Rules of Association for
FUSION Political Party

RULES OF ASSOCIATION for
FUSION Political Party
Approved Constitution v1.0

Approved at the 25th of November Special General Meeting 2021

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Rules of Association for *FUSION Political Party Approved Constitution v1.0*

Note: The people who from time to time are Members of the Association are an incorporated association by the name given in rule 1 of these Rules.

Under section 46 of the **Associations Incorporation Reform Act 2012**, these Rules are taken to constitute the terms of a contract between the Association and its Members.

Rules of Association for
FUSION Political Party

PART 1—PRELIMINARY

1. Name

(1) The name of the incorporated association is "*FUSION Political Party Incorporated*". In this document the incorporated association is also referred to as the “Association”.

> **Note:** Under section 23 of the Act, the name of the Association and its registration number must appear on all its business documents.

2. Purposes

(1) The purposes of the Association are to—

(a) enable its membership to register as a formal political party at federal, state, territory, and local government levels.

(b) advance any shared policy or platform agreed to by the membership.

(c) facilitate the advancement of branch approved policy and platforms.

(d) achieve the above goals through

(i) public education and political and non-political campaigning, including running candidates for election at all levels of government, and

(ii) providing an organisational structure for groups of like minded members to register as a formal political party federally and in all states and territories of Australia.

(2) To further these purposes, the Association must develop capacity in the following areas—

(a) establishment of its organisational elements;

(b) ongoing organisational management;

(c) managing formal registration as a political party federally and in various states and territories of Australia as appropriate;

(d) election campaigning;

(d) community mobilisation;

(e) issue based campaigning; and

(f) providing the organisational vehicle that can coordinate and facilitate the above on behalf of the Association's Branches.

3. Financial year

(1) The financial year of the Association is each period of 12 months ending on 30 June.

4. Definitions

In these Rules—

absolute majority, of the Committee, means a majority of the Committee members currently holding office, entitled to vote at the time and not absent with leave under sub-rule 66(1) (as distinct from a majority of Committee members present in a Committee meeting);

Association (capitalised) means the incorporated association "FUSION Political Party *Incorporated*" that is governed by these Rules;

Branch is a unit of the association as defined in rule 91.

candidate is a person endorsed by the Association to run in a parliamentary or municipal election on behalf of the Association;

Committee *(capitalised)* means the committee having responsibility for the management of the business of the Association and which is also referred to as the National Executive;

Committee meeting *(with committee capitalised)* means a meeting of the Committee;

Committee member *(with committee capitalised)* means a member of the Committee elected or appointed under Part 5-Division 3;

disciplinary appeal meeting means a meeting of the Members of the Association convened under sub-rule 22(3);

disciplinary meeting means a meeting of the Committee convened for the purposes of rule 21;

disciplinary subcommittee means the subcommittee appointed under rule 19;

Election Campaign Coordination Committee means a formal subcommittee of the Association created by the Committee under sub-rule 101(1)(a) to operate at the relevant level (national, state, etc.) to manage a given election-focused campaign or it may, under sub-rule 101(1)(b) be the Committee;

financial year means the 12 month period specified in rule 3;

general meeting means a general meeting of the Members of the Association convened in accordance with Part 4 and includes an annual general meeting, a special general meeting and a disciplinary appeal meeting;

Member (capitalised) means a member of the Association as defined in Part 3-Division 1 of these Rules;

Member entitled to vote means a Member who under sub-rule 13(1) is entitled to vote at a general meeting;

National Campaign Coordinator means the Committee office bearer established by sub-rule 43(1)(e), whose role is to promote and oversee all the campaign activities of the Association, both electoral and non-electoral;

National Executive means the Committee governed by Part 5 of these Rules;

Operations Manual means the document defined in rule 98 that contains Association policies and procedures and other critical operations information;

operating rules means a set of subsidiary rules created under these Rules to govern a unit operating within the Association (such as a Branch, which must have operating rules created under sub-rule 91(6), or Local Campaign Team which must have operating rules created under sub-rule 92(6) or some other unit which may have operating rules created under sub-rule 98(3);

special resolution means a resolution that requires not less than three-quarters of the Members voting at a general meeting, whether in person or by proxy, to vote in favour of the resolution;

staff member means a person who is appointed to work for the Association (whether paid or unpaid) and who is subject to normal employment discipline;

the Act means the **Associations Incorporation Reform Act 2012** and includes any regulations made under that Act;

the Registrar means the Registrar of Incorporated Associations;

Registered party name is the name or names that the Association is formally registered under in any given electoral commission.

these Rules (with Rules capitalised) means this document which is the constitution of the Association;

unit means a sub-association of Members, staff, or other people set up by or under these Rules to carry out some of the functions of the Association.

PART 2—POWERS OF THE ASSOCIATION

5. Powers of the Association

(1) Subject to the Act, the Association has power to do all things incidental or conducive to the achievement of its purposes.

(2) Without limiting sub-rule (1), the Association may—

(a) acquire, hold and dispose of real or personal property;

(b) open and operate accounts with financial institutions;

(c) invest its money in any security in which trust monies may lawfully be invested;

(d) raise and borrow money on any terms and in any manner as it thinks fit;

(e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;

(f) appoint agents to transact business on its behalf;

(g) enter into any other contract it considers necessary or desirable.

(h) receive lawful gifts, subject to State and Commonwealth laws for registered political parties.

(3) The Association may only exercise its powers and use its income and assets (including any surplus) for its purposes.

6. Not for profit organisation

(1) The Association must not distribute any surplus, income or assets directly or indirectly to its Members.

(2) Sub-rule (1) does not prevent the Association from paying a Member—

(a) reimbursement for expenses properly incurred by the Member; or

(b) for goods or services provided by the Member—

if this is done in good faith on terms no more favourable than if the Member was not a Member.

Note: Section 33 of the Act provides that an incorporated association must not secure pecuniary profit for its Members. Section 4 of the Act sets out in more detail the circumstances under which an incorporated association is not taken to secure pecuniary profit for its Members.

PART 3—MEMBERS, DISCIPLINARY PROCEDURES AND GRIEVANCES

Division 1—Members

7. Minimum number of Members

(1) The Association must have at least 5 Members.

8. Who is eligible to be a Member

(1) Any person is eligible for membership who—

(a) supports the purposes of the Association;

(b) is a member of a recognised Branch of the Association;

(c) is not a member of another registered political party; and

(c) is 16 or more years old.

9. Application for membership

(1) To apply to become a Member of the Association, a person must submit a membership application to a Branch of the Association stating that the person—

(a) wishes to become a Member of the Association;

(b) supports the purposes of the Association; and

(c) agrees to comply with these Rules.

(2) The application—

(a) must be signed by the applicant if submitted in hard copy; or

(b) may be submitted electronically via a Branch website.

Note: The joining fee is the fee (if any) determined by the Association under sub-rules 12(1) and 29(4)(d).

10. Consideration of application

(1) Membership applications are submitted individually or in bulk to the Committee by the Association's Branches.

(2) As soon as practicable after an application for membership is received, the Committee must decide by resolution whether to accept or reject the application in bulk or as individual applications.

(3) The Committee may reject an individual's application (submitted individually or as part of a bulk application) if the Committee believes the applicant's membership of the Association will not advance the purposes of the Association.

(4) The Committee must notify the Branch and the applicant in writing of its decision as soon as practicable after the decision is made.

(5) If the Committee rejects the application, it must return any money accompanying the application to the applicant.

(6) No reason need be given for the rejection of an application.

11. New membership

(1) If an application for membership is approved by the Committee—

(a) the resolution to accept the membership must be recorded in the minutes of the Committee meeting; and

(b) the Secretary must, as soon as practicable, enter the name and address of the new Member, and the date of becoming a Member, in the Register of Members.

(2) Subject to sub-rule 13(1)(a), a person becomes a Member of the Association and is entitled to exercise his or her rights of membership, including those defined in sub-rule 13(2), from the date, whichever is the later, on which—

(a) the Committee approves the person's membership; or

(b) the person pays the joining fee.

12. Annual subscription and fee on joining

(1) The Committee—

(a) recommends to the annual general meeting the amount of the annual subscriptions

(if any) and joining fees (if any) for the following financial year; and

(b) determines the date for payment of the annual subscription.

(2) The Committee may determine that any new Member who joins after the start of a financial year must, for that financial year, pay a fee equal to—

(a) the full annual subscription;

(b) a pro rata annual subscription based on the remaining part of the financial year; or

(c) a fixed amount determined from time to time by the Committee that is equal to or less than the annual subscription.

(3) The rights (including the right to vote) of a Member who has not paid the annual subscription by the due date are suspended until the subscription is paid.

13. General rights of Members

(1) A Member is entitled to vote if—

(a) more than 10 business days have passed since he or she became a Member of the Association; and

(b) the Member's membership rights are not suspended for any reason.

(2) A Member of the Association who is entitled to vote has the right to—

(a) receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules;

(b) submit items of business for consideration at a general meeting;

(c) attend and be heard at general meetings;

(d) participate in decision making and vote at a general meeting;

(e) have access to the minutes of general meetings and other documents of the Association as provided under rule 76; and

(f) inspect the Register of Members.

14. Rights not transferable

(1) The rights of a Member are not transferable and end when their membership of the Association ceases.

15. Ceasing membership

(1) A person's membership of the Association ceases on resignation from either the Association or their Branch, expulsion from the Association or their Branch or death.

(2) If a person ceases to be a Member of the Association, the Secretary must, as soon as practicable, enter the date the person ceases to be a Member in the Register of Members.

16. Resigning as a Member

(1) A Member may resign by notice in writing given to the Association.

> **Note** Sub-rule 75(2) sets out how notice may be given to the Association. It includes by post or by handing the notice to a member of the Committee.

(2) A Member is taken to have resigned if—

(a) the Member's annual subscription is more than 12 months in arrears; or

(b) where no annual subscription is payable—

i. the Secretary has made a written request to the Member to confirm that he or she wishes to remain a Member; and

ii. the Member has not, within 3 months of receiving that request, confirmed in writing that he or she wishes to remain a Member.

(c) a member is deemed to no longer be a member of any Branch.

17. Register of Members

(1) The Secretary must keep and maintain a Register of Members that includes—

(a) for each current Member—

i. the Member's name;

ii. the address for notice last given by the Member;

iii. the date of becoming a Member; and

iv. any other information determined by the Committee;

(b) for each former Member, the date of ceasing to be a Member.

(2) Any Member may, at a reasonable time and free of charge, inspect the Register of Members.

Note: Under section 59 of the Act, access to the personal information of a person recorded in the Register of Members may be restricted in certain circumstances. Section 58 of the Act provides that it is an offence to make improper use of information about a person obtained from the Register of Members.

Division 2—Disciplinary action

18. Grounds for taking disciplinary action

(1) The Association may take disciplinary action against a Member in accordance with this Division if it is determined that the Member:

(a) has failed to comply with these Rules;

(b) refuses to support the purposes of the Association;

(c) has engaged in conduct prejudicial to the Association; or

(d) is subject to a successful "no confidence" motion under rule 106.

19. Disciplinary subcommittee

(1) If the Committee is satisfied that there are sufficient grounds for taking disciplinary action against a Member, the Committee must appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the Member.

(2) The members of the disciplinary subcommittee—

(a) may be Committee members, Members of the Association or anyone else; but

(b) must not be biased against, or in favour of, the Member concerned.

20. Notice to Member

(1) Before disciplinary action is taken against a Member, the Secretary must give written notice to the Member:

(a) stating that the Association proposes to take disciplinary action against the Member;

(b) stating the grounds for the proposed disciplinary action;

(c) specifying the date, place and time of the meeting at which the disciplinary

subcommittee intends to consider the disciplinary action (the ***disciplinary meeting***);

(d) advising the Member that he or she may do one or both of the following—

i. attend the disciplinary meeting and address the disciplinary subcommittee at that meeting; or

ii. give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting; and

(e) setting out the appeal rights of the Member under rule 22.

(2) The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

21. Decision of subcommittee

(1) At the disciplinary meeting, the disciplinary subcommittee must—

(a) give the Member-an opportunity to be heard; and

(b) consider any written statement submitted by the Member.

(2) After complying with sub-rule (1), the disciplinary subcommittee may—

(a) take no further action against the Member; or

(b) subject to sub-rule (3)—

i. reprimand the Member;

ii. suspend the membership rights of the Member for a specified period;

iii. expel the Member from the Association;

iv. disendorse the Member as a candidate; or

v. disendorse the Member as an elected representative of the Association.

(3) The disciplinary subcommittee may not fine the Member.

(4) The suspension of membership rights or the expulsion of a Member by the disciplinary subcommittee under this rule takes effect immediately after the vote is passed.

22. Appeal rights

(1) A person whose membership rights have been suspended or who has been expelled from the Association under rule 23 may give notice to the effect that he or she wishes to appeal against the suspension or expulsion.

(2) The notice must be in writing and given—

(a) to the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken; or

(b) to the Secretary not later than 48 hours after the vote.

(3) If a person has given notice under sub-rule (2), a disciplinary appeal meeting must be convened by the Committee as soon as practicable, but in any event not later than 21 days, after the notice is received.

(4) Notice of the disciplinary appeal meeting must be given to each Member of the Association who is entitled to vote as soon as practicable and must—

(a) specify the date, time and place of the meeting; and

(b) state—

i. the name of the person against whom the disciplinary action has been taken;

ii. the grounds for taking that action; and

iii. that at the disciplinary appeal meeting the Members present must vote on whether the decision to suspend or expel the person should be upheld or revoked.

23. Conduct of disciplinary appeal meeting

(1) At a disciplinary appeal meeting—

(a) no business other than the question of the appeal may be conducted;

(b) the Committee must state the grounds for suspending or expelling the Member and the reasons for taking that action; and

(c) the person whose membership of the Association has been suspended or who has been expelled must be given an opportunity to be heard.

(2) After complying with sub-rule (1), the Members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.

(3) A Member may not vote by proxy at the meeting.

(4) The decision is upheld if not less than three quarters of the Members voting at the meeting vote in favour of the decision.

Division 3—Grievance procedure

24. Application

(1) The grievance procedure set out in this Division applies to disputes under these Rules between—

(a) a Member and another Member;

(b) a Member and one of the units of the Association;

(c) one unit of the Association and another unit of the Association; or

(d) a Member and the Association.

(2) A Member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.

25. Parties must attempt to resolve the dispute

(1) The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.

26. Appointment of mediator

(1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 25, the parties must within 10 days—

(a) notify the Committee of the dispute;

(b) agree to or request the appointment of a mediator; and

(c) attempt in good faith to settle the dispute by mediation.

(2) The mediator must be—

(a) a person chosen by agreement between the parties; or

(b) in the absence of agreement—

i. if the dispute is between a Member and either another Member or a unit of the

Association other than the Committee—a person appointed by the Committee;

ii. if the dispute is between units of the Association other than the Committee—a person appointed by the Committee; or

iii. if one party to the dispute is either a Member or a unit of the Association and the other party is either the Committee or the Association—a person appointed or employed by the Dispute Settlement Centre of Victoria.

(3) A mediator appointed by the Committee may be a Member or former Member of the Association but in any case must not be a person who—

(a) has a personal interest in the dispute; or

(b) is biased in favour of or against any party.

27. Mediation process

(1) The mediator to the dispute, in conducting the mediation, must—

(a) give each party every opportunity to be heard;

(b) allow due consideration by all parties of any written statement submitted by any party;
and

(c) ensure that natural justice is accorded to the parties throughout the mediation process.

(2) The mediator must not determine the dispute.

28. Failure to resolve a dispute by mediation

(1) If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

PART 4—GENERAL MEETINGS OF THE ASSOCIATION

29. Annual general meetings

(1) Subject to sub-rule (2) the Committee must convene an annual general meeting of the Association to be held within 5 months after the end of each financial year.

(2) The Association may hold its first annual general meeting at any time within 18 months after its incorporation.

(3) The Committee may determine the date, time and place of the annual general meeting.

(4) The ordinary business of the annual general meeting is as follows—

(a) to confirm the minutes of the previous annual general meeting and of any special general meeting held immediately prior to the annual general meeting;

(b) to receive and consider—

i. the annual report of the Committee on the activities of the Association during the preceding financial year; and

ii. the financial statements of the Association for the preceding financial year submitted by the Committee in accordance with Part 7 of the Act;

(c) to elect the members of the Committee; and

(d) to set, confirm or vary the amounts (if any) of the annual subscription and joining fee for Members, informed by any recommendation of the Committee in sub- rule 12(1)(a).

(5) The annual general meeting may also conduct any other business of which notice has been given in accordance with these Rules.

30. Special general meetings

(1) Any general meeting of the Association, other than an annual general meeting or a disciplinary appeal meeting, is a special general meeting.

(2) The Committee may convene a special general meeting whenever it thinks fit.

(3) Subject to sub-rule (5), no business other than that set out in the notice under rule 32 may be conducted at the meeting.

(4) The business of a special general meeting must include the confirmation of the minutes of any special general meeting held immediately prior to the current special general meeting if the minutes have not already been confirmed.

(5) General business may be considered at a special general meeting if it is included as an item for consideration in the notice under rule 32 and the majority of the Members at the meeting agree.

31. Special general meeting held at the request of Members

(1) The Committee must convene a special general meeting if a request to do so is made in accordance with sub-rule (2) by at least 10% of the total number of Members.

(2) A request for a special general meeting must—

(a) be in writing;

(b) state the business to be considered at the meeting and any resolutions to be proposed;

(c) include the names and signatures of the Members requesting the meeting; and

(d) be given to the Secretary.

(3) If the Committee does not convene a special general meeting within one month after the date on which the request is made, the Members making the request (or any of them) may convene the special general meeting.

(4) A special general meeting convened by Members under sub-rule (3)—

(a) must be held within 3 months after the date on which the original request was made; and

(b) may only consider the business stated in that request.

(5) The Association must reimburse all reasonable expenses incurred by the Members convening a special general meeting under sub-rule (3).

32. Notice of general meetings

(1) The Secretary (or, in the case of a special general meeting convened under sub-rule 31(3), the Members convening the meeting) must give to each Member of the Association—

(a) at least 21 days' notice of a general meeting if a special resolution is to be proposed

at the meeting; or

(b) at least 14 days' notice of a general meeting in any other case.

(2) The notice must—

(a) specify the date, time, expected duration and place of the meeting;

(b) indicate the general nature of each item of business to be considered at the meeting;

(c) if a special resolution is to be proposed—

i. state in full the proposed resolution; and

ii. state the intention to propose the resolution as a special resolution; and

(d) comply with sub-rule 33(5).

(3) This rule does not apply to a disciplinary appeal meeting.

> **Note:** Sub-rule 22(4) sets out the requirements for notice of a disciplinary appeal meeting.

33. Proxies

(1) A Member may appoint another Member as his or her proxy to vote and speak on his or her behalf at a general meeting other than at a disciplinary appeal meeting.

(2) The appointment of a proxy must be in writing and signed by the Member making the appointment.

(3) The Member appointing the proxy may give specific directions as to how the proxy is to vote on his or her behalf, otherwise the proxy may vote on behalf of the Member in any matter as he or she sees fit.

(4) Even if the Committee has approved a form for the appointment of a proxy, the Member may use any other form that clearly identifies the person appointed as the Member's proxy and that has been signed by the Member.

(5) Notice of a general meeting given to a Member under rule 31 must—

(a) state that the Member may appoint another Member as a proxy for the meeting; and

(b) include a copy of any form that the Committee has approved for the appointment of a proxy.

(6) A form appointing a proxy must be given to the chairperson of the meeting before or at the commencement of the meeting.

(7) A form appointing a proxy sent by post or electronically is of no effect unless it is received by the Association no later than 24 hours before the commencement of the meeting.

(8) A Member may hold no more than five proxies.

34. Use of technology

(1) A Member not physically present at a general meeting may be permitted to participate in the meeting by the use of technology that allows that Member and the Members present at the meeting to clearly and simultaneously communicate with each other.

(2) For the purposes of this Part, a Member participating in a general meeting as permitted under sub-rule (1) is taken to be present at the meeting and, if the Member votes at the meeting, is taken to have voted in person.

35. Quorum at general meetings

(1) No business may be conducted at a general meeting unless a quorum of Members is present.

(2) The quorum for a general meeting is the presence (physically, by proxy or as allowed under rule 34) of 5% of the Members entitled to vote.

(3) If a quorum is not present within 30 minutes after the notified commencement time of a general meeting—

(a) in the case of a meeting convened by, or at the request of, Members under rule 31 the meeting must be dissolved; or

Note: If a meeting convened by, or at the request of, Members is dissolved under this sub-rule, the business that was to have been considered at the meeting is taken to have been dealt with. If Members wish to have the business reconsidered at another special meeting, the Members must make a new request under rule 31.

(b) in any other case—

i. the meeting must be adjourned to a date not more than 21 days after the adjournment; and

ii. notice of the date, time and place to which the meeting is adjourned must be given at the meeting and confirmed by written notice given to all Members as soon as practicable after the meeting.

(4) If a quorum is not present within 30 minutes after the time to which a general meeting has been adjourned under sub-rule (3)(b), the Members present at the meeting (if not fewer

than 3) may proceed with the business of the meeting as if a quorum were present.

36. Adjournment of a general meeting

(1) The chairperson of a general meeting at which a quorum is present may, with the consent of a majority of Members present at the meeting, adjourn the meeting to another time at the same place or at another place.

(2) Without limiting sub-rule (1), a meeting may be adjourned—

(a) if there is insufficient time to deal with the business at hand; or

(b) to give the Members more time to consider an item of business.

> **Example:** The Members may wish to have more time to examine the financial statements submitted by the Committee at an annual general meeting.

(3) No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.

(4) Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with rule 32.

37. Voting at general meetings

(1) Subject to sub-rule (4), on any question arising at a general meeting—

(a) subject to sub-rule (3), each Member who is entitled to vote has one vote;

(b) Members may vote personally or by proxy; and

(c) except in the case of a special resolution, the question must be decided on a majority of votes.

(2) If votes are divided equally on a question, the chairperson of the meeting has a second or casting vote.

(3) If the question is whether or not to confirm the minutes of a previous meeting, only Members who were present at that meeting may vote.

(4) This rule does not apply to a vote at a disciplinary appeal meeting conducted under rule 23.

38. Special resolutions

(1) A special resolution is passed if not less than three quarters of the Members voting at a general meeting (whether in person or by proxy) vote in favour of the resolution.

Note: In addition to certain matters specified in the Act, a special resolution is required— (a) to remove a Committee member from office; (b) to alter these Rules, including changing the name or any of the purposes of the Association.

39. Determining whether a resolution is carried

(1) Subject to sub-rule (2), the chairperson of a general meeting may, on the basis of a show of hands, declare that a resolution has been—

(a) carried;

(b) carried unanimously;

(c) carried by a particular majority; or

(d) lost—

and an entry to that effect in the minutes of the meeting is conclusive proof of that fact.

(2) If a poll (where votes are cast in writing) is demanded by three or more Members on any question—

(a) the poll must be taken at the meeting in the manner determined by the chairperson of the meeting;
and

(b) the chairperson must declare the result of the resolution on the basis of the poll.

(3) A poll demanded on the election of the chairperson or on a question of an adjournment must be taken immediately.

(4) A poll demanded on any other question must be taken before the close of the meeting at a time determined by the chairperson.

40. Minutes of general meeting

(1) The Committee must ensure that minutes are taken and kept for each general meeting.

(2) The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.

(3) In addition, the minutes of each annual general meeting must include—

(a) the names of the Members attending the meeting;

(b) proxy forms given to the chairperson of the meeting under sub-rule 33(6);

(c) the financial statements submitted to the Members in accordance with sub-rule 29(4)(b)(ii);

(d) the certificate signed by two Committee members certifying that the financial statements give a true and fair view of the financial position and performance of the Association; and

(e) any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under the Act.

PART 5—THE COMMITTEE

Division 1—Powers of the Committee

41. Role and powers

(1) The business of the Association must be managed by or under the direction of the Committee.

(2) The Committee may exercise all the powers of the Association except those powers that these Rules or the Act require to be exercised by general meetings of the Members of the Association.

(3) The Committee may—

(a) appoint and remove staff; and

(b) establish subcommittees and units with terms of reference and membership it considers appropriate.

42. Delegation

(1) Subject to sub-rule (4), the Committee or office bearers identified in rule 43 may delegate to a member of the Committee, a subcommittee, a unit or staff, any of the Committee's or the office bearer's powers or functions, other than—

(a) this power of delegation;

(b) a duty imposed on the Committee or the officer bearer by the Act or any other law; or

(c) the responsibility for oversight of the delegated powers and functions.

(2) The delegation must be in writing and may be subject to the conditions and limitations the Committee and, where appropriate, the office bearer considers appropriate.

(3) The Committee and, where appropriate, the office bearer may, in writing, amend or revoke a delegation wholly or in part.

(4) Delegations relating to an office bearer's powers and functions must be endorsed by the Committee before they have effect.

(5) Delegations must be recorded in the Operations Manual.

Division 2—Composition of the Committee and duties of its members

43. Composition of the Committee

(1) The Committee consists of—

(a) a Convener;

(b) a President;

(c) a Secretary;

(d) a Treasurer;

(e) a National Campaigns Coordinator;

(f) a Registered officer

(g) at least one Branch Representative per branch
noting sub clause 43(1)(j)

(h) any members appointed under rule 58

(i) co-opted non-decision-making members (if any) who may be appointed from time to time by the Committee ; and

(j) additional Branch Representatives appointed in order to create an equal representation on the committee taking into account Branch members in executive positions (a) through (f). Each branch must have the opportunity to have an equal number of members on the committee. Branches would be offered an opportunity to put forward Branch representatives to create equal representation but do not have to fill these positions.

Note: The Association and its members where possible should seek to ensure the Committee reflects the various Branches in a proportional manner.

44. General Duties

(1) As soon as practicable after being elected or appointed to the Committee, each Committee member must become familiar with these Rules and the Act.

(2) The Committee is collectively responsible for ensuring that the Association complies with the Act and that individual members of the Committee comply with these Rules.

(3) Committee members must exercise their powers and discharge their duties with reasonable care and diligence.

(4) Committee members must exercise their powers and discharge their duties—

(a) in good faith in the best interests of the Association; and

(b) for a proper purpose.

(5) Committee members and former Committee members must not make improper use of—

(a) their position; or

(b) information acquired by virtue of holding their position— so as to gain an advantage for themselves or any other person or to cause detriment to the Association.

> **Note:** See also Division 3 of Part 6 of the Act which sets out the general duties of the office holders of an incorporated association.

(6) In addition to any duties imposed by these Rules, a Committee member must perform any other duties imposed from time to time by resolution at a general meeting.

45. Convener and President

(1) Subject to sub-rule (2), the President or, in the President's absence, the Convener, is the chairperson for any general meetings and for any Committee meetings.

(2) If the Convener and the President are both absent, or are unable to preside, or wish for another Member to build their chairing skills, the chairperson of the meeting must be—

(a) in the case of a general meeting—a Member elected by the other Members present; or

(b) in the case of a Committee meeting—a Committee member elected by the other Committee members present.

46. Secretary

(1) The Secretary must perform any duty or function required under the Act to be performed by the secretary of an incorporated association.

> **Example:** Under the Act, the secretary of an incorporated association is responsible for lodging documents of the association with the Registrar.

(2) The Secretary must—

(a) maintain the Register of Members in accordance with rule 17;

(b) keep custody of the common seal (if any) of the Association and, except for the financial records referred to in sub-rule 72(3), all books, documents, securities and the seal of the Association in accordance with rules 73 and 76;

(c) subject to the Act and these Rules, provide Members with access to the Register of Members, the minutes of general meetings and other books and documents;

(d) undertake the day to day administration and correspondence of the Association; and

(e) perform any other duty or function imposed on the Secretary by these Rules.

(3) The Secretary must give to the Registrar notice of his or her appointment within 14 days after the appointment.

47. Treasurer

(1) The Treasurer must—

(a) develop and oversee the application of the Association's system of financial management to ensure that financial probity and accountability is assured;

(b) receive all moneys paid to or received by the Association and issue receipts for those moneys in the name of the Association;

(c) ensure that all moneys received are paid into the account of the Association within 15 working days after receipt;

(d) make any payments authorised by the Committee or by a general meeting of the Association from the Association's funds;

(e) ensure that cheques are signed and account withdrawals are authorised by at least 2 Committee members or, where expenditures are managed by another unit of the Association, by 2 equivalent office bearers from that unit; and

(f) act as the Party Agent as defined by Section 288 of the [Federal] Electoral Act on

behalf of the Association unless the Committee chooses to appoint another member as Party Agent. The party agent is responsible for lodging the party's annual financial disclosure return to the AEC.

(2) The Treasurer must—

(a) ensure that the financial records of the Association are kept in accordance with the Act;

(b) coordinate the preparation of the financial statements of the Association and their certification by the Committee prior to their submission to the annual general meeting of the Association; and

(c) ensure any financial requirements relating to participation in elections are met.

(3) The Treasurer must ensure that at least one other Committee member has access to the accounts and financial records of the Association.

48. National Campaigns Coordinator;

(1) The National Campaigns Coordinator must—

(a) seek to support and coordinate campaigns being run by the Association and where appropriate its Branches in order to maximize the purposes of the association.

49. Registered officer

(1) The Registered officer must—

(a) fulfill the relevant requirements as outlined in the the [Federal] Electoral Act on behalf of the Association;

(b) These include but are not limited to:

(i) nominate the party's endorsed candidates to the AEC;

(ii) nominate the party's registered name or the party's registered abbreviation or logo to be printed on ballot papers to the AEC;

(iii) revice any formal notices about party registration from the AEC; and

(iv) appoint deputy registered officers to assist in the nomination process

(c) fulfill the requirements of the Registered officer or equivalent as defined by other state and territory legislation as required;

50. Branch Representative

(1) A Branch Representative must—

(a) represent the interests of the branch on the Committee while taking into account the broader interests of the Association and the fulfillment of the Association's purpose; and

(b) act as a liaison officer between the Association and the relevant branch.

Note: Branch representatives are expected to work in a cooperated and collegiate manner with other members of the Committee inder to advance the interest of the Association as a whole.

Division 3—Election of Committee members and tenure of office

51. Who is eligible to be a Committee member

(1) A Member is eligible to be elected or appointed as a Committee member if the Member—

(a) is 18 years or over;

(b) is entitled to vote at a general meeting and

(c) meets the requirements of rule 95.

52. When Committee positions become vacant & the timing of the elections

(1) Subject to sub-rule (2), the election of new Committee members must be timed to follow the receipt and consideration of the annual report and financial statements of the Association, so that the Committee members responsible for the year being reported are still in place to answer questions and to be held accountable in the subsequent elections.

(2) Depending on the timing of the Association's first annual general meeting, as allowed under sub-rule 29(2), an annual report and financial statement may not need to be presented at the first ever annual general meeting if a financial year has not yet been completed.

(3) All positions on the Committee become vacant upon the completion of the elections and

those elected become the new Committee.

53. Nominations

(1) A call for nominations for election to the Committee must be included in the notice for the annual general meeting.

(2) Nominations must be received in writing by the Secretary 24 hours prior to the commencement of the annual general meeting.

(3) An eligible Member of the Association may—

(a) nominate themselves; or

(b) with their consent, be nominated by another Member.

(4) A Member may be nominated for more than one position.

(5) A Member who is elected to a position on the Committee must withdraw from the election of remaining positions.

54. Election of Office Bearers

(1) At the annual general meeting, separate elections must be held for each of the following positions in the following order—

(a) Convener;

(b) President;

(c) National Campaign Coordinator;

(d) Secretary;

(e) Treasurer; and

(f) Registered officer

> **Note** A Committee member may not hold the office of Secretary if they do not reside in Australia.

(2) Ballots for each of these positions must be held in accordance with Part 8-Division 1.

(3) On his or her election, the new Convener may take over as chairperson of the meeting.

55. Election of Branch representatives

(1) Branch representatives are to be elected through an election held by each relevant branch prior to the running of the annual general meeting.

(2) A Branch representative must be a current member of the relevant Branch.

(3) Elections of Branch representatives are to be held in accordance with Part 8-Division 1.
(4) Branches failing to elect a Branch representative prior to the AGM have 21 days after the AGM to conduct an election.
(5) If a Branch fails to elect a representative within 21 days of the AGM the Committee may choose to fill the Branch Representative position for that Branch as a casual vacancy in accordance with rule 58.

56. Term of office

(1) Subject to sub-rule (3) and rule 57, a Committee member holds office until the completion of the ballot for the new Committee at the next annual general meeting.

(2) A Committee member may be re-elected subject to rule 95.

(3) A general meeting of the Association may—

(a) by special resolution remove a Committee member from office; and

(b) elect an eligible Member of the Association to fill the vacant position in accordance with this Division.

(4) A Committee member who is the subject of a proposed special resolution under sub-rule (3)(a) may make representations in writing (not exceeding a reasonable length) to the Secretary or Convener of the Association and may request that the representations be provided to the Members of the Association.

(5) The Secretary or the Convener may give a copy of the representations to each Member of the Association or, if they are not so given, the Committee member may require that they be read out at the meeting at which the special resolution is to be proposed and that this is done before a decision is taken on the matter.

57. Vacation of office

(1) A Committee member may resign from the Committee by written notice addressed to the Committee.

(2) A person ceases to be a Committee member if he or she—

(a) ceases to be a Member of the Association;

(b) fails to attend 3 consecutive Committee meetings (other than special or urgent Committee meetings) without leave of absence under rule 66;

(c) is removed from office under sub-rule 56(3)(a); or

(d) otherwise ceases to be a Committee member by the operation of section 78 of the Act.

Note: A Committee member may not hold the office of Secretary if they do not reside in Australia.

58. Filling casual vacancies

(1) The Committee may appoint an eligible Member of the Association to fill a position on the Committee that—

(a) has become vacant under rule 57; or

(b) was not filled by election at the last annual general meeting; or

(c) was not filled by a Branch election in the case of Branch Representatives.

(2) If the position of Secretary becomes vacant, the Committee must appoint a Member to the position within 14 days after the vacancy arises.

(3) Rule 56 also applies to any Committee member appointed by the Committee under sub-rule (1) or (2).

(4) The Committee may continue to act despite any vacancy in its membership.

Division 4—Meetings of the Committee

59. Meetings of the Committee

(1) The Committee must meet at least 4 times in each year at the dates, times and places determined by the Committee.

(2) The date, time and place of the first Committee meeting must be determined by the members of the Committee as soon as practicable after the annual general meeting of the Association at which the members of the Committee were elected.

(3) Ordinary Committee meetings may be convened by the Convenor and these meetings may consider whatever business is placed on the agenda at the meeting.

(4) Special Committee meetings may be convened by the Convener or by any 3 members of the Committee.

(5) The only business that may be conducted at a special meeting is the business for which the special meeting is convened, as indicated in the notice of meeting.

60. Notice of meetings

(1) Subject to sub-rule (2) and rule 61, notice of each Committee meeting must be given to each Committee member no later than 7 days before the date of the meeting.

(2) A meeting may be held with shorter notice if all the members of the Committee agree for that meeting.

(3) Notice may be given for more than one Committee meeting at the same time.

(4) The notice must state the date, time, expected duration and place of the meeting.

(5) If a special Committee meeting is convened, the notice must include the general nature of the business to be conducted.

61. Urgent meetings

(1) In cases of urgency, a meeting can be held without notice being given in accordance with rule 60 provided that as much notice as practicable is given to each Committee member by the quickest means practicable.

(2) Any resolution made at the meeting must be passed by an absolute majority of the Committee members who do not have leave of absence.

(3) The only business that may be conducted at an urgent meeting is the business for which the meeting is convened.

62. Procedure and order of business

(1) The procedure to be followed at a meeting of a Committee must be determined from time to time by the Committee.

(2) The order of business may be determined by the Committee members present at the meeting.

63. Use of technology

(1) The Committee may hold meetings in any of the following modes—

> (a) a physical meeting supplemented by the use of communication technology for those participants who cannot be physically present;
>
> (b) a tele-meeting where participants use real-time communications technology (audio or video); or
>
> (c) a non-real-time electronic meeting where participants use text-based or voicemail communications technology.

(2) For the purposes of this Part, a Committee member participating in a Committee meeting using technology as permitted under sub-rule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

Note Meetings held using sub-rule (1)(c) require active and persistent facilitation.

64. Quorum at Committee meetings

(1) No business may be conducted at a Committee meeting unless a quorum is present.

(2) Subject to sub-rule 58(4), the quorum for a Committee meeting is the presence (in person or as allowed under rule 63) of a majority of the elected Committee members who do not have leave of absence.

Note Unless it is essential to hold a Committee meeting urgently for a specific purpose, Committee meetings should be organised to allow all the office bearers to attend—with priority given to ensuring the attendance of the National Campaign Coordinator, the Secretary and the Treasurer.

(3) If a quorum is not present within 30 minutes after the notified commencement time of a Committee meeting—

(a) in the case of a special meeting—the meeting lapses; or

(b) in any other case—the meeting must be adjourned to a date no later than 14 days after the adjournment and notice of the time, date and place to which the meeting is adjourned must be given in accordance with rule 60.

65. Decision Making

(1) Decision making must be conducted by attempting to achieve consensus agreement in the first instance and failing that resorting to a vote.

(2) Subject to sub-rule (5) on any question arising at a Committee meeting that is decided by a vote, each Committee member present at the meeting has one vote.

(3) Subject to sub-rule (4), a motion is carried if 60% of Committee members present at the meeting vote in favour of the motion (figure rounded to the nearest whole number).

Note A 60% requirement would equate to the following:
- 4 members present (minimum for quorum) = 3 of the 4 members voting in support
- 5 members present = 3 of the 5 members voting in support
- 6 members present = 4 of the 6 members voting in support
- 7 members present = 5 of the 7 members voting in support
- 8 members present = 5 of the 8 members voting in support
- 9 members present = 6 of the 9 members voting in support
- 10 members present = 6 of the 10 members voting in support etc.

(4) Sub-rule (3) does not apply to any motion or question which is required by these Rules to

be passed by an absolute majority of the Committee.

(5) If votes are divided equally on a question, the chairperson of the meeting has a second or casting vote.

(6) Voting by proxy is not permitted.

66. Conflict of interest

(1) A Committee member who has a material personal interest in a matter being considered at a Committee meeting must disclose the nature and extent of that interest to the Committee.

(2) The Committee member—

(a) must not be present while the matter is being considered at the meeting; and

(b) must not vote on the matter.

Note Under section 81(3) of the Act, if there are insufficient Committee members to form a quorum because a Committee member who has a material personal interest is disqualified from voting on a matter, a general meeting may be called to deal with the matter.

(3) This rule does not apply to a material personal interest—

(a) that exists only because the Committee member belongs to a class of people for whose benefit the Association is established;

(b) that the Committee member has in common with all, or a substantial proportion of, the members of the Association; or

(c) that exists only because the Committee member has been endorsed as a candidate for a parliamentary or municipal election or is a parliamentary or municipal representative of the Association.

67. Minutes of meetings

(1) The Committee must ensure that minutes are taken and kept of each Committee meeting.

(2) The minutes must record the following—

(a) the names of the people in attendance at the meeting;

(b) the business considered at the meeting;

(c) any resolution on which a consensus decision has been made or a vote has been taken and the result of the vote; and

(d) any material personal interest disclosed under rule 66.

68. Leave of absence

(1) The Committee may grant a Committee member leave of absence from Committee meetings for a period not exceeding 3 months.

(2) The Committee must not grant leave of absence retrospectively unless it is satisfied that it was not feasible for the Committee member to seek the leave in advance.

PART 6—FINANCIAL MATTERS

69. Source of funds

(1) The funds of the Association may be derived from joining fees, annual subscriptions, donations, fund-raising activities, grants, interest and any other sources approved by the Committee.

(2) The Association must only source funds from–

(a) individuals;

(b) community not-for-profit organisations;

(c) philanthropic grant-giving organisations;

(d) small to medium sized businesses (with fewer than 200 employees)

(e) funds provided by Governments, Government agencies or agents, for the purposes of supporting candidates or parties to run in elections.

(3) The Association must not source funds from any source whose purposes or policies run counter to the Association's purposes, policies or strategies with the exception of funding sourced from sources identified in sub-rule (2)(e).

70. Management of funds

(1) The Association must open one or more accounts with one or more financial institutions.

(2) All of the Association's revenues must be deposited into these accounts and all of the Association's expenditures must be paid from these accounts.

(3) No account may be opened under sub-rule (1) without the approval of the Committee and the Committee must keep a register of all such accounts in the Operations Manual.

(4) Subject to any restrictions imposed by a general meeting of the Association, the Committee may approve expenditure on behalf of the Association.

(5) The Committee may authorise the Treasurer, a subcommittee managing a campaign, a Branch, a Member or a staff member of the Association to expend funds on behalf of the Association (including by electronic funds transfer) up to a specified limit, set from time to time by a general meeting, without requiring approval from the Committee for each item on which the funds are expended.

(6) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by 2 Committee members or, where expenditures are managed by another unit

of the Association, by 2 equivalent office bearers from that unit.

(7) All revenues of the Association must be deposited into the appropriate financial account of the Association no later than 15 working days after receipt.

(8) Before financial management responsibilities are delegated to a unit of the Association that unit must have formal operating rules that establish a financial management system and accountability, and, a unit treasurer and at least one other unit office bearer must be appointed to fulfil the requirements of this rule.

71. Financial records

(1) The Association must keep financial records that—

(a) correctly record and explain its transactions, financial position and performance; and

(b) enable financial statements to be prepared as required by the Act.

(2) The Association must retain the financial records for 7 years after the transactions covered by the records are completed.

(3) The Treasurer must keep in his or her custody, or under his or her control—

(a) the financial records for the current financial year; and

(b) any other financial records, as authorised by the Committee.

72. Financial statements

(1) For each financial year, the Committee must ensure that the requirements under the Act relating to the financial statements of the Association are met.

(2) Without limiting sub-rule (1), those requirements include—

(a) the preparation of the financial statements;

(b) if required, the review or auditing of the financial statements;

(c) the certification of the financial statements by the Committee;

(d) the submission of the financial statements to the annual general meeting of the Association; and

(e) the lodgement with the Registrar of the financial statements and accompanying reports, certificates, statements and fee.

PART 7—GENERAL MATTERS

73. Common seal

(1) The Association may have a common seal.

(2) If the Association has a common seal—

(a) the name of the Association must appear in legible characters on the common seal;

(b) a document may only be sealed with the common seal by the authority of the Committee and the sealing must be witnessed by the signatures of two Committee members; and

(c) the common seal must be kept in the custody of the Secretary.

74. Registered address

(1) The registered address of the Association is—

(a) the address determined from time to time by resolution of the Committee; or

(b) if the Committee has not determined an address to be the registered address—the postal address of the Secretary.

75. Notice requirements

(1) Any notice, except those given under rule 61, that are required to be given to a Member or a Committee member under these Rules may be given—

(a) by handing the notice to the Member personally;

(b) by sending it by post to the Member at the address recorded for the member on the Register of Members; or

(c) by email or facsimile transmission.

(2) Any notice required to be given to the Association or the Committee may be given—

(a) by handing the notice to a member of the Committee;

(b) by sending the notice by post to the registered address;

(c) by leaving the notice at the registered address; or

(d) if the Committee determines that it is appropriate in the circumstances—

i. by email to the email address of the Association or the Secretary; or

ii. by facsimile transmission to the facsimile number of the Association.

76. Custody and inspection of books and records

(1) Members may on request inspect free of charge—

(a) the Register of Members;

(b) the minutes of general meetings;

(c) subject to sub-rule (2), the financial records, books, securities and any other relevant document of the Association, including minutes of Committee meetings.

Note See the note following rule 17 for details of access to the Register of Members.

(2) The Committee may refuse to permit a Member to inspect records of the Association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Association.

(3) The Committee must on request make copies of these Rules available to Members and applicants for membership free of charge.

(4) Subject to sub-rule (2), a Member may make a copy of any of the other records of the Association referred to in this rule and the Association may charge a reasonable fee for provision of a copy of such a record.

(5) For purposes of this rule—***relevant documents*** means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Association and includes the following—

(a) its membership records;

(b) its financial statements;

(c) its financial records;

(d) records and documents relating to transactions, dealings, business or property of the Association.

77. Alteration of rules

(1) These Rules may only be altered by special resolution of a general meeting of the Association.

> **Note** An alteration of these Rules does not take effect unless or until it is approved by the Registrar. If these Rules (other than rule 1, 2 or 3) are altered, the Association is taken to have adopted its own Rules, not the Model Rules.

78. Winding up and cancellation

(1) The Association may be wound up voluntarily by special resolution.

(2) In the event of the winding up or the cancellation of the incorporation of the Association, the surplus assets of the Association must not be distributed to any Members or former Members of the Association.

(3) Subject to the Act and any court order made under section 133 of the Act, the surplus assets must be given to a body that has similar purposes to the Association and which is not carried on for the profit or gain of its individual members.

(4) The body to which the surplus assets are to be given must be decided by special resolution.

PART 8—SPECIAL RULES

Division 1—Voting method for Association elections

79. Elections that are covered

(1) These procedures must be applied to—

(a) the election of office bearers and Branch representatives;

(b) the election of Branch executives;

(c) the election of candidates for parliamentary or municipal elections held by Branches or the Association; and

(d) any other election provided for under these Rules.

(2) Rules* made under these Rules to govern other elections may require that ballots must—

(a) be conducted in conformity with this Division; and

(b) be secret.

(* eg. binding policies and procedures in the Operations Manual and operating rules for units of the Association.)

80. Voting system

(1) The voting method that must be used is optional preferential modified to allow the selection of the option— “Seek further candidates”.

81. Modes – physical, postal, online

(1) Ballots governed by this Division may be conducted in a physical meeting, by post or using a secure online facility.

82. Returning officers

(1) The unit of the Association responsible for the conduct of a ballot governed by this Division must appoint a returning officer to manage the ballot process.

(2) Where the conduct of a ballot involves more than one physical location, the returning

officer must appoint an assistant returning officer for each physical location.

(3) Returning officers, including assistants, must not be candidates in the ballot.

83. Scrutineers

(1) A candidate may appoint one scrutineer for each location where tallying of votes for the candidate is being conducted.

84. Election integrity

(1) Returning officers must prepare ballot papers in such a way that they are identifiably official and so that they cannot be forged.

(2) Ballot papers, electronic voting records and any tally data must be handled securely so that the validity of the ballot is assured.

(3) All Members have a duty to ensure that ballots are conducted in accordance with these Rules and without mistakes or corruption.

85. Secret ballots

(1) Secret ballots must be held for—

(a) the election of office bearers members of the Committee;

(b) the election of Branch executives and Representatives; and

(c) the election of candidates for parliamentary or municipal elections.

86. Ballot papers

(1) Subject to sub-rule (2), ballot forms must have the candidates' names listed and include a voting option of “Seek further candidates”.

(2) If candidates for a ballot are to be finalised at the meeting where the ballot is to take place, the returning officer in charge may decide to use blank ballot papers or ballots with no candidates names on them and if this is the case the returning officer must instruct voters to write the names of the candidates on the ballot paper and, if not already on the ballot papers, the option of “Seek further candidates”.

87. Candidates rights

(1) Candidates must be given an equal opportunity to provide voters with a short statement in support of their candidacy prior to the ballot and the returning officer in charge may determine whether the statement is to be in writing or in spoken form or both.

88. Voting

(1) Returning officers must inform voters of the voting procedure and their rights and obligations under this Division.

(2) A voter must be provided with a ballot paper for their personal use plus one ballot paper for each proxy that they hold (up to the maximum permitted number).

(3) Voters must number candidates in order of declining preference, beginning with 1 and moving to the next larger whole number for each subsequent preference until there are no further candidates or the voter no longer wishes to express a preference at which point they may choose the “Seek further candidates” option.

89. Tallying of votes

(1) Votes will be deemed to be valid, despite technical errors in recording the vote, provided the intention of the voter is clear and unambiguous and can be interpreted by a reasonable person as following the intent of the voting procedure.

> **Note** If a number is missed in a voting sequence on a ballot paper, eg. 1, 2, 4, 5 or 2, 3, 4, 5 the order of candidate preference is clear and so the ballot paper would not be invalid. If the numbers were 1, 2, 2, 3 this vote would not be valid as a sequential preference for two candidates was not indicated.

(2) Tallying of the vote must follow these steps—

(a) **Determining a quota**: a quota must be determined using the following formula, with the result rounded up to the next highest whole number—

Rule*:* (number of voters/(number of positions to fill +1))+1

Example: Where there are 100 voters and 7 positions
(100/(7+1))+1 = (100/8)+1 = 12.5 + 1 = 13.5 = **14** after rounding up.

(b) **Determining first preference results**: each ballot paper on which the name of a candidate has been marked with a 1 (ie. received a first preference) must be counted as one vote for that candidate;

(c) **Determining if a candidate has achieve a quota with first preferences**: if any candidate has received at least a quota of votes based solely on their first preference votes then that candidate must be declared elected;

(d) **Full value preferences and reduced value preferences**: If a candidate gets more than a quota of votes, then the value of that excess may need to be passed on to the other candidates in proportion to the next preference of the voters of the

elected candidate; and the candidate without a quota who has the least number of votes must have their votes passed on at full value to the other unelected candidates in accordance with the next preference of the voters for that candidate;

(e) **Calculating the reduced value of votes distributed from an elected candidate**:

The reduced value of first preference votes to be distributed from an elected candidate must be calculated using the following formula—

Rule*:* (total first preference votes - quota)/quota

Example Where the quota is 25 and the total number of first preference votes for an elected candidate is 37:
(37−25) 25 = (12÷25) = 0.48

ie. if a bundle of 100 votes was distributed to a candidate at 0.48 value then the value of the bundle of votes would be 100 x 0.48 = **48.**

(f) **Calculating the reduced value of already reduced value votes to be transferred from an elected candidate**: The reduced value of already reduced value votes to be distributed from an elected candidate must be calculated using the following formula—

Rule*:* Current value discount x ((Total calculated value of votes held by candidate-quota)/quota)

Example Where the quota is 25 and the total value of votes for an elected candidate is 37 and the current value discount of reduced value votes is 0.3:
0.3x((37-25)÷25) (0.3)x(12÷25) = 0.3x0.48 = 0.144

ie. if a bundle of 100 votes was distributed to a candidate at 0.144 value then the value of the bundle of votes would be 100 x 0.144 = **14.4.**

Note The above examples may require additional research and advice to effectively manage elections. recording ballots into spreadsheets and developing appropriate coding is one way to calculate election outcomes effectively.

(g) **Keeping the reduced value attached to the votes**: As reduced value votes are distributed from an elected candidate to below-quota candidates, the calculated reduced value of those votes must be kept attached in either a physical sense or in an accounting sense to each bundle of those votes, so that they are always counted at the correct reduced value;

(h) **Distributing preferences (quota excess)**: Candidates that have achieved a quota (and have therefore been elected) must have the transferable value of all their votes distributed to the other candidates in accordance with the next preference of their voters – and this distribution must start with the candidate with the largest quota excess; and the votes must be transferred at the value calculated in sub-rules (e) and

(f); this process continues until there are no excess quotas to distribute, and then the distribution process in sub-rule (i) is activated;

(i) **Distributing preferences (under quota)**: When there are candidates with votes below a quota, and not all the positions have been filled and the option “Seek other candidates” has not achieved a quota, then the votes of the below-quota candidate with the lowest value of votes must be distributed, at their current value, to the other non-elected candidates; and this process of distributing the votes of the lowest vote candidate must be repeated until another candidate gains a quota (triggering the process under sub-rule (h) or until all positions are filled or the option “Seek other candidates” achieves a quota and ends the tally process;

(j) **Breaking a tie when distributing preferences**: If two or more candidates with the lowest number of below-quota votes or candidates with the highest number of above-quota votes have an equal value of votes, then the returning officer must arrange for a person who is not a candidate to undertake a blind draw to select at random one candidate who will have their preferences distributed next.

(k) **A quota for “Seek further candidates” end the tally:** If the option “Seek further candidates” gains a quota, the filling of further positions must cease.

(3) When the tally is completed the outcome must be declared by the returning officer in charge.

90. Seeking further candidates

(1) If the option “Seek further candidates” gains a quota, the relevant unit of the Association must initiate a process to seek further candidates and to hold a supplementary election to fill the unfilled position(s).

Division 2—Organisational development, management and operations

91. Branches

(1) The Committee may establish or disband Branches of the Association.

(2) The purposes of each Branch are to—

(a) progress the purposes of the association through public education and political and non-political campaigning, including running candidates for election at all levels of government, and

(b) providing an organisational structure for groups of like minded members who share a similar interpretation of methods of campaigning, chosen target audience, brand identity

and the Association's purposes,

(c) engage Members at a practical level;

(d) coordinate and run campaigns and mobilisation efforts through Local Campaign Teams;

(e) foster the achievement of the Association’s objectives;

(f) expand the profile of the Association;

(g) expand the Membership of the Association;

(h)to develop policy for implementation at federal, state, and local government levels.

(i) to preselect effective candidates to run at federal, state, and local government levels.

> **Note:** There is no restriction on more than one Branch running a candidate in the same electorate / ward or equivalent in these rules.

(j) allocated preferences in electorates / ward or equivalent where Branch candidates are running.

(k) where desired to present preselected candidates to the Association for formal endorsement by the Association.

> **Note:** There is no restriction on the Association endorsing more than one candidate for any given electorate / ward or equivalent in these rules.

(l) to develop preferences allocation in electorates / ward or equivalent where Association endorsed Branch candidates are running for formal endorsement by the Association in accordance with rule 107.

(m) where a Branch has a candidate endorsed by the Association the Branch must submit relevant material to enable electoral returns to be successfully completed by the Association.

(n) raise money, subject to rule 96, to support campaigns; and

(o) take action to prevent corruption and the abuse of power within and by the Association

(3) Branches are formed from:

(a) pre existing organisations of 5 or more members; or

(b) a group of 5 or more existing members of the Association who wish to form a new branch.

(4) Branches must agree to the purposes of the Association and a motion must be passed by a prospective Branch at an Inaugural, Annual or Special General meeting of their membership to this effect.

(5) Applications to form a Branch:

(a) Applications are submitted in writing to the Committee by the prospective Branch.
(b) Application must include:
    (i) the minutes of the meeting where the prospective Branch members voted to form a Branch of the Association.
    (ii) the minutes of the meeting where the prospective Branch members agreed to the purposes of the Association as per sub rule (4).
    (iii) a list of current members of the prospective Branch.
    (iv) a name and contact details for a person nominated by the prospective Branch to act as liaison during the application process.
(c) As soon as practicable after an application for membership is received, the Committee must decide by resolution whether to accept or reject the application.
(d) The Committee may reject an application if the Committee believes the prospective Branch's formation will not advance the purposes of the Association.
(e) The Committee must notify the prospective Branch in writing of its decision as soon as practicable after the decision is made.
(f) No reason need be given for the rejection of an application.
(g) If accepted, the new Branch must provide:
    (i) a list of members with information that allows registration of a party federally and in the relevant state as soon as practicable if they have not already done so; and
    (ii) nominate a Branch representative to sit on the Committee.

(6) Governance of Branches:

(a) Branches must be governed in accordance with these Rules and the Branch's operating rules;
(b) A Branch may amend its operating rules in accordance with these Rules and as specified in the Branch-specific operating rules; and
(c) Whenever an amendment is made to a Branch's operating rules, the Branch must provide the Committee with a complete and up-to-date electronic copy
(d) A Branch's operating rules may exist as a formal constitution.

(7) All Branches must submit to the Committee an annual report on Branch operations.

(8) Subject to sub-rule (10), a Member of the Association may register to be a member of a Branch of their choosing and must not register to be a member of more than one Branch.

(9) Without limiting its powers, the Committee may disband / expel a Branch if it—

(a) has fewer than 5 Members;

(b) fails to fulfil core Branch functions (for example holding an annual general meeting, holding regular Branch meetings, failure to hold fair internal elections, providing material to enable the successful completion of relevant electoral returns or submitting an annual report, submitting a uptodate membership list etc);

(c) fails to advocate the Association's core purposes, principles and goals; or

(d) has been found to be operating corruptly or in a manner prejudicial to the interests of the Association.

(10) If a Branch has been-disbanded or expelled under sub-rules 9(c) or (d) or as a result of a disciplinary action under Part 3 Division 2, the Committee may bar a member of that Branch from registering for a defined period with any existing or new Branch.

Note: Branches are not state branches as referred to by the AEC.

92. Local Campaign Teams

(1) A Local Campaign Team may be established by—

(a) one or more Branches; or

(b) an Election Campaign Committee

(c) the Committee.

(2) The purpose of a Local Campaign Team is to carry out a defined campaign, whether electoral or non-electoral.

(3) When a Local Campaign Team is established it must be given a charter of purposes by the unit(s) that establish it.

(4) The charter of purposes may be renegotiated at any time by the Local Campaign Team and the unit(s) that establish it, but the establishment unit(s) have the final say.

(5) If a Local Campaign Team is established by one or more Branches its operations are

governed by that Branch or Branches.

(6) If a Local Campaign Team is established by an Election Campaign Committee or by the Committee, the establishing unit must provide the Local Campaign Team with a set of operating rules.

(7) The operating rules may be renegotiated at any time by the Local Campaign Team and the unit(s) that establish it, but the establishment unit(s) have the final say.

(8) Local Campaign Teams must be governed in accordance with these Rules and the Local Campaign Team's charter of purposes and operating rules (if any) or, otherwise in accordance with the requirements of the supervisory management of its establishment unit(s).

(9) The establishing unit(s) may disband a Local Campaign Team at any time at their discretion but such an action must be taken with due consideration for the people involved in the Local Campaign Team.

(10) Members of the Local Campaign Team may use the grievance procedure under Part 3-Division 3 of these Rules if they are concerned about a proposal or a decision to disband their Local Campaign Team.

93. Spokespeople

(1) Members and agents of the Association must not speak on behalf of the Association unless they are authorised under these Rules.

(2) The Committee may designate a person to be a spokesperson for the Association on a particular topic or for a particular purpose for a specified period.

(3) Subject to sub-rule (4), the Convener, President and National Campaign Coordinator may speak on behalf of the Association on any matter at any time.

(4) The Convener, President and National Campaign Coordinator, in their role as a spokesperson—

> (a) must not make new policy commitments on behalf of the Association but can refer to existing policy as required; and
>
> (b) must work cooperatively with other spokespeople of the Association to maintain consistency of communication in conformity with the Association's policies.

(5) Topic based spokespersons may be appointed by an Election Campaign Committee on behalf of the Association for the duration of the election.

94. Leadership

(1) The Association chooses to work in a cooperative manner to forward its objectives—

through a range of defined roles in committees, subcommittees or individuals delegated specific tasks or roles—consequently the Association does not have a single organisational leader but instead this role is exercised through the roles of President, Convener and National Campaigns Coordinator, and Branch executives.

(2) In a similar way, Members elected to parliament or a municipal council are expected to work together in a cooperative manner and must not appoint a single leader.

> **Note** This includes members elected to leadership positions within a government, for example being elected Mayor of a council.

(3) In keeping with sub-rules (1) and (2), Members must not adopt the shorthand of referring to any Association office bearer or official or any elected parliamentary or municipal representative as the 'leader', rather they must be referred to by their title/role.

95. Maximum consecutive terms for Association office bearers and members of elected committees

(1) Association office bearers are not eligible to stand for re-election to the same office- bearing position when they have filled the position for three consecutive terms.

(2) Members of the Committee or an elected subcommittee of the Association are not eligible to stand for re-election to that committee if they have been elected to any position on the same committee for six consecutive terms.

96. Donations

(1) The Association must only accept donations from–

(a) individuals;

(b) community not-for-profit organisations;

(c) philanthropic grant-giving organisations; or

(d) small to medium sized businesses (with fewer than 200 employees).

(2) The Association must not accept donations from any source whose purposes or policies run counter to the Association's purposes, policies or strategies.

(3) Subject to sub-rule (4), donors may direct funds towards a specific purpose which may, without limiting the types of specific purpose, include support for—

(a) specific election or non-election campaigns; or

(b) individual candidates or Branches.

(4) The Association must not accept donations that are subject to any conditions that create a conflict with the Association's purposes, policies or strategies.

97. General fund-raising by Branches and Local Campaign Teams

(1) Branches and Local Campaign Teams are encouraged to fund-raise to support their election and non-election campaigning and Branch development.

(2) It is Association policy to encourage a cultural norm that Branches and Local Campaign Teams redistribute a small proportion of any money raised in the following manner—

(a) if money is raised through an election campaign, then 10% is given to the relevant Electoral Campaign Committee; or

(b) if money is raised through non-election campaigning, then 5% is given to the Committee to support weaker Branches and 5% is given to the Committee to support the administration of the Association.

> **Note** The Association favours having strong Branches because this builds a strong organisation, but it is also true that each Branch benefits from having a strong organisation that strengthens the Branches appeal to the local community.

(3) Additional money raised under sub clause (2)(a) but not spent on the election may be either:

(a) kept for use in the next equivalent election (i.e. money raised during a Festival campaign but not spent is spent at the next Federal election); or

(b) distributed to further the purposes of the Association as the Committee sees best.

98. Operations manual and policies and procedures

(1) The Committee may create, amend or cancel an Operations Manual.

(2) The Operations Manual is to be used to hold the Association's administrative policies, procedures and other critical operations information.

(3) Subject to sub-rules (4) and (5), the Committee may create policies and procedures that are guidelines (advisory) or are binding.

(4) Policies and procedures must not contradict these Rules.

(5) Policies and procedures that are binding can be created to limit (but not expand) the discretions available under these Rules.

(6) If a policy or procedure is binding this must be indicated clearly in the policy or

procedure.

Division 3—Electoral Matters

99. Candidates

(1) Candidate selection is the responsibility of Branches and all candidates for elected positions must first go through a Branch nomination and selection process prior to formal endorsement by the Association.

(2) All candidates endorsed by the Association or Branch must declare in writing their commitment to the Association's Code of Conduct.

(3) the Association's Code of Conduct is determined by the committee or delegated sub committee.

> **Note:** Having convictions associated with protest activity aligned with advancing the purposes of the association or branch or branches do not automatically disqualify a candidate from endorsement by the association.

(4) Candidates who are seeking to develop local profiles over the longer term may be endorsed for two consequate elections.

(5) Candidates seeking endorsement for two elections must undertake to campaign between elections and outline their proposal for doing so to the satisfaction of whoever is responsible for candidate selection at their Branch and then again for the Association prior to formal endorsement.

100. Contesting Elections

(1) If a Branch choses to contest an election and seek formal candidate endorsement of the Association the Association must contest the election in electorates where the Association has formal party registration, unless no suitable candidate is endorsed.

101. Forming and Election Campaign Committee

(1) If an election will be contested with candidates endorsed by the Association and a relevant Election Campaign Committee does not exist, the Committee must—

> (a) decide whether to set up an Election Campaign Committee (to oversee and if necessary organise the election campaign) and the Committee has the power to create Election Campaign Committee for this purpose; or
>
> (b) act as the Election Campaign Committee itself.

Note: If the Committee decides not to create a separate Election Campaign Committee and to take on that role itself, then where the Rules refer to an Election Campaign Committee that means the Committee.

Note: If only one Branch is contesting any given election the Committee may decide to devolve all functions normally managed by an Election Campaign Committee other than the submitting of relevant candidate registration and electoral returns on behalf of the Association. A Branch may still request the Committee to form or act as an Electoral Campaign Committee to support the election campaign being run by the Branch.

102. Electoral Funding

(1) The following rules apply to distribution of electoral funding subject to the relevant state, territory and federal laws.

(a) in the case of cash for votes system
  (i) 5% for administration of Association
  (ii) 10% for shared election expenses
  (iii) 40% for distributions to Branches on a per candidate basis excluding any candidates that received funding

Note: i.e. if a Branch ran 1 candidate out of 10 which didn't receive funding that branch would receive 4% of the total funding available.

  (iv) 45% to Branch / Branches (in the case of multi candidate electorate were two Branches have candidates running) responsible for covering the costs of running in that electorate that raised the electoral funding, any excess will be held to support the next election involving that electorate(s), unless that electorate(s) is/are not being contested in which case the funds can be used to support any legitimate activity of the Association or relevant Branch or Branches.

(b) in a cash for receipt system
  (i) a minimum of 45% to be made available to cover the direct costs of running in that electorate(s) that met the threshold for funding
  (ii) the remainder to be used to cover shared costs associated with running that election campaign if allowed by law.

Note: The Association should endeavour to maximise its use of the funding from cash for receipt systems without putting the Association's financial future at risk. This risk may be taken on by Branches.

103. Contested electable positions

(1) At times electable positions will be contested by members from multiple Branches. In the case of an electable position being contested by candidates from more than one Branch the following rules will be used decide which candidates will be endorsed and in what position:

> **Note:** This is expected in the case of the top ballot position on a Federal Senate seat or State upper house seat, or in the case of a winnable single member electorate emerging.

(a) in the case of multi member upper house seats

(i) by mutual agreement between the Branches

(ii) by a ballot held by all members of the Association entitled to vote in accordance with sub-rule (2).

(b) in the case of multi member lower house seat or local government wards

(i) by mutual agreement between the Branches

(ii) if only one Branch has a history of running candidates in that electorate that Branch can choose to have a successful preselected candidate(s) placed in the top position(s) on the ballot if applicable.

(ii) by a ballot held by all members of the Association entitled to vote in accordance with sub-rule (2).

(c) in the case of single member lower house seat or local government wards

(i) by mutual agreement between the Branches

(ii) if only one Branch has a history of running candidates in the contested electorate or ward that Branch can select a candidate for formal endorsement by the Association.

(ii) by a ballot held by all members of the Association entitled to vote in accordance with sub-rule (2).

(2) Where one or more Association candidates must be selected for a contested position, the election must be held as set out in Part 8-Division 1, by all the Members entitled to vote as per sub-rule (3).

(3) Association members entitled to vote for a contested position must meet the following criteria to be able to vote:

(a) be a current Member of the Association

(b) be registered to vote for the electorate or ward that is being contested i.e. is on the relevant electoral roll.

(c) be a member of the Association for more than 1year.

(4) Voting, under sub-rule (2), to select candidates must take place either—

(a) in a physical meeting;

(b) by postal ballot; or

(c) secure online voting system.

104. Elected representatives

(1) Elected representatives have the right to re-contest their seat without having to face a preselection ballot unless they have been disendorsed in accordance with rule 106 or faced a successful no confidence motion in accordance with rule 106.

(2) Elected representatives must retire as a member of Parliament or a municipal Councillor once they have served 9 consecutive years representing a single electorate.

(3) Retirement takes effect at the end of the representative's current term of office.

(4) Once retirement is triggered by sub-rule (2), the person affected may run for a seat or ward other than the one from which they are retiring.

(5) Elected representatives are expected to work constructively with other elected representatives of the Association, and the Association itself to achieve the purposes of the Association.

> **Note** The Association believes that there should be a limit on the length of time served by any elected representatives to any parliament or local government.

105. Gifts and benefits

(1) Subject to sub-rule (2), the Association's candidates and elected representatives must not accept personal gifts or benefits from external entities or individuals.

> **Note** Subject to rule 96, donations and gifts may be made to the Association, but not to a candidate or elected representative.

(2) Candidates and elected representatives may attend external non-Association events where some or all of the costs of participation are covered by the host, provided that—

(a) the purpose of the presence of the Association's candidate or elected representative

is for work purposes (eg. exchange of views, education, advocacy);

(b) if there is a ticket cost, the ticket price is paid in full by the candidate or the Associate or the Branch the candidate is a member of, unless or the ticket price waived or discounted due to the candidate or elected representative speaking or performing a public function at the event;

(c) the costs of free benefits associated with the event excluding the ticket fee (eg. food and drink) do not exceed $200 AUD (2012 value); and

(d) if a candidate or elected representative attends such an event they must not accept any take-away gifts other than tokenistic gifts under the value of $100 (2012 value) for the purpose of thanking the candidate or elected representative for speaking or performing a public function at the event or mementoes / promotional material supplied to all people attending the event.

106. Disendorsement of candidates or elected representatives

(1) Candidates and elected representatives can be disendorsed by the Committee where they have—

(a) used their position to benefit personally beyond any normal remuneration received for being, for example, an elected representative or in ways that are not permitted by rule 105;

(b) used their position for the private benefit of any friend, family member, associate or any other person;

(c) failed to advocate the Association's core principles, purposes and policies;

(d) engaged in conduct prejudicial to the Association;

(e) been expelled as a Member of the Association as a result of disciplinary action taken by the Association;

(f) engaged in past or current conduct which does not meet the Code of Conduct as defined in sub-rule 99(2) and (3);

(g) engaged in Branch stacking or similar activities;

(h) failed to meet their agreed campaign commitments where they have been endorsed for two elections; or

(i) had a successful vote of no confidence moved against them by the Members of their electorate as covered in sub-rule (2).

(2) Five or more Members who live within the electorate of an Association candidate

or elected representative and have been Members for more than one year, may present a petition calling for a special meeting to be held at which all Members who have been members for more than one year and live within that electorate can vote to request the disendorsement of that candidate or elected representative.

(3) The petition must be presented to the Committee.

(4) On receipt of the petition, the Committee must hold a special meeting of all the Members who have been Members for longer than one year and live within the electorate to vote for or against a request for disendorsement no sooner than 7 days and no later than 21 days from the date of presentation of the petition.

(5) At the special meeting—

(a) the grounds for the vote of no confidence must be presented in both written form and can be read by a Member seeking the disendorsement of the candidate or elected representative; and

(b) the candidate or elected representative who is the subject of the petition must be given the opportunity to present a statement in their defence.

(c) The statement in defence may be read by the person who is the subject of the petition or by their nominated representative; or if no person is nominated then by the meeting facilitator or a person nominated by the meeting facilitator.

(d) in both bases read statements should take no longer than 30 minutes each.

(6) To succeed a no confidence motion must obtain at least a 60% majority of the elebilble Members voting.

(7) If a vote of no confidence is passed, the disendorsement process must then be handled as a disciplinary action in accordance with Part 3 Division 2 of these Rules.

107. Preferences given at external elections.

(1) Preferences given to other political parties at an election through How to Vote cards or equivalent in general must be distributed in order of a candidates and / or party's alignment to the Association's or branches policies and platforms.

(2) Preferences are decided in the first instance by the Branch who has selected the relevant candidate.