



Science Party NSW Constitution

Version accepted 17th October 2019

1. Party aims and beliefs

The Science Party NSW believes the quality of life of the human race is improved primarily through technological developments, sourced through a scientific approach to knowledge in the context of democracy and peace.

The Science Party NSW believes our economy and our society should be structured so as to maximise the development and adoption of technology wherever it is advantageous and safe to do so.

The Science Party NSW's goal is to help make Australia a technologically advanced country with a high quality of life for all its citizens and residents.

The Science Party NSW aims to achieve this and other secondary goals by influencing the policies of the executive and legislative branches of government in New South Wales. This will include endorsing candidates for Legislative Assembly, Legislative Council and local council elections, who will, where elected to office, work to further the ideas and values of the Science Party.

2. Name

The Party shall be named "Science Party NSW". The Party will have the abbreviations "Science Party" and "Science". It shall also be known as "Science Party, New South Wales", "Science Party NSW branch" and "Science Party (NSW)".

In this Constitution, "Party" will also refer to "Science Party NSW". "Federal Science Party" refers to the federally-registered Science Party.

3. Members

3.1. Membership definition and eligibility

The Party shall be a voluntary association of people, referred to throughout this Constitution as "members" or "Party members".

3.2. Branch criteria

Branch criteria for membership of the Science Party NSW are:

- Membership of the Federal Science Party; and
- Residence within New South Wales.

As per the Federal Science Party constitution section 7.3., a person is automatically a member of Science Party NSW if, and only if, they are a full member of the Federal Science Party, are resident in New South Wales, and have not chosen to opt out of the NSW branch. There shall be no other requirements for membership of Science Party NSW. Science Party NSW shall not have the power to add or remove its own members.

3.3. Rights of members

Members shall have the rights to:

- Receive Party announcements and other non-private internal communications; and,
- Have access to Party financial records, and other official documents, including this Constitution; and,
- Attend general meetings, either at the primary venue or, where deemed appropriate by the Executive, from secondary venues via technological means; and,
- Put forward motions at Party meetings, and proposals for Party ballots; and,
- Act as office bearers of the Party, where so appointed.

3.4. Probationary status

A member joining the Party shall at the time of their joining have probationary status. Such members shall be referred to as "probationary members" while members without such status shall be referred to as "full members".

A Party member shall cease to have probationary status:

- When they have been a Party member for eight weeks; or,
- Immediately after attending a general meeting of the Party; or,
- If the Executive grants them full membership.

Full members shall have the additional rights to:

- Vote at general meetings and in ballots; and,
- Nominate candidates for positions on the Party Executive ("Executive candidates") and the Party's electoral tickets ("electoral candidates"); and,
- Run as an Executive or electoral candidate.

3.5. Termination of membership

Members of the Party may voluntarily request at any time in writing that their membership be terminated by the Secretary. Membership shall also be terminated whenever a member ceases to be eligible according to the terms of clause 3.2.

Party membership may not be terminated in any way other than those described in this clause.

3.6. Threshold groups

A "threshold group of members" or "threshold group", as referred to elsewhere in this Constitution, shall be defined to be five percent of Party members or 100 Party members, whichever is smaller, with a minimum of five people.

Except where otherwise specified, a threshold group must consist exclusively of full members.

3.7. Residence

Members may enjoy certain rights and privileges under this Constitution which depend upon their ordinary place of residence. This shall be taken by Party officers to be the members' addresses as recorded in the membership roll.

Party members shall make reasonable efforts to update the Secretary of any changes of their address. From time to time, or in the event of any dispute over a member's exercise of a right or

privilege based on their residence, the Secretary shall verify that the provided address matches the details recorded on the Commonwealth Electoral Roll.

A member with no fixed address may choose to nominate a single given address to be their ordinary place of residence for Party purposes, by informing the Secretary of such in writing. Such an address may be chosen arbitrarily by the member, provided only that it corresponds to an actual street address in Australia. Once chosen, the member may not subsequently change the nominated address; their membership record shall only be updated where they come to reside at a fixed address.

4. Voting

4.1. Purpose and function of votes

The Party shall strive to come to a broad consensus in matters of overarching governance, strategy and policy. Where consensus is not clear, key decisions shall be resolved by votes of the membership, or by certain subsets of the membership such as the Executive, as described throughout this Constitution.

Votes may be conducted at Party meetings, on any motion raised at the meeting. Votes at meetings shall be open and by acclamation, unless a member requests a secret ballot, in which case the chair of the meeting shall arrange one. People may vote "yes", "no", or "abstain" on any motion at a meeting. The mechanics of the elections of candidates to positions within the Party are further described in the sections of this Constitution that deal with those elections.

The Party may also conduct votes outside of a meeting, referred to in this Constitution as "ballots". Ballots of the entire membership will be organised by the Party Secretary. Ballots may be conducted by post, or electronically. Voting will not be compulsory. The Secretary shall act as the returning officer or appoint a member of the Party to do so.

Where this Constitution refers to "votes" it will be taken to mean both votes at meetings and ballots, unless otherwise specified. Proxy voting is not allowed for any type of vote.

4.2. Resolution of votes

Votes with binary outcomes will be decided by simple majority of votes cast. Votes with more than two outcomes (for instance, Executive elections that are contested by three or more tickets) shall be decided by a preferential mechanism, to be determined by the Party Executive, and recorded in Schedule B by the Co-ordinator.

Changes to Schedule B must be published before taking effect. The published version of Schedule B in force at the time of the meeting (for a vote at a meeting) or the formal announcement of the ballot (for a vote by ballot) shall be the one applied for that vote.

4.3. General votes

Votes put to the entire voting membership of the Party are referred to as "general votes". General votes must give all members a reasonable chance to participate.

All general votes conducted by ballot must be formally announced by the Secretary, and a minimum of 7 days, or the minimum required under the law for the motion - whichever is longer - must pass between this announcement and the close of the ballot. Furthermore, prior to the

Secretary's formal announcement of the ballot, the proposal must be published and members given a chance to discuss and suggest amendments, for a period no shorter than two days.

Only people who are members at the time the ballot or the General Meeting is formally announced by the Secretary may participate in the vote.

4.4. Motions

Rules governing various types of motion that may be put to a vote, such as amendments to the Constitution, are detailed throughout this Constitution. Other motions falling outside the types described by the Constitution may be put to a vote. However, such motions have no effect with regard to any matter explicitly governed by the Constitution. For instance, a motion may be passed by general vote to censure the Executive. However a motion cannot force a change to Party policy, due to section 8, nor can a motion force the removal or instalment of a Party office bearer, due to section 9.

Motions may have further conditions attached on their taking effect subsequent to passing a vote. For instance, a motion could include provisos that it may only take effect should a separate motion be passed, or after a certain date.

4.5. Vote outcomes

Where not otherwise specified, votes take effect according to this clause.

Votes passed at meetings take effect immediately.

Ballots take effect when the results are announced by the Secretary, which shall be done within one day after the close of voting for the ballot.

4.6. Conduct of elections

If the Secretary joins a ticket contesting an Executive or candidate election, a member of any other ticket may request that the Secretary recuse themselves from the conduct of the election. In this case the Secretary's role for the purposes of the election shall be performed by the next most senior available office bearer not contesting the election. If no such office bearer is available, the Executive shall appoint a full member of the Party who is not contesting the election to perform the role.

5. The Executive

5.1. Role of the Executive

The Executive of the Party, referred to as "the NSW Executive" or just "the Executive", is the Party's supreme decision making body. The Executive has a wide range of powers, which are described throughout this Constitution.

5.2. Composition of the Executive

The Executive is to be comprised of:

- The NSW Branch Leader, referred to in this Constitution variously as the "Branch Leader", "NSW Leader", or simply "Leader"; and
- Four Regular Members of the Executive (abbreviated as "RME"); and
- Party members who are members of the NSW Legislative Assembly; and

- Party members who are members of the NSW Legislative Council.

RMEs are permitted to additionally hold office bearing positions, as listed in the Constitution, and to be Party candidates for parliamentary office. Where a Regular Member of the Executive is elected as a member of state or local government, their position as RME shall become vacant.

5.3. Decisions of the Executive

Decisions of the Executive will be determined by a vote. Votes will require a simple majority to pass, except for matters where this Constitution specifically provides otherwise. Where decisions in the Executive result in a tie for the vote, the Leader, or a member of the Executive they nominate, will decide whether the vote passes or not.

A person who is both Leader and a member of NSW parliament or local government only holds a single vote in the Executive.

5.4. Overturning and appealing decisions of the Executive

Any decisions of the Executive may be overturned by a subsequent decision of the Executive.

The Executive may elect to hear any appeal of any Party member against any previous decision. The decisions of the Executive that conform to this Constitution and the laws governing this Constitution may not be overruled or appealed by any means other than those specified in this clause.

5.5. Election of Party Leader and Regular Members of the Executive

The Leader and RMEs of the Party are elected by a general vote, referred to as an "Executive election." Members vote for their chosen ticket. A ticket is comprised of five people standing for the Executive, one of whom is the proposed Leader, and the other four of whom are proposed RMEs.

5.6. Casual vacancies in the Executive

If at any time there are one or more RME positions vacant, these positions shall be filled with Party members appointed by the Executive. However, a new Executive election must be held if:

- any RME or the Leader is expelled from the party under clause 3.5, or;
- more than two RMEs resign in any 12 month period, or;
- the Leader resigns.

Current and former members of the Executive are allowed to run in these elections, providing they are still members of the party.

5.7. Changing the Party leadership

Besides elections triggered under clause 5.6., there are two further ways by which a new Executive election may occur:

- If two current members of the Executive endorse a ticket to stand as Executive candidates. This ticket may or may not include the endorsing Executive members; or,
- If a threshold group of members endorses a ticket to stand as Executive candidates.

In either case, the members endorsing the ticket must inform the Secretary, who must then organise a new Executive election. The election must be formally announced by the Secretary within one day of being informed by the endorsing members.

5.8. Process of Executive elections conducted by ballot

After the formal announcement of the election, nominations shall be open to additional tickets for one week. Once nominations have closed, the list of tickets shall be published by the Secretary and voting shall commence. Voting shall end one week after the close of nominations. No new elections can be triggered under section 5.7 between the formal announcement of the vote and six weeks after voting closes.

None of the provisions of this clause shall apply to an Executive election conducted at a General Meeting.

5.9. Caretaker period

The Executive shall enter caretaker mode at the time the Secretary is informed:

- By a member of the Executive or the Party Leader of their resignation that leads to an election under clause 5.6.; or,
- Of the endorsement of a ticket that leads to an election under clause 5.7.

While the Executive is in caretaker mode:

- No changes may be made to any Schedules of the constitution, except by the Director to update Schedule A to reflect voluntary resignations of serving officers; and,
- All applications to create, merge or split any branches of the Party shall be suspended; and,
- The Executive may not change the Party's official policy platform.

The caretaker period ends upon the announcement by the Secretary of the new Executive as determined by the results of the election.

6. Endorsement of NSW parliamentary and local government candidates

6.1. Endorsement of candidates for the Legislative Assembly

For each Legislative Assembly seat, the Executive shall determine whether or not to field a candidate.

The candidate for a seat shall then be preselected by a ballot of all Party members ordinarily resident in that electorate.

6.2. Endorsement of candidates for the Legislative council

The Executive is to decide the number of candidates to be endorsed to run on the Party's ticket for any Legislative Council election.

The Party's ticket shall then be preselected by a ballot of all Party members.

6.3. Endorsement of candidates for local government

For each local government election, the Executive will determine the number of candidates that will be endorsed by the Party and the mechanism by which candidates are preselected.

6.4 Exceptions to endorsement processes

The Leader of the Party shall in a state election either be lead candidate for the Legislative Council, or their local area's candidate for the Legislative Assembly – whichever they decide to be most appropriate.

Hence, if the Leader decides to run in the Legislative Assembly election, there will not be a ballot to elect that seat's candidate. If the Leader decides to run in the Legislative Council election, the number of positions on the ticket to be decided by a vote will be reduced by one position.

If any vote to determine a candidate is participated in by fewer than 50 members, the Executive may choose to substitute the preselected candidate with a candidate appointed by the Executive's choosing. If there are fewer than 50 members eligible to vote in an upcoming preselection, the Executive may opt to instruct the Secretary not to hold a ballot for that position.

7. Affiliates of the Party

The Executive may decide to allow other groups to affiliate with the party, such as clubs, societies, and so on, referred to hereafter as affiliates. Affiliates shall not be considered subsets of the Party, and shall not be subject to any other clauses of this Constitution.

Affiliates' name, date of affiliation, and relevant contact information where applicable, shall be recorded in Schedule E.

At the time of affiliation, the Executive and affiliate shall agree to:

- The terms under which an affiliate may use the Party materials liable to establish the appearance of a connection between the organisations, such as the Party name or logo; and
- The privileges, if any, that shall be enjoyed by Party members within the affiliate, and affiliate members within the Party.

and this agreement shall be published by the Coordinator.

Where applicable, copies of the minutes of all meetings of the affiliate, and of its governing body (such as a board, committee, etc), shall be forwarded to the Secretary.

The Executive may decide to end an affiliation agreement at any time.

8. Policy

The policy of the Party is to be determined by the Executive of the Party. The Executive may at its discretion decide to hold membership ballots and general membership meetings to inform policy decisions, and otherwise engage the Party membership in the process of determining Party policy; the outcomes of any such processes are non-binding.

Policies shall not contradict the values or policy platform of the federal party. Wherever a contradiction arises, the Federal policy shall prevail to the extent of the contradiction.

9. Office bearers

9.1. Role of office bearers

The administration of the Party shall be managed by office bearers, also referred to as "office holders", "officers", or "Party officers".

The "main office holders" shall be the Party Leader, as described in section 5, and the Secretary, Treasurer and Coordinator, who shall be appointed by the Executive.

9.2. Leader

The Leader is to be the public face of the party and shall:

- Publicly represent the party where possible; and
- Where eligible, nominate as a candidate in each election in which the Party nominates any candidates; and
- Act to inspire the membership towards the aims of the Party; and
- Seek to form connections with organisations that operate in line with the Party's values.

9.3 Secretary

The Secretary is responsible for the overall administration of the Party. This includes, but is not limited to:

- The Party's correspondence, including all official correspondence with the NSW Electoral Commission (NSWEC) and with Fair Trading NSW, except where otherwise noted; and
- Organisation of Party ballots and meetings, as described throughout this constitution; and
- Party membership, including maintenance of the membership roll as well as other duties as described throughout this Constitution; and
- Management of all matters not assigned to any other officer.

9.4. Treasurer

The Treasurer is responsible for all financial administration within the Party, including but not limited to:

- Maintenance of the financial accounts of the Party; and
- Ensuring that the Party has sufficient funds to pay all outstanding debts and has sufficient funds to continue its operation; and
- Notifying the Leader and Executive if the Party has insufficient funds to continue; and
- Maintenance of all tax records, and all correspondence with the Australian Taxation Office (ATO), including submission of tax returns; and
- Creating both recurrent operational budgets and budgets for election campaigns; and
- Lodging annual financial disclosure returns.

9.5. Coordinator

The Coordinator shall assist the Secretary with the overall administration of the Party, as agreed between the Secretary and Coordinator.

The Coordinator shall be the Party's Registered Officer. As such they shall:

- Be the main contact with the (NSWEC) for the details recorded on the Register of Parties; and
- Officially nominate candidates for the Party with the NSWEC; and
- Correspond with the NSWEC regarding the Party's official name and abbreviation as it appears on ballot papers and other official materials; and
- Where appropriate, appoint the Party's Deputy Registered Officers, and
- Maintain a list of all other office bearers as described in section 9.6.

9.6. Other office bearers

The main office bearers, with the consent of the Executive, may delegate some of their duties to other office bearers, referred to also as "secondary office bearers", or "auxiliary office bearers". The Executive may also appoint secondary officers, reporting directly to the Executive, to administer other areas as they see fit. All such appointments must be consistent with the *Electoral Act 1918* (Commonwealth). The titles, duties and seniority of these offices, and the names of the current holders of all offices, shall be recorded in Schedule A, to be maintained by the Coordinator.

10. Party meetings

10.1. General Meeting

A "General Meeting" means either an Annual General Meeting or Special General Meeting.

10.2. Annual General Meeting

An Annual General Meeting (AGM) must be held every year in the month of October.

10.3. Special General Meeting

A Special General Meeting (SGM) may be called at any time by the Executive.

10.4. Quorum

An Annual General Meeting (AGM) or Special General Meeting (SGM) must be formally announced to all members at least 21 days in advance by the Secretary.

All members who confirm their attendance at least one week in advance must be allowed to attend. A quorum is 4 members.

10.5 Meeting venues

General Meetings shall take place at venues to be organised by the Secretary. The venues must have sufficient capacity to host all members who wish to attend. A meeting shall be allowed to take place at more than one venue using appropriate technology as determined by the Executive, provided that all attending members have a reasonable chance to participate in the meeting.

10.6. Presiding member

The Secretary is to preside as chairperson, or appoint another officer to do so, at each General Meeting. If the Secretary or appointed officer are unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

11. Incorporation

11.1. Incorporated Association

The Party shall be an Incorporated Association, under the terms of the *Associations Incorporation Act 2009* (NSW), referred to throughout this section as "The Act".

11.2. Financial year

The party's financial year shall be determined by the Treasurer, with changes subject to the veto of the Executive, and recorded by the Treasurer in Schedule C of this Constitution.

11.3. Not-for-profit

The Party shall be a not-for-profit organisation.

11.4. Model Constitution

On any matters not dealt with explicitly by this Constitution, the provisions of the Model Constitution, as defined by The Act, shall be applied.

11.5. Clarification of roles under The Act

The Executive shall record and maintain in Schedule D the roles of the Party's officers, rules, mechanisms, and so forth, with respect to The Act. At a minimum, Schedule D shall define the Party's Public Officer and Authorised Signatories for the purposes of The Act.

11.6. Clarification of votes and voting procedures under The Act

The Party shall not use Resolutions or the associated voting mechanisms as specified under The Act to determine Party matters, except to the extent The Act explicitly requires it - for instance, the use of a Special Resolution to modify this Constitution.

Special resolutions may be used to pass the application to the NSW Director-General for registration of a change to the Party's name, objects or Constitution. Special resolutions may be passed at a General Meeting or by ballot. Notice required for a special resolution is determined by The Act.

In all cases the methods for conducting votes in the Party, including special resolutions, shall be governed by section 4 of this Constitution and the associated schedules, to the greatest extent that is compatible with The Act.

12. The Constitution

12.1. Changing this Constitution

Changes to this Constitution can be made by passing a special resolution in accordance with the *Associations Incorporation Act 2009* (NSW).

The motion proposed must have a binary outcome - that is, members must vote either for or against the proposed amendments. The full text of the new Constitution, or else a full description of the change to the text, or both, shall be published alongside the motion.

Changes to the Constitution can be proposed for vote by any full member to the Secretary. If the proposed changes are not endorsed by the Executive, the member must seek and attain the

endorsement of a threshold group of members. If they seek to have the vote take place at a General Meeting, they must attain endorsement at least 21 days prior to the meeting.

Whenever a new Constitution is registered with the NSW Director-General, an official version of the updated text shall be published by the Party, with copies to be given to the relevant authorities.

12.2. Schedules to this Constitution

This Constitution is supplemented by a number of auxiliary documents, referred to as Schedules. They are to be published alongside the Constitution. Schedules may be changed according to the rules of this Constitution that describe them. Such changes are not considered changes to the Constitution itself and clause 12.1 does not apply to them.

The current Schedules are:

- Schedule A - Office Bearers
- Schedule B - Preferential Voting
- Schedule C - Financial Year
- Schedule D - Clarification of roles under the *Associations Incorporation Act 2009* (NSW)
- Schedule E - Listing of Affiliates



Science Party NSW

Schedules to the Constitution

Schedule A – Office Bearers

The main offices of the Science Party are defined in the Constitution. Namely, in order of seniority: the Leader, the Secretary, the Treasurer, and the Coordinator.

As outlined in section 9.1, the Secretary, Treasurer and Coordinator, shall be appointed by the Executive. This ability of the Executive to appoint Office Bearers includes the ability of the Executive to appoint replacements for those Office Bearers.

Following the main offices in seniority are the auxiliary offices of the party, appointed by the Executive on the advice of the main office bearers. They are delegated subsets of the specific duties of the main offices, as recorded in this document.

Auxiliary Offices are to be filled by the executive. Where casual vacancies exist, the executive is to ensure that the responsibilities of the vacant office are carried out by other officers of the party.

An office bearer may hold more than one office. As specified in the Constitution, all office bearers must be members of the Science Party. When an auxiliary office is vacant, its responsibilities shall revert to the relevant main office.

The scope and responsibilities of auxiliary offices are as follows:

Policy Officer

Manage the party's internal policy development process by:

- Guiding policy discussions amongst the general membership; and
- Presenting to the Executive summaries of debates concerning any proposed changes to the party policy platform; and
- Assisting in the maintenance and publication of the official policy, including on the party website; and
- Overseeing and directing any research required for policy development.

The policy officer reports to the Executive.

Communications Officer

- Decide the strategic direction of the communications team across all platforms; and
- Ensure that members receive a regular electronic newsletter; and
- Report on the team's activities to the other senior officers and the Executive.

The Communications Officer reports to the Executive.

Social Media Officer

- Create social media content (polls, posts, image macros, etc.) in conjunction with volunteers; and
- Ensure that enquiries received via social platforms (Facebook, Twitter) are responded to.

The Social Media Officer reports to the Communications Officer.

Membership Officer

- Assist with the administration of memberships of the party, including processing membership applications and resignations, and tracking probationary and financial status.

The membership officer reports to the Secretary.

Volunteer Manager

- Drive volunteer recruitment; and
- Direct volunteer project requests; and
- Maintain a database of volunteers.

The volunteer manager reports to the Secretary.

IT Officer

The IT Officer is responsible for the technical oversight of all of the Science Party's information technology. This includes but is not limited to:

- Mailing lists
- Email accounts
- Google drive
- Task management platforms
- Domain name (nsw.scienceparty.org.au)
- Website/blog (i.e., Nationbuilder)

The IT officer reports to the Executive.

Current office bearers, as of 4 Feb 2017

Leader: James Jansson - E.C.
Secretary: Saritha Manickam - P.P. Sec
Treasurer: Michael Maroske
Coordinator: Andrea Finno - P.P.
Policy Officer: (vacant)
Communications Officer: Ruth Gordon
Social Media Officer: (vacant)
Membership Officer: (vacant)

Volunteer Manager: (vacant)

IT Officer: (vacant)

Schedule B - Preferential Voting

When a vote with more than two outcomes occurs (for instance an Executive Election where more than two tickets have been nominated), the Science Party NSW shall employ the preferential voting method of Ranked Pairs.

Schedule C - Financial Year

The Science Party NSW financial year shall run from July 1st to June 30th.

Schedule D - Clarification of roles under the Associations

Incorporation Act 2009 (NSW)

For the purposes of the NSW Associations Incorporation Act 2009:

- The Executive shall be the Party's committee.
- The Secretary shall be the Party's public officer.
- Anyone who is a member of the Executive or a main office bearer (or both) shall be an authorised signatory for the Party.

Schedule E - Listing of Affiliates

The Party has no affiliates as of 4 Feb 2017.

Registered party information required under the *Electoral Act 2017* and the *Local Government Act 1993*:

Please provide written responses in the spaces provided to address the following party information if it is not explicitly outlined in the party's constitution. This information will be published on the NSW Electoral Commission's website with the party's constitution.

(i) the party's objects:

(ii) the procedure for amending the party's written constitution:

(iii) the rules for membership of the party, including the procedure for accepting a person as a member and ending a person's membership:

(iv) a description of the party structure and of how the party manages its internal affairs:

(v) the procedure for selecting a person to hold an office in the party and for removing a person from office:

Office bearers in the party shall be appointed and removed by the Executive.

(vi) the names of the officers or members of the party responsible for ensuring the party complies with the *Electoral Act 2017* and the *Electoral Funding Act 2018*:

Officer responsible for Electoral Funding Act 2018: Michael Maroske (Party Agent and Treasurer)

Officer responsible for Electoral Act 2017: Saritha Manickam (Secretary)

Please provide clear statements that explicitly outline all of the required information.