

**ARTICLES OF ASSOCIATION  
OF THE AUSTRALIAN DEMOCRATS (NSW)**

**1.0 NAME**

The association shall be known as the Australian Democrats (NSW).

**2.0 DEFINITIONS**

Unless the context requires otherwise, the following shall mean:-

**2.1 Party:**

The National Organisation of the Australian Democrats.

**2.2** (Deleted 1998)

**2.3 State:**

A State or Territory of the Commonwealth of Australia.

**2.4 Branch:**

A group of members within the State which conducts meetings at a local level, pursuant to Clause 18.0

**2.5 Region:**

A group of branches.

**2.6 NSW:**

The State of New South Wales.

**2.7 Executive:**

The NSW State Executive of the Party pursuant to Clause 7.0.

**2.8 Council:**

The NSW State Council of the Party pursuant to Clause 19.0.

**2.9 Articles of Association:**

These Articles of Association of the Australian Democrats (NSW) including schedules thereto, as adopted and amended by ballot of members of the Party in New South Wales.

**2.10 Directors:**

The positions referred to in Clause 7.1.1 and Clause 7.1.2 (being the voting positions elected by all the NSW members elected concurrently) shall be the directors of the association.

### **3.0 OBJECTIVES**

**3.1** The objectives of the Australian Democrats (NSW) shall be:

**3.1.1 POLICY OBJECTIVES** as expressed in Clause 3.0 of the National Constitution of the Australian Democrats.

**3.1.2 ELECTORAL OBJECTIVES** - to seek the election of members committed to the objectives of the Party to:

- (a) the Parliament of the Commonwealth of Australia
- (b) the Parliament of the State of New South Wales
- (c) Local Government

**3.2** The income and property of the Australian Democrats (NSW) whence-so-ever derived shall be applied solely towards the promotion of its objectives as set forth in these Articles of Association and no portion thereof shall be paid or transferred directly or indirectly by way of dividend bonus or otherwise howsoever to its members, provided that nothing herein shall prevent the payment in good faith of remuneration to any officer or servant of the Party for services actively rendered to the Party.

### **4.0 NATIONAL CONSTITUTION**

When any clause of these Articles of Association is inconsistent with any clause of the National Constitution, the latter shall prevail and the former shall, to the extent of the inconsistency, be invalid.

### **5.0 NSW STATE MEMBERSHIP**

Any person who adheres to these Articles of Association and who pays the membership fee prescribed by the National Executive shall be entitled to enroll as a member of the Party in one State (NSW) and one branch within NSW.

### **6.0 NSW STATE ORGANISATION**

**6.1** The Governing body of the Australian Democrats (NSW) shall be the NSW Executive (defined under Clause 7.0), elected directly by the NSW membership, with the addition of twelve (12) Regional Organisers elected by the respective members of the Regions defined under Clause 10.5, assisted in the conduct of its duties by five (5) Standing Committees (defined under Clause 10.0) entitled as follows:

- (a) Administrative & Finance Committee
- (b) Policy Committee
- (c) Publicity and Campaign Committee
- (d) Communications Committee
- (e) Candidate Assessment Committee (CAC)

## **6.2** (Deleted 1998)

**6.3** It shall be obligatory on any member of the Executive or Committees to declare any financial or direct personal interest in any matter under discussion or for decision and shall be excluded from voting on such matters if challenged and the challenge is upheld by a simple majority of those voting members present (the member retains his/her right to vote on the matter of the challenge).

## **7.0 NEW SOUTH WALES STATE EXECUTIVE**

### **7.1 Composition of the Executive:**

The New South Wales State Executive shall comprise the following:

#### **7.1.1 Presidential Officers:**

- (a) A President.
- (b) Two (2) Vice-Presidents.

elected separately by the NSW membership pursuant to Rule 22 of Schedule One. Any person elected to the position of President shall be excluded by the Returning Officer from the counting of votes for the position of Vice-President and likewise, any person elected to a Presidential position shall be excluded by the Returning Officer from the counting of votes for any other voting position on the Executive.

#### **7.1.2 Ordinary Executive Members:**

- (a) Five (5) Ordinary Members of the Executive Committee, elected concurrently by the NSW membership.
- (b) The Five (5) Ordinary Executive Members shall represent the Five (5) Standing Committees.

#### **7.1.3 State Representatives on National Executive:**

Two (2) (or whatever number is determined from time to time under the National Constitution) NSW State Representatives on the National Executive, elected by the NSW membership.

#### **7.1.4 Other Voting Members:**

##### **(a) PARLIAMENTARY REPRESENTATIVES**

Two (2) Parliamentary Representatives (where applicable) as follows:

###### **(i) Legislative Assembly of NSW:**

Parliamentary Leader or Deputy Parliamentary Leader, elected concurrently by the NSW membership within two (2) months of the date set for the return of writs following General Elections for the NSW Parliament.

###### **(ii) Legislative Council of NSW:**

Parliamentary Leader or Deputy Parliamentary Leader, elected concurrently by NSW membership within two (2) months of the date set for the return of writs following General Elections for the NSW Parliament.

###### **(iii) Federal Parliament:**

National Parliamentary Leader and Deputy Parliamentary Leader and Leader in the Senate and Deputy Leader in the Senate if these office holders represent a NSW constituency. If none of the aforementioned represent a NSW constituency, the longest serving Federal Parliamentary representative representing a NSW constituency will hold one vote on the Executive.

##### **(b) REGIONAL ORGANISERS**

Twelve (12) Regional Organisers as defined under Clause 6.1.

##### **(c) A delegate from the Young Australian Democrats (NSW)**

#### **7.1.5 Non-Voting Members**

(a) Secretary, Treasurer, Organiser, Publicity Officer, State Policy Co-ordinator, Electoral Information and Research Officer (defined under Clause 8.0) shall be non-voting members of the Executive.

(b) In addition, National officer bearers shall be ex-officio non-voting members of the Executive.

#### **7.2 QUORUM**

**7.2.1** The quorum for any meeting of the Executive shall be half the number of voting member positions (excluding those under Clause 7.1.4) which are at that time filled, either on a full or interim basis,

except that when this number is not a whole number it shall be the next highest whole number.

**7.2.2** At any meeting of the Executive the presence of any voting member of the Executive shall count in achieving a quorum.

### **7.3 DUTIES OF EXECUTIVE**

**7.3.1** The Executive shall be responsible for routine organisation and administration of the Party in NSW, making necessary decisions on behalf of the membership, implementing decisions made by postal ballots of the membership or by resolutions of the NSW State Council.

**7.3.2** The NSW Executive is charged with the full and disclosed accountability to the NSW membership and shall have full power to carry out the resolutions of the NSW State Council (Clause 19.2) and to authorise and initiate all such activities as are or may be in any way conducive or incidental to a fuller or more effective attainment of the objectives of the Party.

**7.3.3** It shall be the duty of the NSW Executive to facilitate co-operation between the Party in NSW and other States as well as with all members of the National Executive.

**7.3.4** The Executive shall, in the exercise of its powers, ensure that all important decisions are made in the most democratic manner practicable; preferably by membership ballot, and by the Executive itself only in so far as is necessary.

**7.3.5** The Executive shall not unnecessarily limit the autonomy of Regions or Branches of the Party.

**7.3.6** The Australian Democrats (NSW) shall not by itself, by its State Executive or by any Committee or organ, borrow an amount such that its total indebtedness to financial institutions exceeds its average annual gross income (that average annual gross income being calculated over the preceding four (4) financial years excluding however funding received under the Election Funding Act, 1981 (NSW) or received under the Commonwealth Electoral Act, 1918) without the approval of a simple majority of members voting by ballot pursuant to Clause 15 and Schedule One.

### **7.4 ELIGIBILITY**

**7.4.1** No member of any Parliament may be a member of the Executive elected under the terms of Clauses 7.1.1 and 7.1.2.

**7.4.2** No member of the Executive elected under the provisions of Clauses 7.1.1 and 7.1.2 or office bearer pursuant to Clause 8.0 shall be permitted to stand as a candidate for Federal, State or Local Government elections (including as a candidate for Pre-selection) during the term of office for which he/she is elected, without the express approval of the Executive.

## **7.5 ATTENDANCE**

### **7.5.1**

(a) Any voting member of the Executive whose position determines the quorum under Clause 7.2.1 shall be liable to dismissal from that position by majority vote of the Executive if that person is absent from three properly convened meetings of the Executive in any one term without leave of absence. Filling of the position shall be in accordance with Clauses 12.11 and 12.12 and with rights retained as in Clause 15.2.

(b) Leave of absence shall be granted if on the determination of each meeting a reasonable apology has been received and accepted, or advance notice has been given of reasonable cause for any anticipated absence from future meetings.

## **8.0 OFFICE BEARERS**

The Executive may, from time to time, call for nominations from the membership for the following officers for election by a ballot of the voting members of the Executive for a term not exceeding that of the Executive:

**8.1 STATE SECRETARY**, whose responsibilities shall include the administration of the Australian Democrats (NSW) as directed by the State Executive and who shall specifically attend to all communication both verbal and written with the National Executive, other State political parties and the general membership.

**8.2 STATE ORGANISER**, whose responsibilities shall include:

- (a) the organisation of Branches and Regions as required;
- (b) maintenance of continuing communications and contact between Branches, the Executive and Council;
- (c) co-ordination of joint Branch endeavours (including electoral); co-ordination of membership drives; and,

(d) if appropriate, serving as Campaign Manager during election periods.

**8.3 CAMPAIGN MANAGER**, whose responsibilities shall include:

(a) co-ordination of whatever campaign activities may be required by the Council, Executive and general membership;

(b) convening of the Campaign Team.

**8.4 STATE PUBLICITY OFFICER**, whose responsibilities shall include:

(a) responsibility for the co-ordination of press releases and advertisements;

(b) maintenance of a direct liaison with members of the media;

(c) projection of relevant Party personalities and information to the media

**8.5 STATE POLICY CO-ORDINATOR**, whose responsibilities shall include:

(a) establishment of a continuous process of policy formulation and review by debate on State and where applicable Federal policy matters through branches, general meetings and specific policy working groups through the Newsletter;

(b) acting as contact and referral point for queries and communications from members and the public on Party policy matters;

(c) bringing to the attention of members, the Executive and, during election campaigns, candidates and campaign managers, the policy issues which require particular emphasis;

(d) co-ordinating the preparation of policy material and campaign literature;

(e) assisting with the preparation of press releases; and,

(f) liaison with the National Policy Development Co-ordinator.

**8.6 ELECTORAL INFORMATION AND RESEARCH OFFICER**, whose responsibilities shall include:

(a) making recommendations to the Candidate Assessment Committee (CAC) and other Committees on which electorates,

based on past performance and other quantifiable indicators, should or should not be contested in a particular election;

(b) providing information on electorates being contested (past performances, addresses of Returning Officers, polling booths, pre-selection and nominating procedures);

(c) assisting in the co-ordination of election campaigns;

(d) providing general information on the candidates from other parties;

(e) preparing details for the how-to-vote information; and,

(f) conducting post-electoral surveys with a view to improving campaign procedures and for the statistical information of the CAC.

**8.7** (Clause deleted September 1980)

**8.8 ASSISTANT SECRETARY**, whose responsibilities shall include:

(a) responsibility for the preparation and promulgation of Minutes for any meetings as determined by the Executive;

(b) handling of routine correspondence as directed by the Secretary;

(c) maintenance of a reference library and the State Office for the benefit of all members.

**8.9 MEMBERSHIP SECRETARY**, whose responsibilities shall include:

(a) liaison with Central Office, Secretary and Treasurer on all membership matters;

(b) processing of new member applications;

(c) maintenance of membership records;

(d) follow-up of non-renewals

(e) compilation of a monthly report showing new members, resignations and renewals for information of the Executive, Council and general membership.



**8.10 STATE TREASURER**, whose responsibilities shall include:  
(a) the receipt and acceptance of donations, subscriptions, membership fees and endowments of money or property for application to the purposes of the Party, and to apply such income and property according to the Rules of the Party and the direction of the Executive;

(b) reporting monthly and as required by way of financial statements and balance sheet.

**8.11 FINANCIAL SECRETARY**, whose responsibilities shall include:

(a) assisting the Treasurer with the banking register;

(b) maintenance of adequate deposit and withdrawal records;

(c) preparation of receipts and acknowledgment notes where needed;

(d) administration of the Petty Cash Account.

**8.12 FUND-RAISING OFFICER**, whose responsibilities shall include:

(a) obtaining from the State Treasurer the financial fund-raising budget for a specified period of time;

(b) obtaining agreement in principle from the Executive on types and details of projects to be undertaken;

(c) establishing sub-committees for organising of specific functions;

(d) developing a long-range calendar of fund-raising activities;

(e) implementation of such fund-raising plans;

(f) advising the Treasurer in advance if any objective cannot be achieved.

## **9.0 CAMPAIGN TEAM**

A Campaign Team shall be co-opted by the Campaign Manager and shall also include as voting members the Publicity Officer, the Policy Co-ordinator, the Electoral Information and Research Officer, the Organiser (as appropriate), the Fund-raising Officer, together with one Executive member appointed by the Executive as a non-voting

member of the team but whose duty shall be to liaise with the Executive and Campaign Team.

## **10.0 STANDING COMMITTEES**

The following shall be the Standing Committees pursuant to Clause 6.1:

**10.1 ADMINISTRATIVE & FINANCE COMMITTEE**, comprising Secretary, State Treasurer, Fund-Raising Officer, Membership Secretary and a representative of the Newsletter Panel, together with one ordinary member of the Executive Committee.

**10.2** (Deleted 1998)

**10.3 POLICY COMMITTEE** comprising State Policy Co-ordinator and three others elected concurrently by the membership, together with one ordinary member of the Executive Committee.

**10.4 PUBLICITY AND CAMPAIGN COMMITTEE** comprising State Publicity Officer and three others elected concurrently by the membership, together with one ordinary member of the Executive Committee.

**10.5 COMMUNICATIONS COMMITTEE** comprising State Organiser, a delegate from the Young Australian Democrats (NSW), and the Regional Organisers elected by the respective members of the following regions:

- Central Sydney
- Northern Sydney
- Southern Sydney
- Western Sydney
- Outer North & Western Sydney
- Northern NSW
- Central & North West NSW
- South Western NSW
- South Eastern NSW
- Illawarra & Macarthur
- Hunter & the Coast
- Newcastle & Central Coast

together with one ordinary member of the Executive Committee in co-operation with the Policy Co-ordinator.

## **10.6 CANDIDATE ASSESSMENT COMMITTEE (CAC)**

comprising five (5) non-Executive members of the Party who shall be elected annually by the membership and from which shall be

elected a Convener CAC [a quorum of three (3) being required for pre-selection purposes]. In addition, the Electoral Information and Research Officer shall be a member of the CAC together with one ordinary member of the Executive but neither of the latter shall have a vote in pre-selections.

(Rules for the conduct of Pre-selection of candidates are appended).

**11.0** (Clause 11.0 deleted at time of adoption 27 September 1978)

## **12.0 ELECTIONS OF EXECUTIVE OFFICERS AND COMMITTEES**

**12.1** Elections for the Executive and Committees or positions shall be held annually; with the exception of a delegate from the Young Australian Democrats (NSW) which will be determined in accordance with the constitution of the Young Australian Democrats (NSW), and that of Parliamentary Leadership elections which are held under the provision Clause 7.1.4, or on receipt of a petition of two-thirds of the relevant Parliamentary members. All such elections are to be conducted under the appended Rules for the Conduct of Elections and Ballots, by a Returning Officer appointed by the Executive.

**12.2** The Returning Officer shall ensure that nominations are called, and the election conducted, in sufficient time for the ballot to be declared prior to or at the Annual General Meeting.

**12.3** The term of the incoming Executive and Committees shall commence at the declaration of the poll, save that the first elected under Articles of Association shall take office within forty two (42) days of the adoption of these Articles of Association.

**12.4** (Deleted 1998)

**12.5.1** Members may nominate themselves for any one or more positions but if a proposer and seconder are used, such proposer and seconder shall be fully paid-up members of the Party.

**12.5.2** Regional Organisers must reside or work within the region they represent and be a member of a branch within that region.

**12.6.1** If only one nomination is received for any single vacancy, that person may be ratified by the Executive and declared elected or, in the event of non-ratification by the Executive, nominations shall be called once more only, for which the original nominee shall be eligible.

**12.6.2** If the number of nominations is less than or equal to the number of vacancies in a multi-vacancy election, all, but only all, nominees may be ratified by the Executive and declared elected or, in the event of non-ratification by the Executive, nominations shall be called once more only, for which the original nominees shall be eligible.

**12.7** If no nominations are received in any election for any committees under Clause 6.0 or non Executive position, the Executive may fill the vacant position/positions by appointment.

**12.8** If insufficient nominations are received in an election for the Executive, the incoming Executive may fill the vacant positions by appointment.

**12.9** Any appointments to positions vacant because of insufficient nominations or any other reason shall be made only after publication in the Newsletter of details of the vacancy together with an invitation to the membership to make applications to the Executive for consideration of appointment.

**12.10.1** If there is a surplus of nominations for the Committees pursuant to Clauses 6.0 and 21.1, the Returning Officer shall conduct the count for the Executive in the order specified under Clause 7.0, followed by the Committees. Any person duly elected and/or nominating unopposed to the Executive shall be excluded by the Returning Officer from the counting of votes for any of the Committees determined subsequently.

**12.10.2** No member of the Executive shall hold more than one voting position on the Executive and shall be elected in the order specified under clause 7.0 unless the candidate has specified a preference to the Returning Officer prior to the count. Regardless of circumstances no member of the Executive will exercise more than one vote except in the case of proxies.

**12.11** If a vacancy other than that which can be filled under the provisions of the Rules for the Conduct of Elections and Ballots occurs on any elected Committee or position before six (6) months have elapsed since the declaration of poll in the last election for that Committee or position, the Executive shall, in the next Newsletter

call for the nominations for an election to fill the vacancy, such election to be conducted as laid down in the aforementioned Rules.

**12.12** If a vacancy other than can be filled under Clause 12.11 occurs on any elected Committee or position or when more than six months have elapsed since the declaration of poll in the last election for that Committee or position, the Executive shall fill the vacancy by co-option with full voting rights after calling for expressions of interest in the Newsletter.

### **13.0 APPOINTMENT OF OFFICERS**

**13.1** The Executive may, from time to time, appoint such officers to assist in the running of the Party in NSW as are not specified elsewhere in these Articles of Association.

**13.2** Any appointment of officers by the Executive may be revoked by the Executive or by a membership ballot initiated under Clause 15.1.

**13.3** A new Executive on taking office shall review the positions of all appointed officers and shall confirm or revoke appointment.

**13.4** The Executive may, from time to time, engage for a remuneration (or dismiss) employees to carry out such duties as the Executive shall allot.

**13.5** Officers appointed by the Executive may be invited to attend meetings of the Executive but shall not take part in voting.

### **14.0 PUBLICATION AND PURPOSE OF NEWSLETTER**

**14.1.1** There shall be published at regular intervals of not more than three months a publication - herein referred to as the Newsletter - which shall be circulated to all members of the Party as a vehicle for communication and as an impartial medium for discussion and debate.

**14.1.2** It shall also be the preferred medium by which full membership ballots on State issues are held. Discussion of issues and policies to be balloted, and the ensuing ballots, shall have priority access to the Newsletter.

**14.1.3** Notwithstanding the Rules, advice of calling of nominations

for candidates for State and Federal elections shall be announced in the next Newsletter or by special mail-out, if necessary, after the decision of the Executive or CAC to call them.

**14.2** To ensure that the Newsletter is informative, it shall where practicable include (abridged or summarised where necessary):

- (a) the minutes of the meeting of the National Executive, NSW Executive, Council and General Meetings;
- (b) non-confidential parts of reports tabled at the meetings of the National Executive, NSW Executive, Council and General Meeting;
- (c) reports submitted to the Newsletter from elected officers and Parliamentary members of the Party;
- (d) letters from members;
- (e) Financial Statements and Balance Sheets as prepared by the State Treasurer as indicated in Clause 8.10(b) at periods of not more than three (3) months;
- (f) information as to the number and scale of substantial contributions to the funds of the Party that come within the provisions of Clause 10.1 of the National Constitution.
- (g) a list of the minutes and non-confidential parts of reports tabled since the last Newsletter but not included in the current Newsletter.

Members of the Executive may determine what is appropriate for inclusion in the Newsletter by way of minutes and reports save that all tabled minutes and reports shall be available to any member of the Division who specifically requests such information.

### **14.3 EDITORIAL PANEL**

**14.3.1** There shall be established an Editorial Panel solely responsible for the publishing and editing of the Newsletter and its distribution to all NSW members of the Party by posting to their last known addresses, with the National Journal whenever possible.

**14.3.2** (Alternatives for this Clause proposed March 1981)

**14.3.3** (Deleted 1998)

**14.3.4** The Newsletter Panel shall be made up of five (5) members elected by the membership at the same time as the State Executive. This panel shall appoint its own convener.

**14.4** The Newsletter may carry advertising.

**14.4.2** (Deleted 1998)

**14.4.3** (Deleted 1998)

## **15.0 DECISION MAKING BY BALLOT**

**15.1** Any matter, whether constitutional, administrative, state policy, or elective, including the position of any officer, Executive or Committee member, shall be put to the membership for decision by ballot either at the instigation of a General Meeting, or of two per cent (2%) of the membership or fifty (50) members, whichever is the greater, petitioning the Executive in writing, or with the exception of elected positions, at the instigation of the Executive.

**15.2** In the case of a petition for ballot of an office bearer's position, the officer shall be eligible to re-contest the position for which the by-election is held.

**15.3** In the case of a petition for an elective ballot, the Executive shall on receipt of petition conduct the appropriate election as laid down in the Rules appended to these Articles of Association.

**15.4** The Executive shall conduct discussion and debate on any non-elective matter to be balloted through the Newsletter in a special supplement mailed to members only.

**15.5** The supplement shall be edited by a member of the Executive with the Executive as supporting Editorial Committee with ultimate responsibility for the conduct of debate.

**15.6** Personal attack on members or Party Officers shall not be printed and the Editor shall seek to avoid publication of negative criticism likely to be unduly divisive.

**15.7** Submissions of full and sufficient length adequately stating the views of the writers shall be invited and encouraged for the opening issues of the debate.

**15.8** Participants in the debate, i.e., writers and readers, shall be invited to submit trial options during the course of the debate, such

trial options to be discussed, debated and modified until participants agree upon a set of options possibly by preliminary ballot, the result of which shall be binding on the Party within NSW.

**15.9** Summaries and synopses may be submitted to the National Journal of the Party where relevant for the information of the respective editors.

**15.10** No ballot shall take place without expression of points of view on the matter, save that in the case of elective ballots, comments shall be restricted to candidates' statements.

**15.11.1** Normally, a ballot shall not take place until publication of at least the second of the two issues of the Newsletter following the first publication of the invitation to debate the matter.

**15.11.2** Notwithstanding Clause 15.11.1 a period of at least two (2) months must have elapsed after the promulgation of the ballot before that ballot may take place.

**15.12** No matter for debate and ballot shall continue beyond the eighth month following the first publication of invitation to debate the matter unless the Executive resolves to extending the time limit.

**15.13** The decision of any ballot, other than indicative or opinion ballots, where so described, shall be binding on the Party within NSW if supported by a simple majority of no less than ten per cent (10%) of those eligible to vote.

**15.14** If less than ten per cent (10%) of members eligible to vote in such a ballot vote, then the Executive shall re-submit the ballot until such time that sufficient votes are cast to satisfy Clause 15.13; if after the third ballot inadequate votes are cast, the Executive shall either ratify the decision or allow it to lapse with the status quo prevailing, any such ratification not to be revoked by the Executive.

**15.15** Once a matter has been finalised by ballot, and excluding Executive ballots, the matter shall not be reintroduced by petition for ballot until six (6) months have elapsed after the close of the poll in the previous ballot on the matter.

**15.16** Ballot options shall state whether the result relates to a specific event or time or whether the result remains operative until superseded, amended or deleted.



## **16.0 CONDUCT OF MEMBERS**

**16.1** Any member of the Party who disagrees with the policy or decision of the Party shall remain wholly free to express and advocate his/her own views except on occasions when he/she is communicating in a public capacity as a representative of the Party, in which event he/she may express his/her own views but make it clear that they do not reflect the views of the general membership of the Party.

**16.2** If a member actively supports a political party or organisation in its objectives to destroy democracy the Executive may take action defined in the National Constitution to expel such person from the Party.

## **17.0 GENERAL MEETINGS**

**17.1** A General Meeting may make recommendation of action to be taken by the Executive but may not decide policy issues or conduct elections.

**17.2** A General Meeting may initiate ballots on elective, administrative, constitutional, policy or other matters.

**17.3** A General Meeting may be called either by the Executive or by two per cent (2%) of the membership or fifty (50) members, whichever is the greater, petitioning the Executive in writing.

**17.4** The Executive shall call a meeting within twenty eight (28) days of receiving the petition.

**17.5.1** A quorum for a General Meeting shall be five per cent (5%) of the membership or thirty (30) members, whichever is greater.

**17.5.2** A General Meeting other than an Annual General Meeting shall elect its own Chairman, for which position all members present shall be eligible.

**17.6.1** The Executive shall ensure that at least one General Meeting is held each year to be known as the Annual General Meeting (AGM), to be held in the month of August or September of each year, during which reports from the Executive, the Treasurer and an Auditor shall be presented.

**17.6.2** The Auditor appointed under Clause 17.6.1 shall be independent of the Party and hold a recognised accountancy qualification.

**17.6.3** Further the Auditor shall be appointed to audit the books and financial statements of the Party for the ensuing year.

**17.7** The AGM shall be organised by the outgoing Executive which shall conduct the meeting until announcement is made of the new Executive which shall then conduct the remainder of the meeting.

**17.8** Members eligible to attend a General Meeting shall be notified by mail of the date and venue of the meeting no less than ten (10) days in advance of the date on which the meeting is to be held in the case of ordinary General Meetings and in the case of the AGM notification shall be given on the same date on which nominations are called for the Executive.

**17.9** The content and order of agendas for the meetings shall be the responsibility of the relevant Executive.

**17.10** (Deleted 1998)

**17.11** Notice of deadline for motions on notice shall be mailed to members at the same time as notice of the meeting.

**17.12** Motions on notice must be published and mailed to members eligible to vote at the meeting no less than fourteen (14) days before the meeting and should where applicable and possible go out with the ballot papers for the Executive.

**17.13** Motions on notice shall take priority over motions from the floor.

**17.14** All persons whose membership is current both at the deadline for motions on notice and on the date of the meeting shall be eligible to vote at the meeting and to propose and second motions.

## **18.0 FORMATION OF BRANCHES**

**18.1** A Branch may be formed in any area (defined by either one or several adjoining electoral subdivisions) subject to the approval of the Executive. A Branch may be dissolved by the Executive if there are less than five voting members.

**18.2** A Branch may set up such organisation within its area as members in the area so determine and may have its own property. The Constitutional Review Committee pursuant to Clause 21.1.1 may approve model Rules for adoption of Branches. A Branch may adopt rules other than such model rules subject to approval of the Executive.

## **19.0 NSW STATE COUNCIL**

**19.1.1** The NSW State Council shall comprise the Executive, the Standing Committees pursuant to Clause 10.0, two delegates from the Young Australian Democrats (NSW), together with each Branch Convener (or substitute) and one other elected Branch Representative to be known as the Delegate. State and Federal Parliamentary members of the Party shall be added to the Council on their election to Parliament or ratification as Parliamentary members of the Party by the appropriate body.

**19.1.2** No member may exercise more than one vote, not including proxies, regardless of the number of positions held.

**19.2** The purpose of the Council shall be:

**19.2.1** To authorise and initiate all such activities as are or may be in any way conducive or incidental to a fuller or more effective attainment of the objectives of the Party.

**19.2.2** To act as a forum for communication between the Branches and the Executive (and associated committees) and meetings shall be called in election emergencies and similar situations. The meetings are to ensure clear and open communications between all parts of the Party in NSW, and between the Executive and members of each Branch. The meetings may examine decisions of Executive and of Branches.

**19.2.3** Resolutions of Council (including support, commendation and censure) may be directed to Branches, State Executives or the National Executive, or direct to the membership by ballot.

**19.2.4** Council shall not unnecessarily limit the autonomy of Regions or Branches of the Party.

**19.3** The Conduct of council meetings shall be the prerogative of the Council and appropriate rules shall be prepared by the Constitutional Review Committee. Meanwhile the Rules for conduct

of meetings inherent in Clause 17.0 of these Articles of Association shall apply as appropriate.

**19.4** The State Secretary shall convene a meeting of the State Council if requested in writing to do so by:

- (a) The State Executive, or
- (b) A Branch, provided that the request is endorsed by a number of branches representing not less than twenty per cent (20%) of branches by number in the Division at the time of the request, or
- (c) The State Parliamentary Leader or at least two thirds of the State Parliamentary members of the Party, or
- (d) At least two thirds of those Federal Parliamentary members who represent a NSW constituency, where there are three or more sitting members, or
- (e) At least two of the six Executive Standing Committees.

## **20.0 STATE OMBUDSMAN / APPEALS CONVENER**

**20.1** The Ombudsman / Appeals Convener shall be a member of the Party and shall be elected annually by the NSW membership in conjunction with the election of the Executive.

**20.2** The Ombudsman / Appeals Convener shall not hold any other position within the Party and shall belong to no other political party.

**20.3** The Ombudsman / Appeals Convener shall ensure his/her availability to all members to consider, on their behalf, any matter in which a member or body of the Party finds itself in conflict with, or has substantial grievance against any other member or body of the Party.

**20.4** The Ombudsman / Appeals Convener shall have the power to immediately but temporarily restrain any member, Branch or State party organisation from pursuing any course of action which is, in the opinion of the Ombudsman, contrary to the justice and/or ethics of the Party. This action will stay in force until he/she has had the opportunity to reconcile the parties in his/her role as ombudsman or failing that convene an appeals committee to make a ruling in accordance with the National Constitution.

**20.5** (Deleted 1998)

**20.6** If in the opinion of the Ombudsman /Appeals Convener action under the provisions of Clauses 20.4 is no longer warranted, such action may be discontinued by the Ombudsman.

## **21.0 AMENDMENTS TO THESE ARTICLES OF ASSOCIATION**

### **21.1 CONSTITUTIONAL REVIEW COMMITTEE**

In conjunction with annual Executive elections, there shall be elections for a further committee of five (5) members elected for a two (2) year term by the membership of the Party within NSW, with two (2) members of this committee elected in the odd calendar year and three (3) elected in the even calendar year. This Committee shall be charged with the following responsibilities:

#### **21.1.1** Constitutional Review Committee:

- (a) to draft, prepare and submit for ballot any proposals for the amendment of the NSW Articles of Association;
- (b) to receive, prepare and submit to the National Ballots Co-ordinator proposals for the amendment of the National Constitution;
- (c) to prepare in draft form model Branch constitutions for use by Branches in the reparation of individual constitutions;
- (d) responsible to the NSW State Council for the preparation of Rules, or By-Laws outside the scope of these Articles of Association.

#### **21.1.2** (Clause deleted July, 1986)

**21.2** Any member or branch may initiate a proposal for an amendment to these Articles of Association by submitting such a proposal in writing to the Constitutional Review Committee for their consideration. Should the committee endorse the proposed amendment it shall then be put to a ballot of the NSW State membership.

**21.3** If at least twenty per cent (20%) of branches petition in writing the Constitutional Review Committee for an amendment to these Articles of Association, it will be binding on the Constitutional Review Committee to put the proposed amendment to a ballot of the NSW membership.

**21.4** If not less than two per cent (2%) of the membership or fifty (50) members (whichever is greater) by way of petition propose an amendment to these Articles of Association, it will be binding on the Constitutional Review Committee to put the proposed amendment to a ballot of the NSW membership.

**21.5** An amendment to these Articles of Association shall have been carried if it received seventy per cent (70%) or more of the votes cast in a postal ballot of all members within NSW, provided the total number of votes cast in favour be at least seven per cent (7%) of the full membership.

## **22.0 PROXIES**

**22.1** At all meetings except Branch Meetings Proxies shall be accepted from those eligible to vote. Proxies will not be accepted for Branch meetings.

**22.2** There shall be two (2) types of proxies:

(a) Un-directed proxies - whereby the member allows the holder of the proxy to exercise his/her discretion in how that vote is to be exercised.

(b) Directed proxies - lodged with the Chair (via the State Secretary) indicating the voters wishes regarding Motions on Notice ONLY. As soon as a Motion on Notice is amended in any significant form, all directed proxies become invalid for the motion in question.

**22.3** No member may carry more than one proxy save that of the Chair who will be the guardian of ALL the directed proxies.

**22.4** All proxy bearers must be members of the party and eligible in terms of their length of membership to vote on the matters in hand. (For example: to hold a proxy at State Executive, a member whilst not necessarily being a member of the State Executive, must have been eligible to nominate at the last call for nominations).

**22.5** All proxies must be in writing (facsimile acceptable) save in the case of State Executive meetings whereby proxies will be accepted over the phone if witnessed.

**22.6** Motions on Notice whilst still requiring a mover and seconder

become the property of the meeting and can only be amended by leave of the meeting.

### **23.0 ADOPTION**

**23.1** These Articles of Association together with the appended Rules shall be adopted by simple majority of those voting in a postal ballot of the entire membership of the Party within NSW.

**23.2** The date of adoption shall be printed with future printings together with the date of printing and a dated, numbered list of Clauses and Rules amended.

**23.3** (Deleted 26 September 1980)

## **SCHEDULE 1**

### **RULES FOR THE CONDUCT OF ELECTIONS AND BALLOTS**

An appendix to the Articles of Association of the Australian Democrats (NSW)

#### **1 RETURNING OFFICER**

The Executive shall appoint a Returning Officer as required for the conduct of elections and ballots with the proviso that the Returning Officer shall not be a nominee for any such election, such appointment not being restricted to members.

#### **2 ADVICE OF RETURNING OFFICER**

The name of the Returning Officer and his/her address for the purposes of the election or ballot shall be published at the same time as the call for nominations or advice of ballot, whichever is applicable.

#### **3 CALL OF NOMINATIONS**

Nomination for any election shall be called or advertised in such a manner that the membership is notified by mail at least twenty one (21) clear days before nominations close.

#### **4 CLOSE OF NOMINATIONS**

The Returning Officer shall specify a time after which nominations will not be accepted on the day nominations close.

#### **5 ELIGIBILITY**

All persons whose membership is current at the beginning of the month in which nominations are called and/or ballot announced and seven (7) days prior to the close of poll shall be eligible to vote in, and to nominate for, elections, provided that any person nominating for an Executive or Committee election shall have been a financial member for at least six (6) months prior to the closing of nominations.



## **6 STATEMENT**

A statement by or on behalf of the nominee may be submitted for publication, together with a signed declaration of nomination by the nominee. The length of these statements and the number of mail-outs will be determined by the Returning Officer in the case of Executive ballots and the CAC and Executive in the case of pre-selection ballots. Such a determination shall be equally applicable to all candidates and members.

## **7 BALLOT PAPERS**

The Returning Officer shall mail to those members eligible to vote the necessary ballot papers, together with candidates statements and instructions for voting.

## **8 RETURN OF VOTES**

After voting the marked ballot papers shall be placed inside an envelope addressed to the Returning Officer, on the back of which shall be written the name, address and signature of the voter, otherwise the vote shall not be accepted as valid.

## **9 POSTAL BALLOT**

The ballot shall be postal or by hand delivery.

## **10 CLOSE OF POLL**

Polls shall close no less than twenty one (21) days and no more than forty two (42) days after the mailing of ballot papers.

**10.1** In any election the date for close of poll may be no more than two (2) months from the date of close of nominations, except that:  
(a) in the case of pre-selection elections for the Senate or NSW Legislative Council this time shall be no more than four (4) months.

## **11 TIME OF CLOSE**

All votes must reach the Returning Officer before the time specified by the Returning Officer on the day of close of poll.

## **12 SCRUTINY**

The scrutiny and count shall begin at a time and place previously advised to members by the Returning Officer at which any member shall be eligible to attend.

## **13 ASSISTANCE**

The Returning Officer may delegate some tasks of the eligibility checking and the counting to members under his/her supervision.

## **14 VOTERS ROLL**

The State Secretary in consultation with the Membership Secretary shall be responsible for the preparation of an alphabetical list of eligible voters as required by the Returning Officer, such voters' roll to include name and suburb and Branch name.

## **15 SUPPLEMENTS**

A monthly supplement of deletions and additions shall be prepared by the State Secretary in consultation with the Membership Secretary and supplied to the Returning Officer, if required.

## **16 AVAILABILITY**

At least one copy of the voters' roll shall be available to any Returning Officer appointed for any election or ballot so that a complete and accurate list of eligible voters shall be available for count.

## **17 MARKING OF ROLL**

Deletions shall be ruled through in red, voters shall be ruled through in blue and non-voters shall be indicated in another colour.

## **18 VOTERS' RECORD**

The Returning Officer shall retain the voters' roll and the ballot papers for a period equal to the term of office in the case of an election or for one year in the case of a ballot.

## **19 ROLL INSPECTION**

Any member shall have the right to inspect the voters' roll by arrangement with and in the presence of the Returning Officer during the period in which they are retained.

**20** (Clause deleted June, 1983)

## **21 MAILING**

Mailing in respect of any election or ballot may include publication in the Newsletter.

## **22 ELECTORAL SYSTEM**

Where specific positions are to be filled, they shall be elected separately using the Alternate preferential voting system, but where two or more positions are to be filled on any committee or team they shall be elected concurrently using the quota preferential method of proportional representation. In voting on options, the Hallett system of counting shall be employed in the event of no option securing an absolute majority.

## **23 OPTIONAL PREFERENCES**

In all elections the allocation of preferences shall be optional.

## **24 P.R. SOCIETY RULES**

For all elections using the quota preferential method of proportional representation, the Returning Officer shall follow the rules of the Proportional Representation Society as printed in that Society's Manual.

## **25 RANKING**

### **(a) LEGISLATIVE COUNCIL BALLOTS**

Should ranking be required following an election by the quota preferential method, all unsuccessful candidates shall be eliminated and the votes re-counted as for an election for one position by the alternate preferential method to give a winner,

and eliminating this one the process may be repeated until all successful candidates are ranked in order.

**(b) SENATE AND OTHER PARTY MULTI-MEMBER  
BALLOTS**

Should ranking be required the Returning Officer shall conduct a recount of ballot papers in that preceding ballot or election held under Rule 24, as if:-

(i) the number of candidates to be elected is one less than the number of candidates to be elected in the immediately preceding ballot or election, and,

(ii) the only names of candidates appearing on the ballot papers were the names of candidates elected at the preceding election or ballot and any numbers indicating preferences had been altered accordingly (i.e. the preferences of all other candidates have been distributed) and repeat the procedure under (i) and (ii) until the ranking is complete (i.e. following the election between the last two candidates).

**26 OBJECTIONS**

Any objection or dispute related to the conduct of a ballot, member or candidate during a ballot must be lodged with the Appeals Convener in writing within 10 days of notification of the results. The Appeals Convener will convene an appeals committee in accordance with the National Constitution and the committee will make a timely ruling.

**27 FILLING OF VACANCIES**

If a vacancy occurs in any position or on any committee elected under the foregoing rules, the vacancy shall be filled by the Returning Officer re-examining the ballot papers of those voters who decided the original position to ascertain whether a majority of those voters have indicated acceptance of the next available candidate.

## **SCHEDULE 2**

### **RULES FOR THE CONDUCT OF PRE-SELECTION OF CANDIDATES**

An appendix to the Articles of Association of the Australian Democrats (NSW)

#### **SELECTION OF CANDIDATES AND ELECTORATES**

##### **1 RESPONSIBILITY FOR CANDIDATES**

Selection of candidates to receive Party endorsement at any public election shall be the joint responsibility of the appropriate Branch and the Candidate Assessment Committee (CAC).

##### **2 RESPONSIBILITY FOR ELECTORATES**

Selection of electorates to be contested shall be the responsibility of the CAC in consultation with the Executive and the Campaign Team and shall be within the guidelines laid down for any particular campaign by the Executive of the day.

##### **3 COMPOSITION**

The voting CAC shall comprise five non-executive members of the Party and shall be elected annually under the "Rules for the Conduct of Elections and Ballots".

##### **4 NON-ELIGIBILITY**

Should any voting member of the CAC be elected to the Executive or nominate for any public office on which the CAC would normally deliberate, the position shall become vacant on close of poll for an Executive election or on receipt of nominations for public office and shall be filled in accordance with Rule 27 under the 'Rules for the Conduct of Elections and Ballots', and subject at all times to the provisions of the Articles of Association (Clauses 12.11 and 12.12).

##### **5 CONVENER**

The voting CAC shall elect its own Convener.

## **6 QUORUM**

A quorum of the CAC shall be three voting members.

## **7 CASTING VOTE**

Where the vote is deadlocked the Convener may cast a further vote (casting vote).

## **8 CANDIDATE APPROVAL**

The CAC shall interview all those who are prospective candidates for the first time but may, at their own discretion, waive the interview for a prospective candidate who has previously been endorsed as a candidate for the Party.

## **9 GENERAL APPROVAL**

The CAC may give a general approval to a prospective candidate after which the prospective candidate must achieve the support of a Branch in the electorate as a candidate, the Branch arranging his/her endorsement by the membership of the electorate by way of election or ratification ballot.

## **10 BRANCH INITIATION**

Any Branch may organise their own pre-selection procedures in order to determine which prospective candidate or candidates are to be presented to the CAC for its approval.

## **11 BRANCH DECISION**

Following notification from the CAC to the Branch of CAC approval for its prospective candidates, the Branch shall make its decision on candidacy.

## **12 PUBLIC ANNOUNCEMENT**

No public announcement shall be made of any candidate until details of the final decision are given to the CAC, the Executive and the Campaign Team.

### **13 CANDIDATE STATUS**

No candidate may stand for public office as a Party candidate unless approved by the CAC.

### **14 ELIGIBILITY**

Any member whose membership is current at both time of nomination for Party candidacy and time of election and who is qualified to contest the particular election under the provisions of the relevant electoral law (Commonwealth Electoral Act or NSW Parliamentary Electorates and Elections Act or Local Government Ordinance 10A) may be considered by the CAC, except that if the member has less than twenty eight (28) days membership at time of nomination he/she must give good reason to the CAC to explain previous non-involvement. It will be at the sole discretion of the CAC as to whether or not to accept the aforementioned reason.

### **15 FURTHER INTERVIEW**

Any candidate not recommended by the CAC may apply for further interview, which shall be granted, if time permits, by the CAC.

### **16 TYPE OF APPROVAL**

The CAC must indicate to any prospective candidate whom it recommends whether the recommendation is for a particular electorate, a particular election or a general recommendation.

### **17 NOMINATIONS**

The CAC may decide a date on which nominations close for any electorate, although earlier pre-selections may be initiated by a Branch.

### **18 NOTICE OF NOMINATIONS**

If the CAC decides to call for nominations for any electorate, it must notify every member in the electorate for which nominations are called by mail or by notice in the Newsletter at least twenty one (21) days before close of nominations as decided by the CAC, unless the election will have been held in that time, when the CAC may decide on earlier close of nominations.

## **19 ELECTORATE DECISIONS**

Where the boundaries of a Branch of the Party do not exactly coincide with the electorate concerned, all decisions for presenting prospective candidates for approval by the CAC and for endorsing candidates approved by the CAC shall be made by the membership living within the electorate boundaries, save that no Party member may participate in decision-making for more than one electorate in the same election.

## **20 CONDUCT OF ELECTORATE DECISIONS**

Where the boundaries of a Branch of the Party do not exactly coincide with the boundaries of the electorate concerned, the CAC may arrange the obtaining of these decisions itself or it may name a geographically relevant Branch (or group of Branches forming themselves into a Region for the purpose of the election) to organise this.

## **21 INTERVENTION IN BRANCH DECISIONS**

The CAC may conduct the obtaining of the final decision for candidate endorsement for any Branch whose boundaries coincide exactly with the boundaries of the electorate, but only with the prior approval of the Executive.

## **UPPER HOUSE PRE-SELECTION PROCEDURES**

### **22 ELECTORATE DEFINITION**

As the electorate in the case of an Upper House election is the entire State of NSW, candidate selection shall take place by ballot of the entire NSW membership under the 'Rules for the Conduct of Elections and Ballots'.

### **23 NOMINATIONS NOTIFICATION**

Nominations shall be called and advertised in such a manner that the membership is notified by mail at least twenty one (21) days before the date on which the CAC decides to close nominations.



## **24 FORMS OF NOMINATION**

Prospective candidates shall nominate themselves and shall do so direct to the CAC.

## **25 MEMBERSHIP SELECTION OF CANDIDATES**

Following interview, approved candidates will be presented to the membership, in an order drawn by lot, at a General Meeting where the members are invited to hear and question the candidates before the close of poll, which shall not occur any earlier than the conclusion of the Meeting, subject at all times to the 'Rules for the Conduct of Elections and Ballots'.

## **26 NUMBER OF POSITIONS**

At the time of calling nominations the number of candidates to be placed in a group under the relevant electoral law shall be determined by the CAC in order that ranking may take place after the ballot. This number may be altered by the CAC at any time prior to the commencement of counting.

## **27 RE-OPENING**

The CAC may re-open nomination for Senate or Legislative Council selection at any time before ballot papers have been issued.

## **28 WITHDRAWAL OF CANDIDATE**

A selected candidate may be withdrawn when an CAC resolution to that effect has been ratified by unanimous vote at a joint meeting of the CAC and the Executive, or by membership ballot in accordance with the provisions of the Articles of Association, with any candidate so withdrawn being eligible for selection when new nominations are called.

## **29 TEAM RE-SELECTION**

(a) In the event of a selected candidate becoming unavailable or being withdrawn under Clause 28, all positions of a lesser ranking from that pre-selection ballot shall be recounted after excluding that person from the count.

(b) If the number of remaining candidates falls below that minimum number required by the relevant electoral law to constitute a 'group' then a new preselection process shall take place. Should the time required for completion of this process be longer than, or within sixty (60) calendar days less than, the time remaining for the due date of the election, the CAC with all its constitutional members voting shall determine any candidates to be added, to the lowest positions on the ticket, to meet the electoral law requirements from amongst remaining available unelected candidates from the previous related preselection, or failing this from any other nominee at State or Federal level approved within the preceding two years.

### **30 SENATE CASUAL VACANCIES**

In the event of a Senate casual vacancy, the position of the former Senator shall be taken by the first available and eligible member of the Party Team endorsed in the most recent Senate preselection ballot.

**30.1** If a preselection ballot is in progress (nominations having closed on or before the date the Senator ceases to be a member of parliament) then this is taken to be the most recent preselection ballot.

**30.2** A member is eligible if, at the time the Senator ceases to be a member of parliament, they are a financial member of the Party and qualify as a Senate candidate under the relevant Electoral Act.

**30.3** The State Executive shall cause the name of the person that will fill the vacancy to be notified to the relevant authority as soon as practicable after the vacancy occurs.

### **31 LEGISLATIVE COUNCIL CASUAL VACANCIES**

If a Legislative Council casual vacancy cannot be filled by the method prescribed by NSW law, then that casual vacancy shall be filled by the method described in Section 30 - substituting Legislative Council for Senate.

## **32 DOUBLE DISSOLUTION**

**32.1** A Double Dissolution preselection ballot will in no way prevent the CAC from calling for further pre-selection nominations to deal with regular elections. Likewise this clause will not oblige the CAC to recall nominations for regular elections.

**32.2** In the event that a Double Dissolution election is called and there has been no preselection allowing any incumbent Upper House parliamentarians to participate, the Returning officer will re-ballot the current ticket with the addition of any incumbent Upper House parliamentarians to determine the order of the ticket. The close of the ballot being no less than 2 weeks from the mailing of the ballot papers unless such a time frame will prevent a result from being achieved in time for the elections, in which case he/she will ballot the voting members of the Executive not on the ticket using what ever time frame required.

**32.3** In the event that there is no current ticket at the time a Double Dissolution is called, the Returning Officer will use the ticket as described under Clauses 30 and 32.2 of Schedule 2 of these Rules For the Conduct of Preselection of Candidates.

## **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:**

Articles of Association Clause 3.0

3.1 The objectives of the Australian Democrats (NSW) shall be:

3.1.1 POLICY OBJECTIVES as expressed in Clause 3.0 of the National Constitution of the Australian Democrats.

3.1.2 ELECTORAL OBJECTIVES - to seek the election of members committed to the objectives of the Party to:

(a) the Parliament of the Commonwealth of Australia (b) the Parliament of the State of New South Wales (c) Local Government

3.2 The income and property of the Australian Democrats (NSW) whence-so-ever derived shall be applied solely towards the promotion of its objectives as set forth in these Articles of Association and no portion thereof shall be paid or transferred directly or indirectly by way of dividend bonus or otherwise howsoever to its members, provided that nothing herein shall prevent the payment in good faith of remuneration to any officer or servant of the Party for services actively rendered to the Party.

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

Articles of Association Clause 21.0

21.0 AMENDMENTS TO THESE ARTICLES OF ASSOCIATION

21.1 CONSTITUTIONAL REVIEW COMMITTEE

In conjunction with annual Executive elections, there shall be elections for a further committee of five (5) members elected for a two (2) year term by the membership of the Party within NSW, with two (2) members of this committee elected in the odd calendar year and three (3) elected in the even calendar year. This Committee shall be charged with the following responsibilities:

21.1.1 Constitutional Review Committee:

(a) to draft, prepare and submit for ballot any proposals for the amendment of the NSW Articles of Association;

(b) to receive, prepare and submit to the National Ballots Co-ordinator proposals for the amendment of the National Constitution;

(c) to prepare in draft form model Branch constitutions for use by Branches in the reparation of individual constitutions;

(d) responsible to the NSW State Council for the preparation of Rules, or By-Laws outside the scope of these Articles of Association.

21.1.2 (Clause deleted July, 1986)

21.2 Any member or branch may initiate a proposal for an amendment to these Articles

of Association by submitting such a proposal in writing to the Constitutional Review Committee for their consideration. Should the committee endorse the proposed amendment it shall then be put to a ballot of the NSW State membership.

21.3 If at least twenty per cent (20%) of branches petition in writing the Constitutional Review Committee for an amendment to these Articles of Association, it will be binding on the Constitutional Review Committee to put the proposed amendment to a ballot of the NSW membership.

21.4 If not less than two per cent (2%) of the membership or fifty (50) members (whichever is greater) by way of petition propose an amendment to these Articles of Association, it will be binding on the Constitutional Review Committee to put the proposed amendment to a ballot of the NSW membership.

21.5 An amendment to these Articles of Association shall have been carried if it received seventy per cent (70%) or more of the votes cast in a postal ballot of all members within NSW, provided the total number of votes cast in favour be at least seven per cent (7%) of the full membership.

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

Articles of Association Clause 5.0

**5.0 NSW STATE MEMBERSHIP**

Any person who adheres to these Articles of Association and who pays the membership fee prescribed by the National Executive shall be entitled to enroll as a member of the Party in one State (NSW) and one branch within NSW.

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

Articles of Association Clauses 7.0 & 8.0

**7.0 NEW SOUTH WALES STATE EXECUTIVE**

**7.1 Composition of the Executive:**

The New South Wales State Executive shall comprise the following:

**7.1.1 Presidential Officers:**

(a) A President.

(b) Two (2) Vice-Presidents.

elected separately by the NSW membership pursuant to Rule 22 of Schedule One.

Any person elected to the position of President shall be excluded by the Returning Officer from the counting of votes for the position of Vice-President and likewise, any person elected to a Presidential position shall be excluded by the Returning Officer from the counting of votes for any other voting position on the Executive.

**7.1.2 Ordinary Executive Members:**

(a) Five (5) Ordinary Members of the Executive Committee, elected concurrently by the NSW membership.

(b) The Five (5) Ordinary Executive Members shall represent the Five (5) Standing Committees.

**7.1.3 State Representatives on National Executive:**

Two (2) (or whatever number is determined from time to time under the National Constitution) NSW State Representatives on the National Executive, elected by the NSW membership.

**7.1.4 Other Voting Members:**

**(a) PARLIAMENTARY REPRESENTATIVES**

Two (2) Parliamentary Representatives (where applicable) as follows:

**(i) Legislative Assembly of NSW:**

Parliamentary Leader or Deputy Parliamentary Leader, elected concurrently by the NSW membership within two (2) months of the date set for the return of writs following General Elections for the NSW Parliament.

**(ii) Legislative Council of NSW:**

Parliamentary Leader or Deputy Parliamentary Leader, elected concurrently by NSW membership within two (2) months of the date set for the return of writs following General Elections for the NSW Parliament.

**(iii) Federal Parliament:**

National Parliamentary Leader and Deputy Parliamentary Leader and Leader in the Senate and Deputy Leader in the Senate if these office holders represent a NSW

constituency. If none of the aforementioned represent a NSW constituency, the longest serving Federal Parliamentary representative representing a NSW constituency will hold one vote on the Executive.

**(b) REGIONAL ORGANISERS**

Twelve (12) Regional Organisers as defined under Clause 6.1.

**(c) A delegate from the Young Australian Democrats (NSW)**

**7.1.5 Non-Voting Members**

**(a) Secretary, Treasurer, Organiser, Publicity Officer, State Policy Co-ordinator, Electoral Information and Research Officer (defined under Clause 8.0) shall be non-voting members of the Executive.**

**(b) In addition, National officer bearers shall be ex-officio non-voting members of the Executive.**

**7.2 QUORUM**

**7.2.1 The quorum for any meeting of the Executive shall be half the number of voting member positions (excluding those under Clause 7.1.4) which are at that time filled, either on a full or interim basis, except that when this number is not a whole number it shall be the next highest whole number.**

**7.2.2 At any meeting of the Executive the presence of any voting member of the Executive shall count in achieving a quorum.**

**7.3 DUTIES OF EXECUTIVE**

**7.3.1 The Executive shall be responsible for routine organisation and administration of the Party in NSW, making necessary decisions on behalf of the membership, implementing decisions made by postal ballots of the membership or by resolutions of the NSW State Council.**

**7.3.2 The NSW Executive is charged with the full and disclosed accountability to the NSW membership and shall have full power to carry out the resolutions of the NSW State Council (Clause 19.2) and to authorise and initiate all such activities as are or may be in any way conducive or incidental to a fuller or more effective attainment of the objectives of the Party.**

**7.3.3 It shall be the duty of the NSW Executive to facilitate co-operation between the Party in NSW and other States as well as with all members of the National Executive.**

**7.3.4 The Executive shall, in the exercise of its powers, ensure that all important decisions are made in the most democratic manner practicable; preferably by membership ballot, and by the Executive itself only in so far as is necessary.**

**7.3.5 The Executive shall not unnecessarily limit the autonomy of Regions or Branches of the Party.**

**7.3.6 The Australian Democrats (NSW) shall not by itself, by its State Executive or by any Committee or organ, borrow an amount such that its total indebtedness to financial institutions exceeds its average annual gross income (that average annual gross income being calculated over the preceding four (4) financial years excluding however funding received under the Election Funding Act, 1981 (NSW) or received under the Commonwealth Electoral Act, 1918) without the approval of a simple majority of members voting by ballot pursuant to Clause 15 and Schedule One.**

**7.4 ELIGIBILITY**

**7.4.1 No member of any Parliament may be a member of the Executive elected under the terms of Clauses 7.1.1 and 7.1.2.**

**7.4.2 No member of the Executive elected under the provisions of Clauses 7.1.1 and 7.1.2 or office bearer pursuant to Clause 8.0 shall be permitted to stand as a candidate for Federal, State or Local Government elections (including as a candidate for Pre-selection) during the term of office for which he/she is elected, without the express approval of the Executive.**

## 7.5 ATTENDANCE 7.5.1

- (a) Any voting member of the Executive whose position determines the quorum under Clause 7.2.1 shall be liable to dismissal from that position by majority vote of the Executive if that person is absent from three properly convened meetings of the Executive in any one term without leave of absence. Filling of the position shall be in accordance with Clauses 12.11 and 12.12 and with rights retained as in Clause 15.2.
- (b) Leave of absence shall be granted if on the determination of each meeting a reasonable apology has been received and accepted, or advance notice has been given of reasonable cause for any anticipated absence from future meetings.

## 8.0 OFFICE BEARERS

The Executive may, from time to time, call for nominations from the membership for the following officers for election by a ballot of the voting members of the Executive for a term not exceeding that of the Executive:

8.1 STATE SECRETARY, whose responsibilities shall include the administration of the Australian Democrats (NSW) as directed by the State Executive and who shall specifically attend to all communication both verbal and written with the National Executive, other State political parties and the general membership.

8.2 STATE ORGANISER, whose responsibilities shall include: (a) the organisation of Branches and Regions as required;

(b) maintenance of continuing communications and contact between Branches, the Executive and Council;

(c) co-ordination of joint Branch endeavours (including electoral); co-ordination of membership drives; and,

(d) if appropriate, serving as Campaign Manager during election periods.

8.3 CAMPAIGN MANAGER, whose responsibilities shall include: (a) co-ordination of whatever campaign activities may be required by the Council, Executive and general membership;

(b) convening of the Campaign Team.

8.4 STATE PUBLICITY OFFICER, whose responsibilities shall include:

(a) responsibility for the co-ordination of press releases and advertisements;

(b) maintenance of a direct liaison with members of the media;

(c) projection of relevant Party personalities and information to the media

8.5 STATE POLICY CO-ORDINATOR, whose responsibilities shall include:

(a) establishment of a continuous process of policy formulation and review by debate on State and where applicable Federal policy matters through branches, general meetings and specific policy working groups through the Newsletter;

(b) acting as contact and referral point for queries and communications from members and the public on Party policy matters;

(c) bringing to the attention of members, the Executive and, during election campaigns, candidates and campaign managers, the policy issues which require particular emphasis;

(d) co-ordinating the preparation of policy material and campaign literature;

(e) assisting with the preparation of press releases; and,

(f) liaison with the National Policy Development Co-ordinator.

8.6 ELECTORAL INFORMATION AND RESEARCH OFFICER, whose responsibilities shall include:

(a) making recommendations to the Candidate Assessment Committee (CAC) and other Committees on which electorates, based on past performance and other quantifiable indicators, should or should not be contested in a particular election;

(b) providing information on electorates being contested (past performances, addresses of Returning Officers, polling booths, pre-selection and nominating procedures);

- (c) assisting in the co-ordination of election campaigns;
- (d) providing general information on the candidates from other parties;
- (e) preparing details for the how-to-vote information; and,
- (f) conducting post-electoral surveys with a view to improving campaign procedures and for the statistical information of the CAC.

8.7 (Clause deleted September 1980)

8.8 ASSISTANT SECRETARY, whose responsibilities shall include:

- (a) responsibility for the preparation and promulgation of Minutes for any meetings as determined by the Executive;
- (b) handling of routine correspondence as directed by the Secretary;
- (c) maintenance of a reference library and the State Office for the benefit of all members.

8.9 MEMBERSHIP SECRETARY, whose responsibilities shall include:

- (a) liaison with Central Office, Secretary and Treasurer on all membership matters;
- (b) processing of new member applications; (c) maintenance of membership records;
- (d) follow-up of non-renewals
- (e) compilation of a monthly report showing new members, resignations and renewals for information of the Executive, Council and general membership.

8.10 STATE TREASURER, whose responsibilities shall include: (a) the receipt and acceptance of donations, subscriptions, membership fees and endowments of money or property for application to the purposes of the Party, and to apply such income and property according to the Rules of the Party and the direction of the Executive;

- (b) reporting monthly and as required by way of financial statements and balance sheet.

8.11 FINANCIAL SECRETARY, whose responsibilities shall include:

- (a) assisting the Treasurer with the banking register;
- (b) maintenance of adequate deposit and withdrawal records;
- (c) preparation of receipts and acknowledgment notes where needed;
- (d) administration of the Petty Cash Account.

8.12 FUND-RAISING OFFICER, whose responsibilities shall include:

- (a) obtaining from the State Treasurer the financial fund- raising budget for a specified period of time;
- (b) obtaining agreement in principle from the Executive on types and details of projects to be undertaken;
- (c) establishing sub-committees for organising of specific functions;
- (d) developing a long-range calendar of fund-raising activities;
- (e) implementation of such fund-raising plans;
- (f) advising the Treasurer in advance if any objective cannot be achieved.

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

Articles of Association Clause 12.0

## 12.0 ELECTIONS OF EXECUTIVE OFFICERS AND COMMITTEES

12.1 Elections for the Executive and Committees or positions shall be held annually; with the exception of a delegate from the Young Australian Democrats (NSW) which will be determined in accordance with the constitution of the Young Australian Democrats (NSW), and that of Parliamentary Leadership elections which are held under the provision Clause 7.1.4, or on receipt of a petition of two-thirds of the relevant Parliamentary members. All such elections are to be conducted under the appended Rules for the Conduct of Elections and Ballots, by a Returning Officer appointed by the Executive.



12.2 The Returning Officer shall ensure that nominations are called, and the election conducted, in sufficient time for the ballot to be declared prior to or at the Annual General Meeting.

12.3 The term of the incoming Executive and Committees shall commence at the declaration of the poll, save that the first elected under Articles of Association shall take office within forty two (42) days of the adoption of these Articles of Association.

12.4 (Deleted 1998)

12.5.1 Members may nominate themselves for any one or more positions but if a proposer and seconder are used, such proposer and seconder shall be fully paid-up members of the Party.

12.5.2 Regional Organisers must reside or work within the region they represent and be a member of a branch within that region.

12.6.1 If only one nomination is received for any single vacancy, that person may be ratified by the Executive and declared elected or, in the event of non-ratification by the Executive, nominations shall be called once more only, for which the original nominee shall be eligible.

12.6.2 If the number of nominations is less than or equal to the number of vacancies in a multi-vacancy election, all, but only all, nominees may be ratified by the Executive and declared elected or, in the event of non-ratification by the Executive, nominations shall be called once more only, for which the original nominees shall be eligible.

12.7 If no nominations are received in any election for any committees under Clause 6.0 or non Executive position, the Executive may fill the vacant position/positions by appointment.

12.8 If insufficient nominations are received in an election for the Executive, the incoming Executive may fill the vacant positions by appointment.

12.9 Any appointments to positions vacant because of insufficient nominations or any other reason shall be made only after publication in the Newsletter of details of the vacancy together with an invitation to the membership to make applications to the Executive for consideration of appointment.

12.10.1 If there is a surplus of nominations for the Committees pursuant to Clauses 6.0 and 21.1, the Returning Officer shall conduct the count for the Executive in the order specified under Clause 7.0, followed by the Committees. Any person duly elected and/or nominating unopposed to the Executive shall be excluded by the Returning Officer from the counting of votes for any of the Committees determined subsequently.

12.10.2 No member of the Executive shall hold more than one voting position on the Executive and shall be elected in the order specified under clause 7.0 unless the candidate has specified a preference to the Returning Officer prior to the count. Regardless of circumstances no member of the Executive will exercise more than one vote except in the case of proxies.

12.11 If a vacancy other than that which can be filled under the provisions of the Rules for the Conduct of Elections and Ballots occurs on any elected Committee or position before six (6) months have elapsed since the declaration of poll in the last election for that Committee or position, the Executive shall, in the next Newsletter call for the nominations for an election to fill the vacancy, such election to be conducted as laid down in the aforementioned Rules.

12.12 If a vacancy other than can be filled under Clause 12.11 occurs on any elected Committee or position or when more than six months have elapsed since the declaration of poll in the last election for that Committee or position, the Executive shall fill the vacancy by co-option with full voting rights after calling for expressions of interest in the Newsletter.

### 13.0 APPOINTMENT OF OFFICERS

13.1 The Executive may, from time to time, appoint such officers to assist in the running of the Party in NSW as are not specified elsewhere in these Articles of Association.

13.2 Any appointment of officers by the Executive may be revoked by the Executive or by a membership ballot initiated under Clause 15.1.

13.3 A new Executive on taking office shall review the positions of all appointed officers and shall confirm or revoke appointment.

13.4 The Executive may, from time to time, engage for a remuneration (or dismiss) employees to carry out such duties as the Executive shall allot.

13.5 Officers appointed by the Executive may be invited to attend meetings of the Executive but shall not take part in voting.

**(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:**

John Krebs, State President and Registered Officer

Phillip Pearce, State Secretary

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