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 of State Council and panels of State Council:
  - (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 of State Council and panels of State Council 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 a committee of State Council 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 State Conference.

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# State Council Procedure Bylaw

Version as at 17 May 2025

## 1 Authorising provision

This Bylaw is, in part, made under Schedule 5, item 7 of the Constitution.

## 2 Definition

In this Bylaw:

- (a) **facilitator** means the facilitator of the State Council meeting; and
- (b) **meeting** means State Council meeting.

## 3 Draft agenda

- (1) The draft agenda of a meeting must include time for the facilitator to open the meeting by:
  - (a) announcing any proxies appointed by State Councillors;
  - (b) determining whether the meeting is quorate;
  - (c) giving the Acknowledgement of Country in the Constitution;
  - (d) reading out the Statement of Values made by State Council; and
  - (e) welcoming all attendees.
- (2) The draft agenda of a meeting must at least contain agenda items for:
  - (a) the meeting to consider adopting the draft agenda as the agenda of the meeting;
  - (b) the facilitator to provide an opportunity for State Councillors in attendance to declare any conflict of interest they may have in relation to any agenda item;
  - (c) in the case of the draft agenda of an ordinary meeting:
    - (i) the facilitator to provide an opportunity for members in attendance to ask questions of State Councillors or make statements about any agenda items;
    - (ii) State Council to receive any verbal reports; and
    - (iii) State Council to consider any written reports it has received;
  - (d) State Council to consider and deal with matters as required by these Bylaws; and
  - (e) the facilitator to declare the meeting closed and provide an opportunity for members to give feedback and make comments.

## 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 contained in it is passed by consensus when the meeting moves past the agenda item.
- (4) If a State Councillor in attendance at a meeting objects to an agenda item being unstarred, it must be starred.

## 5 Moving into closed session

- (1) State Council may, by a procedural proposal, move into closed session for a specified period.

- (2) When moving into closed session, State Council must also consider whether to require that members in attendance during the closed session keep the contents of that part of the meeting confidential from other members.

## 6 Confidentiality agreement

- (1) The State Director must keep an agreement (**confidentiality agreement**) about the use of confidential party information by State Councillors and appointed State Council attendees.
- (2) When a State Councillor or appointed State Council attendee assumes office, they must be asked to sign the confidentiality agreement and submit it to the State Director.
- (3) State Councillors and appointed State Council attendees who have signed and submitted the confidentiality agreement 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 confidentiality agreement 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.

## 7 Agenda

- (1) The agenda will specify the order and substance of matters for reporting or for debate.
- (2) The agenda will include the full text of any and all proposals in the body of the agenda.
- (3) 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.
- (4) The name of the intended facilitator for any and all parts of any State Council meeting will appear in the agenda.
- (5) The agenda will specify that the beginning of each meeting will, before any substantive matters are discussed, include:
  - (a) 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;
  - (b) 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; and

- (c) a review of the State Council decisions and actions registers.

## **8 Quorum**

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.

## **9 Facilitation of meetings**

- (1) State Councillors must at all times during meetings respect the authority of the facilitator to:
  - (a) facilitate discussions in accordance with the Member Code of Conduct; and
  - (b) 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.

## **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) Observers may participate in the discussion of an agenda item, subject to the following conditions:
  - (a) observers who have been invited, have provided a report, or have provided a submission are given due priority where the matter is relevant; and
  - (b) in circumstances other than those listed in subclause (4)(a), the facilitator may withdraw the speaking rights of an observer, otherwise any State Councillor may request speaking rights for any or all observers be withdrawn. If there is no 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.

## **13 Modifying 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) A procedural proposal may be put to a meeting by any State Councillor in attendance, subject to subclause (3).



- (3) If the facilitator reasonably considers that a State Councillor is attempting to disrupt the meeting, they may refuse any procedural proposal that the State Councillor attempts to put to the meeting.
- (4) 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.
- (5) 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.

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# State Conferences Bylaw

Version as at 17 May 2025

## 1 Authorising provision

This Bylaw is, in part, made under clause 39(6) of the Constitution.

## 2 Definitions

In this Bylaw:

- (a) **facilitator** means the facilitator of the State Conference; and
- (b) **special resolution** has the meaning given in the Constitution.

## 3 Notice

Notice of State Conferences and proposed special resolutions must be given electronically by email.

## 4 Agenda

- (1) The agenda of a State Conference must at least contain agenda items for:
  - (a) the facilitator to open the meeting by:
    - (i) determining whether the meeting is quorate;
    - (ii) giving the Acknowledgement of Country in the Constitution;
    - (iii) reading out the Statement of Values made by State Council; and
    - (iv) welcoming all attendees;
  - (b) the meeting to consider any proposed amendments to the agenda;
  - (c) in the case of the agenda of an annual State Conference:
    - (i) State Council to report on its work and the affairs of the Party, present the report on the audited financial statements, and answer members' questions;
    - (ii) members who hold public office at each of the federal, state and local levels of government to report on their work and the affairs at their level of government, and answer members' questions;
    - (iii) the meeting to consider accepting the draft minutes of the last annual State Conference, and any State Conferences held since it was held, as the minutes of those State Conferences; and
    - (iv) the meeting to consider proposed special resolutions submitted to State Council;
  - (d) in the case of the agenda of a special State Conference—the meeting to consider the matter(s) for which the State Conference was convened; and
  - (e) the facilitator to declare the meeting closed and provide an opportunity for members to give feedback and make comments.
- (2) The agenda of a State Conference must not be amended to remove agenda items required by subclause (1).

## 5 Procedure

- (1) A procedural proposal may be put to a State Conference by any member in attendance, subject to subclause (2).
- (2) If the facilitator reasonably considers that a member is attempting to disrupt the State Conference, they may refuse any procedural proposal that the member attempts to put to the meeting.

- (3) If a procedural proposal is put to a State Conference by a member, the facilitator must at least allow an opportunity for:
- (a) that member to speak in favour of the proposal for 30 seconds; and
  - (b) another member to speak against the proposal for 30 seconds.
- (4) 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	

- (5) At a State Conference, the mover of a proposed special resolution is:
- (a) if the proposed resolution was submitted by one member—that member or a member they have appointed to act as the mover; and
  - (b) if the proposed resolution was submitted by more than one member, or by one or more party bodies—the member they have appointed to act as the mover.
- (6) Before the facilitator puts a proposed special resolution to a vote, they must at least allow an opportunity for each of the following to occur:
- (a) the mover of the proposed resolution to speak to it for two minutes;
  - (b) members to ask genuine questions 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 of the proposed resolution to speak to it for another 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 State Conference 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 4 May 2025

## 1 Definitions

In this Bylaw, **committee** has the meaning given in the *Committees of State Council Bylaw*.

## 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 later than two months after the call for nominations.
- (2) The positions open for election at a committee election are the general representative positions 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) In this clause, **election period** means the period, in relation to a committee election, beginning at the opening of the nomination period and ending 30 days after the results are declared.
- (2) Before each committee election, State Council must appoint one member, or two members jointly, as the Returning Officer.
- (3) 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;
  - (c) are an employee of the Party; or
  - (d) are a member of the staff of a member who holds public office.
- (4) The Returning Officer is responsible for impartially conducting the committee election.
- (5) State Council delegates to the Returning Officer the powers necessary to carry out their responsibilities.
- (6) 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.
- (7) 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.
- (8) The Returning Officer must not take direction from any person or party body.

## 4 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 sanctions imposed on or which had effect on, 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.

## 5 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 4(1), the requirements in clause 4(2) and the rule in clause 4(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 17 May 2025

### 1 Offices required by legislation

- (1) State Council must appoint the State Director to be the Secretary of the Association, within the meaning of the Constitution.
- (2) The State Director serves as the registered officer of the Party for the purposes of the *Commonwealth Electoral Act 1918* (Cth) and the *Electoral Act 2002*.
- (3) The State Director must:
  - (a) appoint an employee of the Party to serve as a deputy registered officer of the Party for the purposes of the *Commonwealth Electoral Act 1918* (Cth) and the *Electoral Act 2002*;
  - (b) appoint an employee of the Party who is eligible under the *Commonwealth Electoral Act 1918* (Cth) to serve as the Party Agent for the purposes of that Act; and
  - (c) nominate an employee of the Party to be appointed under the National Constitution to serve as a deputy registered officer of the Australian Greens for the purposes of the *Commonwealth Electoral Act 1918* (Cth).

### 2 Delegates to particular Australian Greens bodies

- (1) State Council:
  - (a) must appoint a member as the Party's delegate to the Australian Greens Constitutional Review Panel; and
  - (b) may appoint another member as the Party's alternate delegate to the Australian Greens Constitutional Review Panel.
- (2) State Council:
  - (a) must appoint a member as the Party's delegate to the Australian Greens Global Issues Group; and
  - (b) may appoint another member as the Party's alternate delegate to the Australian Greens Global Issues Group.
- (3) State Council must specify a term of appointment of up to two years when appointing a member as the Party's delegate or alternate delegate to one of those Australian Greens bodies.

### 3 Member Code of Conduct

State Council must make, and may amend, a code (***Member Code of Conduct***) that sets out the conduct requirements for members.

### 4 Protocols

- (1) State Council may make, amend or repeal rules separate from these Bylaws and other rules made under these Bylaws (***Protocols***).
- (2) State Council may delegate its power to amend a Protocol, subject to any condition or limitation.

### 5 Bylaws

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

## **6 Correction of errors in these Bylaws and rules**

A reasonable correction of a spelling, grammatical, numbering or cross-referencing error does not constitute an amendment to these Bylaws or to rules made under these Bylaws.

## **7 Publication of party documents**

- (1) The State Director or their delegate must publish on the public website the most current versions of:
  - (a) each policy of the Party;
  - (b) the Constitution, with the Charter appended to it;
  - (c) these Bylaws; and
  - (d) the Member Code of Conduct.
- (2) The State Secretary must publish on the members' website the most current versions of:
  - (a) the party strategy;
  - (b) the party handbook;
  - (c) each Protocol;
  - (d) the terms of reference of each community working group; and
  - (e) where they consider it appropriate, the terms of reference of any other party body established by State Council.

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## Definitions Bylaw

Version as at 17 May 2025

In these Bylaws:

**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;

**biased** means unable to bring an impartial and unprejudiced mind to the decision to be made on the question under consideration;

**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;

**committee of State Council** has the meaning given by clause 1(2) of the *Committees of State Council Bylaw*;

**community working group** has the meaning given by clause 1(2) of the *Community Working Groups Bylaw*;

**consensus** has the meaning given in the Constitution;

**Constitution** means the Constitution of The Australian Greens Victoria Incorporated;

**Greens party** has the meaning given in the Constitution;

**local government area** has the meaning given in the Constitution;

**local policy** has the meaning given by clause 2(6)(c) of the Constitution;

**Member Code of Conduct** has the meaning given by clause 3 of the *Other Matters Bylaw*;

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

**National Conference** means the National Conference of the Australian Greens;

**National Constitution** has the meaning given in the Constitution;

**National Council** means the National Council of the Australian Greens;

**National Councillor** has the meaning given in the National Constitution;

**national policy** has the meaning given by clause 2(6)(a) of the Constitution;

**ordinary State Council meeting** means a State Council meeting of which State Councillors and appointed State Council attendees are given at least 14 days' notice;

**panel of State Council** has the meaning given by clause 1(2) of the *Panels of State Council Bylaw*;

**Party** has the meaning given in the Constitution;

**party body** has the meaning given in the Constitution;

**party handbook** has the meaning given by clause 37(1) of 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;

**probity check** has the meaning given by clause 1(2) of the *Probity Bylaw*;

**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;

**resolution** has the meaning given in the Constitution;

**sanction** has the meaning given by clause 2(2) of the *Misconduct Bylaw*;

**State Conference** means general meeting of the Party;

**state policy** has the meaning given by clause 2(6)(b) of the Constitution; and

**substantive proposal** has the meaning given in the Constitution.

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## Transitional Provisions Bylaw

Version as at 17 May 2025

### 1 Compliance with clause 8(1) of the Constitution

- (1) In this clause, **transition date** means 28 February 2026.
- (2) Before the transition date:
  - (a) a party body selected by State Council must, after consulting relevant members and branches, recommend to State Council a scheme for the exercise of its powers under clauses 7(1) and (3) of the Constitution to ensure that each local government area in Victoria corresponds to a branch area;
  - (b) State Council must exercise its powers under clauses 7(1) and (3) of the Constitution to ensure that each local government area in Victoria corresponds to a branch area;
  - (c) the State Director or their delegate must give each member who is not a member of a branch written notice that:
    - (i) they are required by clause 8(1) of the Constitution to be a member of a branch;
    - (ii) the Finance and Administration Committee may transfer them to a branch of their choosing before the transition date;
    - (iii) if they are not a member of a branch by the transition date, they will be automatically transferred to the branch in whose branch area they live; and
    - (iv) after they become a member of a branch, they may apply to be transferred to another branch in accordance with clause 5(2) of the *Membership Bylaw*; and
  - (d) the Finance and Administration Committee may transfer members who are not members of a branch to a branch of their choosing.
- (3) If, under clause 3(1) of the *Membership Bylaw*, there is no branch whose membership list an applicant may be listed on—the Finance and Administration Committee must carry out the requirements of a branch in clauses 3(2)(a) and (d) of the *Membership Bylaw* itself.
- (4) If, under clause 5(1) of the *Membership Bylaw*, there is no such branch for a member to become a member of—they become a member of a branch of their choosing in consultation with the State Director or their delegate.
- (5) On the transition date, any member who is not a member of a branch becomes a member of the branch in whose branch area they live.
- (6) This clause is repealed on the day after the transition date.

### 2 Branch and community working group resources

- (1) In this clause, **transition date** means the day State Office launches the changes to branch and community working group resource access provided for in this clause.
- (2) On the transition date:
  - (a) the *Branches Bylaw* is amended to:
    - (i) omit clauses 2(1)(a) and (b);
    - (ii) in clause 2(1), for “.” substitute “two to eight of its members access to the branch inbox, e-list, membership list, virtual account and financial reporting tool (**resource access**).”;
    - (iii) in clause 2(2), omit “communications or financial”; and
    - (iv) in clause 2(2)(a), for “a type of” substitute “resource”; and
  - (b) the *Community Working Groups Bylaw* is amended to:
    - (i) omit clauses 6(1)(a) and (b);

- (ii) in clause 6(1), for “:” substitute “two to eight of its members access to the working group inbox, e-list, membership list, virtual account and financial reporting tool (**resource access**).”;
  - (iii) in clause 6(2), omit “communications or financial”; and
  - (iv) in clause 6(2)(a), for “a type of” substitute “resource”.
- (3) This clause is repealed on the day after the transition date.

### 3 Listed community working groups

- (1) In this clause:
- (a) **listed party body** means:
    - (i) the Victorian Country Greens Network;
    - (ii) the Accessible Victorian Greens;
    - (iii) the Queer Greens Victoria;
    - (iv) the Victorian Greens Women's Network; and
    - (v) the Red Umbrella Greens; and
  - (b) **transition date** means the day that the terms of reference of all listed party bodies have been made under clause 2(1) of the *Community Working Groups Bylaw*.
- (2) On the transition date, the *Community Working Groups Bylaw* is amended to:
- (a) in clause 1(2)(a), after “;” insert “ and”;
  - (b) in clause 1(2)(b), for “; and” substitute “.”; and
  - (c) omit clause 1(2)(c).
- (3) This clause is repealed on the day after the transition date.

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