

CONSTITUTION OF THE GREENS NSW

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1. INTRODUCTION

This is the constitution of the political party known as 'The Greens NSW'.

- 1.1. With the exception of the Charter and Constitution of the Australian Greens, all party documents are subordinate to this constitution.
 - 1.1.1 The Greens NSW is governed by this Constitution and any by-laws as adopted under section 16.3 of this constitution.
- 1.2. The fundamental objectives of The Greens NSW are to promote social, economic and political change in accordance with the four principles of:
 - 1.2.1. Ecological sustainability;
 - 1.2.2. Social equality and economic justice;
 - 1.2.3. Grassroots democracy; and
 - 1.2.4. Peace, disarmament and nonviolence.
- 1.3. 1.3. A particular objective of The Greens NSW is to stand candidates for election to the House of Representatives and Senate of the Commonwealth of Australia, and the Legislative Assembly, Legislative Council and local government in the state of New South Wales. Other objectives include:
 - 1.3.1. To make, publicise and strive to implement policies on local, national and global issues based on the Charter of The Australian Greens;
 - 1.3.2. To encourage other political parties to adopt our objectives by electoral strategies and direction of voting preferences;
 - 1.3.3. To support and assist members of the Federal Parliament and the NSW Parliament who are members of The Greens NSW or who agree with the Charter of The Australian Greens;
 - 1.3.4. To promote the development of, and to cooperate with, the national Greens political movement;
 - 1.3.5. To promote and assist other individuals, organisations and community networks in working for the objectives of the Greens;
 - 1.3.6. To engage in education of both ourselves and the wider community to raise awareness of the issues and concerns covered by this Constitution and the policies of The Greens NSW;
 - 1.3.7. To provide mutual support for members to fulfil their own potential; and
 - 1.3.8. To resist repressive and destructive institutions and practices using nonviolent means.
- 1.4. In all the activities and appointments of The Greens NSW, attempts shall be made to ensure that there is at least 50 percent representation by women and by members from outside metropolitan Sydney and representation by minority and disadvantaged groups.

2. STRUCTURE

- 2.1. The Greens NSW is composed of local groups ('member-groups'), non-group individual members ('members (non-group)') and a Delegates Council. Office-bearers, Delegates Council working groups, the NSW Young Greens and other representatives of The Greens NSW are responsible to the Delegates Council.
- 2.2. The full title of the Delegates Council is The Greens NSW Delegates Council. The Delegates Council is composed of a delegate representing each member-group.

- 2.3. Each member-group is responsible for its own office-bearers, finances, policy platforms and all campaigns or activities which they undertake. Member-groups shall have their own constitutions, or organisational rules, from which they shall function. Except that:
- As a condition of membership of The Greens NSW they must conform to the standards required by our principle of “Grassroots Democracy”. This would preclude member-groups from imposing discriminatory admission procedures, with the exception of discrimination against members of “proscribed organizations” as provided for in section [2.13](#). Discrimination prohibited by the NSW Anti-Discrimination Act 1977, and the Federal Racial Discrimination Act 1975, Sex Discrimination Act 1984, and Disability Discrimination Act 1992 would be precluded and includes discrimination on the basis of race, sex, marital status, physical, intellectual, or psychiatric disability, being disfigured, homosexuality, colour, ethnic origin, immigration, pregnancy, age, HIV/AIDS.
- 2.4. Except for the circumstances described in this constitution, the Delegates Council has no powers over member-groups.
- 2.5. Members of member-groups and members (non-group) will be accepted as members of 'The Greens', as registered under the NSW and Commonwealth Electoral Acts when their application in the required form and their levy have been received by the membership officer of The Greens NSW (the 'Membership Officer') or the Membership Officer's nominated deputy.
- 2.6. Provisional membership
- 2.6.1. Members of The Greens NSW (as determined by 2.5) are considered provisional members for the first three months following the receipt of their fees by the Membership Officer or the Membership Officer's nominated deputy. Provisional members do not have the rights accorded to members.
- 2.6.2. During the provisional period, membership applications are considered current, pending acceptance, or a decision to reject, the provisional member's application by the member-group receiving the application.
- 2.6.3. Decisions to reject probationary members must be communicated in writing (within a period of time determined by the Delegates Council) by the secretary of the member-group to the Membership Officer within the three months of provisional membership. The process that leads to this decision is entirely the concern of the member-group.
- 2.6.4. Rejected provisional members will have their membership fees returned in full.
- 2.6.5. The acceptance of provisional members is deemed to occur, and the provisional members become members, at the end of the three month period, unless notification of rejection from the member-group is received.
- 2.6.6. Provisional members cannot be accepted prior to the end of the three month period, to allow time for objections to be raised by member-group members or any other interested group or individual in regard to the provisional member's application.
- 2.7. The membership year of The Greens NSW and its member-groups shall be from 1st July in any calendar year up to and including the 30th June in the next calendar year. In order to synchronise the terms of new members with the membership year, the Delegates Council may determine discounts to the initial membership fees and/or extensions to the initial membership period. In the event that the period of membership of a member of a member-group and of The Greens NSW would become unsynchronised (i.e. due to failure to comply with 2.8 below) the financial membership period shall be deemed to expire at the earlier of the two alternative expiration dates.
- 2.8. Member-groups shall inform the Membership Officer whenever a new member joins or an existing member renews their membership with that group. This shall be done as soon as

is practical, shall be in a format specified by the Membership Officer and be accompanied by the appropriate membership levies.

- 2.9. The Membership Officer shall inform member-groups of renewals of existing members of the member-group and of applications for membership from prospective new members residing within the membership area for the member-group. This shall be done on a regular schedule as determined by the Delegates Council. The appropriate proportion of the membership fee and any accompanying donation amounts shall also be forwarded to each member-group on a regular basis as determined by the Delegates Council.
- 2.10. The Membership Officer shall provide to each member-group a list of the current financial members of the group as soon as is practicable after the 1st of June of each year. The list shall be in a format specified by the Membership Officer and shall include the expiry date of each membership. Member-groups may submit updates to this list to be received by the Membership Officer no later than the 1st of July of that year.
- 2.11. A member whose membership is due for renewal and whose membership levy has not been received by the Membership Officer on or before the 30th of September shall be deemed unfinancial. An unfinancial member may renew at any time within the first six months of becoming unfinancial, that is, membership levies are received by the Membership Officer on or before 31st March of the year following. Such renewals shall be without loss of continuity of membership and financial status shall be back-dated to the commencement of the respective membership year. Any renewal received later than six months after the member being deemed unfinancial shall be treated as a new membership application and the provisions of section 2.6 of this constitution (Provisional Membership) shall apply.
- 2.12. Notwithstanding the provisions of section 2.11 of this constitution, for the purposes of preparing a list of members eligible to take part or vote in a pre-selection, the Delegates Council may determine a closing date for the receipt, by the Membership Officer, of membership levies from member-groups. Members whose levies are due and which are not received by the specified closing date shall not be eligible to take part or vote in the pre-selection.
- 2.13. Member-groups shall not have as members, members of proscribed organisations. A list of proscribed organisations is maintained by the Australian Greens' secretary, to which the Delegates Council may add additional organisations in order to designate the organisations proscribed by The Greens NSW.

3. OPERATION OF THE GREENS NSW DELEGATES COUNCIL

- 3.1. The Delegates Council is responsible for the coordination of activities at a state level.
 - 3.1.1. Before the Greens NSW MPs enter a coalition government or agree to support a minority government, an extraordinary State Delegates Council be called and no coalition or agreement be entered into unless agreed to by consensus or a vote of 75 per cent in favour of the delegates attending the special SDC. Such conference will be held within 21 days of notice of the proposed agreement being communicated to the secretary.
- 3.2. The Delegates Council is solely responsible for the administration of the state registered party, 'The Greens', as registered under the NSW State Electoral Act and the federally registered party, 'The Greens NSW', as registered under the Commonwealth Electoral Act.
- 3.3. Member-groups shall pay a membership fee to The Greens NSW. The formula for determining the amount of this fee shall be decided by the Delegates Council. The Membership Officer shall report to the Delegates Council any member-group failing to meet this requirement.

- 3.4. Each member-group is entitled to one delegate at every meeting of the Delegates Council. A delegate can represent only one member-group on the Delegates Council. A delegate must be a member of The Greens NSW.
- 3.5. Member-groups shall submit an annual financial return in accordance with the direction of the Party Agent, in order to meet the requirements of the electoral authorities.
- 3.6. Member-groups shall properly authorise delegates, and ensure that delegates have the capacity to be able to properly represent the member-group.
- 3.7. In the provisions in Section 7 regarding all General Meetings of the Delegates Council:
 - 3.7.1. References to “place” shall include the meaning of two or more venues using any technology, approved by the Delegates Council, that gives each member-group a reasonable opportunity to participate. The Delegates Council may determine protocols to maintain high standards of grassroots participation at any such meetings; and
 - 3.7.2. References to “present” shall include the meaning that any person who participates in a General Meeting using the approved technology is taken to be present at the meeting. If a delegate votes at the meeting, that delegate is taken to have voted on behalf of its member-group.
 - 3.7.3. References to “in writing” shall include methods of electronic communication approved by the Delegates Council.

4. MEMBER-GROUPS' ELECTORAL COVERAGE

- 4.1. The Membership Officer shall keep a register of member-groups and the electoral districts in which they intend to stand candidates for election. Except with the express permission of the Delegates' Council no one member-group may cover more than four NSW Legislative Assembly electorates.
- 4.2. Should a member-group not stand a candidate in an electoral district, another member-group may apply to the Delegates Council for coverage of that electoral district.
- 4.3. Should a member-group not stand a candidate in an electoral district in a particular election, another member-group may apply to the Delegates Council to stand a candidate in that electoral district in that election.
- 4.4. In the event of a dispute between member-groups over coverage of an electoral district, a member-group may apply to the Delegates Council to arbitrate the dispute. If the dispute remains unresolved, the final decision shall be made by the Delegates Council.
- 4.5. Member-groups shall submit an annual statement of their intended electoral coverage to The Greens NSW.

5. ADMISSION TO THE GREENS NSW

- 5.1. The Delegates Council may decide, after consideration of any relevant information, to admit new member-groups to The Greens NSW provided:
 - 5.1.1. a meeting of the applicant group agrees to and minutes their agreement to the Charter and Constitution of the Australian Greens and this constitution;
 - 5.1.2. the applicant group does not intend to stand candidates in an electoral district already covered by an existing member-group;
 - 5.1.3. the applicant group does not have as members any members of proscribed organisations;

- 5.1.4. the applicant group's admission to the Delegates Council is recommended by at least two delegates of the Delegates Council following liaison to ensure that the applicant group's practices are consistent with the four principles. The form of the liaison shall be under the direction of the Delegates Council;
 - 5.1.5. the applicant group has at least ten financial members;
 - 5.1.6. the applicant group is represented by delegate(s) at the Delegates Council which decides the application, and has sent delegates to at least two prior meetings of the Delegates Council within the previous six months; and
 - 5.1.7. if a proposal that an applicant group be affiliated is deferred or rejected at two or more meetings of the Delegates Council, the Delegates Council shall consider whether the applicant group is to be permitted any further attempts to affiliate to The Greens NSW. If further attempts are not agreed to a new applicant group must then be formed for the area that has greater potential to meet the requirements for affiliation.
- 5.2. Members (non-group) may join by application to The Greens NSW. The list of new members (non-group) shall be tabled at the next Delegates Council.
- 5.3. A member-group, by virtue of an increase in the number and geographical spread of its membership, may decide that its interests would be best served by splitting into two separate groups. The newly created group may be admitted, as a new affiliated group, to The Greens NSW at the next meeting of the Delegates Council following the local group meeting at which resolutions to split have been passed. The requirements for new member-groups however, as outlined in sections [5.1.1](#), [5.1.2](#), [5.1.3](#), [5.1.4](#) and [5.1.5](#), must be satisfied before the new group can be admitted to The Greens NSW.
- 5.4. Member-Group Review
- Member-groups shall:
- 5.4.1. maintain at least ten financial members;
 - 5.4.2. hold no less than four (4) inclusive plenary meetings per annum;
 - 5.4.3. have sound consensus based decision making procedures in operation;
 - 5.4.4. encourage diversity and not be dominated by one or two individuals;
 - 5.4.5. be represented at two meetings or more of the Delegates Council per annum;
 - 5.4.6. act in accordance with the four Principles and this constitution; and
 - 5.4.7. not act in a way prejudicial to the interests of The Greens NSW.

At the Annual General Meeting the Convenor will report on the "grassroots democracy in practice" of all member-groups, covering the points in [5.4](#) and any other relevant issues including any reports received from members or member-groups.

The Convenor will also monitor such issues throughout the year and will attempt to resolve concerns, disputes and complaints about an individual member-group in a fair, timely and effective manner without resort to the sanctions under [6.5.3](#) below.

If the Convenor is of the opinion that any concerns, disputes and complaints are of a nature that may lead to disaffiliation and have not been resolved in a reasonable length of time the Convenor shall, if the matter is not subject to conflict or dispute, bring a proposal to the Delegates Council for the suspension or disaffiliation of the member group or some other resolution of the matter.

Where conflict or dispute persists the Convenor shall make a written report to the Conflict Resolution Committee (CRC) and provide a copy to the Member-Group.

- 5.5. The Conflict Resolution Committee shall be an ad hoc committee comprising four (4) members selected by random lot from a pool made up of the following individuals:
- 5.5.1. the office bearers (excluding the Convenor), deputy office bearers and any assistant office bearer; and

- 5.5.2. the elected members of the Committee of Management (CoM); and
- 5.5.3. the elected members of such other standing committees as the Delegates Council may determine.

A selection of members will be made each time a report or complaint is referred to the CRC. The Convenor shall conduct the selection process in the presence of at least one other Greens NSW member who is not eligible for selection. Additional members shall be selected to allow for possible withdrawals. Any member of the CRC who feels they are unable to be independent or are in any way conflicted in performing the functions of the CRC shall withdraw and the next available additional member shall take their place on the CRC.

6. SEPARATION FROM THE GREENS NSW

- 6.1. The membership of a member-group of The Greens NSW may only be terminated by the resignation, unfinancial, inactive or expulsion processes described below.
- 6.2. The membership of a member of The Greens NSW may only be terminated by the death, resignation, unfinancial, inactive or expulsion processes described below.
- 6.3. Resignation. A member-group, having passed a resolution in favour of resigning from The Greens NSW in accordance with their own organisational rules, shall provide written notice to the secretary of The Greens NSW (the 'Secretary'). The secretary shall present this notification to the next meeting of the Delegates Council, from which date the resignation is considered effective. Members (non-group) shall notify the Membership Officer in writing.
- 6.4. Unfinancial. Should a member-group fail to pay membership fees within six months of the due date, despite at least two written reminders from the Secretary or treasurer of The Greens NSW (the 'Treasurer') to do so, then the Secretary shall present this information to the next meeting of the Delegates Council, from which date the membership of the member-group shall be considered expired. Members (non-group) shall have their financial status assessed in accordance with section 2.
- 6.5. Disciplining of Member-Groups.
 - 6.5.1. The CRC shall consider the Convenor's report (see [5.4](#) above) and any response from the Member-Group and give the Member-Group the opportunity to be heard. In addition the CRC may inform itself in relation to the complaint before it as it sees fit.
 - 6.5.2. The CRC shall make its decision in a timely manner and on the basis of reasonable satisfaction. Normal Greens NSW decision making processes shall be used by the CRC. The CRC's decision shall be final and shall not be subject to review by the Delegates Council.
 - 6.5.3. The CRC, after considering relevant issues, may decide that:
 - a. no further action should be taken; or
 - b. the Member-Group should be reprimanded; or
 - c. the Member-Group's affiliation to the Greens NSW should be suspended for a period and impose conditions on the suspension being lifted; or
 - d. the Member-Group's affiliation to the Greens NSW should be terminated.
 - 6.5.4. The CRC shall give its decision to the Convenor in writing who shall inform the Member-Group promptly. The Convenor shall table the decision at the commencement of the next meeting of the Delegates Council, at which point the decision of the CRC shall take effect.
- 6.6. Disciplining of members of member groups (individual members) and members non-group [Possible expulsion from The Greens NSW or suspension of membership].

- 6.6.1. Any two individual members may make a written complaint to the Convenor alleging that another individual member(s) has:
- a. refused or neglected to comply with a provision of this constitution; and/or
 - b. acted in a manner prejudicial to the interests of The Greens NSW.
- The complaint shall provide brief details of the complaint, and the reason(s) why the complaint is not being made to the member-group. Note that any references to Member-Group throughout this clause 6.6 are not applicable to Members Non-Group.
- 6.6.2. Complaints against a member of a Member-Group should generally be determined by that Member-Group and will only be dealt with by The Greens NSW if the Convenor considers that it is appropriate in the particular circumstances of the case.
- 6.6.3. If the Convenor considers that the matter should not be dealt with by these rules, for example when criminal charges may flow from the complaint, the Convenor may refer the matter to the appropriate authorities such as police.
- 6.6.4. Any complaint against the Convenor may be directed to the Secretary who shall deal with the complaint in accordance with this clause.
- 6.6.5. The Convenor shall write to the member detailing the conduct complained of and requesting a written response within a reasonable length of time. The Convenor shall, unless there are exceptional circumstances making this inappropriate, supply a copy of the complaint and response to the Member-Group and request its comments.
- 6.6.6. If the Convenor considers that the complaint may be capable of mediation and that mediation is appropriate the Convenor shall ask both parties if they agree to mediation. If both parties agree the Convenor shall appoint a mediator who is a member of The Greens NSW and who the Convenor considers to be neutral and impartial to assist the parties to attempt to resolve the complaint.
- 6.6.7. All documentation and deliberations between the mediator and the parties shall be kept confidential except for the written complaint, response and comments (see 6.6.5) which shall be forwarded to the CRC if the matter is referred to the CRC.
- 6.6.8. Any agreement reached at the mediation must be in writing, signed by the parties and delivered by the mediator to the Convenor. If mediation fails the mediator must report the failure to the Convenor.
- 6.6.9. Where no mediation takes place or the mediation fails or no resolution is reached by mediation within a reasonable time and the Convenor considers that the allegations in the complaint may be serious enough to lead to reprimand, suspension or expulsion the Convenor shall refer the matter to the CRC.
- 6.6.10. No later than at the first Delegates Council meeting occurring after three months have elapsed since receipt of the complaint the Convenor shall table a report to the Delegates Council and provide a copy to the parties at least 7 days in advance that confirms receipt of the complaint and that one of the following actions has been undertaken:
- a. no resolution has yet been reached. In this case the Convenor shall report on the progress of the complaint to each subsequent Delegates Council meeting; or
 - b. the complaint has been successfully mediated; or
 - c. the complaint has been referred to the CRC; or
 - d. having considering the circumstances the Convenor has decided it is not appropriate to reach a formal decision or to take any further action regarding that complaint.

The Delegates Council may decide, on petition from the individuals making the original complaint, that an unreasonable period has elapsed without resolution and may then refer the complaint directly to the CRC.

- 6.6.11. The CRC shall consider the complaint and any response from the individual member and comments from the Member-Group and satisfy itself that the parties understand the nature of the complaint. The CRC shall give the parties the opportunity to be heard and to be assisted by a support person. In addition the CRC may inform itself in relation to the complaint before it as it sees fit.
 - 6.6.12. The CRC will make its decision in a timely manner and on the basis of reasonable satisfaction. Normal Greens NSW decision making processes shall be used by the CRC. The CRC's decision shall be final and shall not be subject to review by the Delegates Council.
 - a. The CRC, after considering relevant issues may decide that:
 - b. No further action should be taken; or
 - c. The member should be reprimanded; or
 - d. The member should be suspended from membership for a period and conditions imposed on the suspension being lifted; or
 - e. The member should be expelled.
 - 6.6.13. The CRC shall give its decision in writing to the Convenor who shall notify the parties. The Convenor shall table the decision at the commencement of the next meeting of the Delegates Council, at which point the decision of the CRC shall take effect.
- 6.7. Expulsion or suspension of Members expelled or suspended by a Member-Group
- 6.7.1. A Member-Group shall within 14 days of making a decision to expel or suspend a Member of that Member-Group notify the Membership Secretary and supply a copy of the minutes of the meeting making such a decision.
 - 6.7.2. The Membership Secretary shall within 7 days inform the Member that the Member has been expelled or suspended from a Member-Group and that as a consequence their membership of Greens NSW will be immediately terminated or suspended.
 - 6.7.3. The Membership Secretary shall report any such termination or suspension of membership to the next SDC.
 - 6.7.4. The suspension of the Member from the Greens NSW shall cease immediately the Member-Group informs the Membership Secretary that the suspension has been lifted and supplies a copy of the minutes of the meeting lifting the suspension.
 - 6.7.5. The Membership Secretary shall within 7 days inform the Member that the Member's suspension from The Greens NSW has been lifted.
 - 6.7.6. A Member expelled or suspended under this sub-clause may reapply for membership of Greens NSW at any time if another Member-Group agrees to accept them as a member of that Member-Group.

7. DECISION-MAKING

- 7.1. In order for a meeting of the Delegates Council to take place:
 - 7.1.1. the Secretary must have notified, in writing, all member-groups of the meeting time and place at least 21 days prior to the proposed meeting; and
 - 7.1.2. a quorum of at least one third the number of member-groups' delegates must be present.

- a. No item of business shall be transacted at a meeting of the State Delegates Council unless a quorum is present during the time the meeting is conducting that item.
- b. If within three hours after the appointed time for the commencement of the meeting a quorum is not present, the meeting shall be dissolved and in any other case shall stand adjourned to the same day, in the following week at the same time and [unless another place is specified at the time of the adjournment by the Secretary, or other “permanent office-bearer” present, or communicated to member-groups before the day to which the meeting is adjourned] at the same place.
- c. If at the adjourned meeting a quorum is not present within three hours after the time appointed for the commencement of the meeting, the member-groups present being not less than five (5) shall constitute a quorum.

7.1.3. General Meetings

- a. There shall be three (3) kinds of General Meetings of the Delegates Council: Annual, Special, and Scheduled.
- b. A decision of a General Meeting shall be binding on the Committee of Management.
- c. Special General Meetings: The Delegates Council may convene a Special General Meeting by its usual decision-making processes. The Committee of Management may, by consensus decision only, convene a Special General Meeting.

7.1.4. The Secretary shall, on the requisition in writing of not less than ten (10) member-groups, convene a Special General Meeting.

7.1.5. A requisition of member-groups for a Special General Meeting shall:

- a. state the purpose or purposes of the meeting,
- b. be signed by at least three (3) members of the member-group making the requisition, and
- c. be lodged with the Secretary.

7.1.6. If the Secretary fails to convene a Special General Meeting to be held within one (1) month after the date on which a requisition of member-groups for the meeting is lodged with the Secretary, any one (1) or more of the member-groups who made the requisition may convene a Special General Meeting to be held no later than one (1) month after that date.

7.1.7. A Special General Meeting convened by a member-group or member-groups as referred to in section [7.1.4](#) shall be convened as nearly as practicable in the same manner as Scheduled General Meetings are convened.

7.1.8. Scheduled General Meetings: There will be a minimum of five (5) Scheduled General Meetings held each year, and in the case of six (6) preferably spaced to occur in August, October, November, February, April, and June.

7.1.9. Service of Notice

- a. By post to the address of the member-group (of which the member is a member) or (in the case of a member (non-group)) to the address of the member (non-group). The date of the postmark on the envelope will be deemed to be evidence of compliance or non-compliance with the notification requirements.

Where a document is sent to a member-group or member (non-group) by properly addressing, prepaying and posting to them a letter containing the document, the document shall, unless the contrary is proved, be deemed for the purposes of this constitution to have been served on both member-groups or

members at the time at which the letter would have been delivered in the ordinary course of post; or

- b. By electronic means (for example by email) to each of the Convenor and Secretary of the member group or, in the case of a member (non-group), the member (non-group). A document sent by electronic means shall, unless the contrary is proved, be deemed for the purposes of this constitution to have been served on both member-groups or members within 24 hours of the time of sending unless a delivery error notification is received.

7.1.10. General Meetings of the Delegates Council using Alternative Technologies

A meeting using any technology approved by the Delegates Council that gives each member-group a reasonable opportunity to participate may only be convened by an individual decision of the Delegates Council or the Quick Decision Making process in accordance with s7.10, or by decision of the Committee of Management.

- 7.2. Each delegate to every Delegates Council meeting is to bring written notification from their member-group detailing that they have been appointed as the delegate. This authorisation must be signed by at least three members of the member-group, not including the delegate. A member-group shall not be entitled to appoint another member-group as proxy.
- 7.3. Without such written and signed authorisation, as described in [7.2](#), people are not to be considered delegates and are not accorded voting rights to the meeting except where the Delegates Council, duly organised and satisfying the quorum requirement, is satisfied that a person has been authorised by their group despite not being able to present the written authorisation.
- 7.4. Meetings of the Delegates Council are open to all members and invited members of the general public, excepting persons belonging to proscribed organisations (unless invited by a decision of the Delegates Council or Quick Decision-Making process). All individuals present can participate in the discussion but only delegates may vote or block consensus.
- 7.5. Matters for decision by the Delegates Council shall be authorised as follows.
 - 7.5.1. Items must be identified by a previous Delegates Council meeting, or authorised by the relevant office-bearer, a standing committee or a working group so authorised by the Delegates Council, or authorised as proposals by a member-group.
 - 7.5.2. The Secretary must distribute the Agenda to member-groups, including all necessary information on matters for decision, 21 days before the notified meeting except as otherwise specified in this constitution.
 - 7.5.3. The Delegates Council shall authorise its Agenda, including all items for decision, at the start of each meeting.
 - 7.5.4. No matters for decision may be placed on the Agenda during a Delegates Council meeting except by a specific urgency motion adopted by the meeting.
 - 7.5.5. Any item proposed for decision and not authorised by the Delegates Council for its Agenda must be either deferred to the next meeting or returned to its proponent with an explanation of the cause.
- 7.6. Decision-making of the Delegates Council shall be by way of consensus, or if consensus cannot be reached then a ratio of three or more votes in favour to one vote against shall be required to change the status quo. The way each delegate votes shall be recorded. Delegates' abstentions, although recorded, do not count as votes for or against. This is the usual decision-making process.
- 7.7. Meetings of the Delegates Council may decide to expel, suspend or censure meeting participants for disruptive or offensive language or behaviour for that meeting.

- 7.8. Decisions or resolutions of the Delegates Council shall be minuted and a copy of each meeting's minutes sent to each member-group by the Secretary within 30 days of the meeting. The Secretary shall also maintain a register of previous decisions which constitute precedents for determining The Greens NSW practice.
- 7.9. The Delegates Council will interpret this constitution should a dispute arise over the meaning of any provision. The Delegates Council may pass resolutions that clarify arrangements contained within this constitution.
- 7.10. A Quick Decision-Making process can be invoked by the Secretary or any four member-groups, to make decisions for The Greens NSW regarding any matter of such urgency that it must be resolved before a Delegates Council can be feasibly organised. This process is as follows:
- 7.10.1. The Secretary (or a person delegated by the Secretary) shall make reasonable attempts to contact the delegates for each member-group that attended at least one of the previous two meetings of Delegates Council.
- 7.10.2. The delegates shall be presented with the proposal(s) and their member-group's agreement, abstention or opposition requested. The member-group may be granted a length of time (depending on the urgency of the matter) to consult and respond.
- 7.10.3. Provided at least half the member-groups contacted respond and there is a ratio of at least three in favour to one against, the proposal is carried.
- 7.10.4. The Secretary shall report decisions made by the Quick Decision-Making process to the next meeting of the Delegates Council for ratification or rescission. The Secretary shall also report on attempts made to contact those member-groups not successfully contacted.
- 7.11. The Delegates Council has the sole authority for the endorsement of activities under the auspices of 'The Greens NSW'. Such activities may include conferences, seminars, workshops and media activities for the purposes of discussion, education, public promotion, motivation and/or fundraising.
- 7.12. Forms of decision-making outside of the Delegates Council and the Quick Decision-Making process, such as conferences or postal ballots of members, only carry authority when the Delegates Council chooses to conduct such a process, excepting the electoral ticket preselection process.
- 7.13. Committee of Management for the Delegates Council
- 7.13.1. Acknowledging that the Delegates Council is the supreme decision-making body of The Greens NSW it is recognised that for practical purposes there may be a need from time to time to make decisions between meetings of the Delegates Council.
- The body charged with this responsibility will be a Committee of Management for the Delegates Council of The Greens NSW, which subject to the Associations Incorporation Act, the Regulations, this constitution and to any resolutions passed by the Delegates Council:
- a. will control and manage the affairs of The Greens NSW between meetings of the Delegates Council.
 - b. may exercise all such functions as may be exercised by the Delegates Council, which the Committee deems essential for the proper functioning of The Greens NSW between meetings of the Delegates Council, other than those functions that are required by this constitution to be exercised solely by the Delegates Council; and
 - c. has the power to perform all such acts and do all such things as appear to the Committee to be necessary or desirable for the proper management of the affairs of The Greens NSW between meetings of the Delegates Council.
- 7.13.2. The Committee of Management shall consist of the following:

- a. Convenor, Secretary, Treasurer, and Membership Officer: and
- b. Five members, two of whom will be from outside the Sydney Metropolitan area and one of whom will not have English as their first language learnt and feel capable of advocating for non English speaking background communities, if such members nominate.

That is nine (9) in total and shall hold office only in an honorary capacity.

- 7.13.3. The five (5) non office-bearers shall be elected on the same basis as office-bearers as provided for in section 8.

7.14. Operation of the Committee of Management

7.14.1. Meetings

- a. The Committee of Management shall provide a written copy of the minutes of meetings to each member-group within twenty eight (28) days of each Committee meeting. The minutes will also be tabled at the next available meeting of the Delegates Council where they will be received, debated, accepted, rejected, or amended. Any decision of the Committee may be rescinded by a decision made under the Quick Decision Making process or by a decision of the Delegates Council.
- b. Persons other than Committee of Management members may be invited to attend Committee meetings by decision of the Committee. Any member may attend and speak at the Committee of Management meetings.
- c. Should, for whatever reason, positions on the Committee of Management not be filled, this will not preclude the Committee from operating, as long as all other relevant rules are observed.
- d. A quorum for a Committee meeting shall be no less than five (5) and decisions will be made on a consensus basis preferably but if necessary by majority 75% vote amongst those present and voting.
- e. No business shall be transacted by the Committee unless a quorum is present and if within one hour of the time appointed for the meeting a quorum is not present the meeting stands adjourned to another time and another day, and a place to be determined by the Committee.
- f. If at the adjourned meeting a quorum is not present within one hour of the time appointed for the meeting, the meeting shall continue but only to discuss those items on the original agenda.
- g. At a meeting the Committee of Management the members present will determine who will facilitate. Wherever possible this role will be rotated.
- h. At Committee meetings each member has a deliberative vote only.
- i. The Committee may authorize expenditure to the value of \$1,000 on any one contract, service or item and any expenditure in excess of \$1,000 must be approved by resolution of the Delegates Council save that the Committee may authorize expenditure to the value of \$3,000 on any one contract, service or item in respect of office maintenance or other day to day office expenditure.
- j. A meeting of the Committee may be requested by any member of the Committee.
- k. Written/e-mail notice of a meeting shall be given by the Secretary to each member of the Committee at least two (2) days (or such other period as may be unanimously agreed upon by the members of the Committee) before the time appointed for the holding of the meeting.

l. Notice of a meeting given under section 7.14.1(iii) shall specify the agenda and where possible the specific motions/proposals to be considered at the meeting.

m. Meetings may be held by means other than physical attendance at a meeting venue. Various forms of technology may be utilised to facilitate the effective operation of the Committee.

7.14.2. Facilitator

The members present and entitled to vote will elect one of their number to facilitate the meeting.

7.15. Delegation to sub committees

7.15.1. The Committee of Management or a Delegates Council Meeting may by resolution delegate one or more sub-committees (consisting of such members or member-groups as is resolved), the exercise of such functions of the Committee are as specified in the resolution other than:

- a. this power of delegation; and
- b. a function which is a duty imposed on the Committee by any law.

7.15.2. A function or exercise which has been delegated to a sub-Committee under this section may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.

7.15.3. A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function the subject thereof, or as to time or circumstances, as may be specified in the resolution of delegation.

7.15.4. Notwithstanding any delegation under this section the Committee of Management or Delegates Council may continue to exercise any function delegated.

7.15.5. Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this section has the same force and effect as it would have if it had been done or suffered by the Committee of Management or Delegates' Council.

7.15.6. The Committee of Management or Delegates' Council Meeting may revoke wholly or in part any delegation under this section.

7.15.7. A sub-committee may meet and adjourn as it thinks proper.

7.16. Decisions of the Committee of Management or sub-committees

Any act, or thing done or suffered or purporting to have been done or suffered by the Committee of Management or by a sub-committee appointed by the Committee of Management or a Delegates' Council Meeting, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the Committee of Management or sub-committee.

8. OFFICE-BEARERS AND OTHER DELEGATED INDIVIDUALS

8.1. General provisions

8.1.1. Office-bearers of The Greens NSW, including Spokespeople and members of standing Committees, shall be nominated by their member-groups, as for Delegates to Delegates Council as set out in section 7.2, or by any three other members in the case of members (non-group).

8.1.2. Office-bearers of The Greens NSW, shall be elected by secret ballot of the delegates at a Delegates Council. Such ballot shall be conducted by the Returning Officer using an optional preferential method, with a "seek other candidate(s)"

pseudo candidate included in each ballot. A simple majority of delegates voting formally is required to elect an office-bearer except as provided in 8.1.3 and 8.1.4.

- 8.1.3. Office bearer and committee positions for which more than one vacancy is to be filled shall be elected using an optional preferential proportional representation voting (PR) method similar to that used in elections for the Australian Senate except as provided in 8.1.4.
- 8.1.4. The “seek other candidate(s)” pseudo candidate shall never be excluded during counting of the ballot, and should it be elected, all further counting of that ballot shall terminate. Those candidates provisionally elected at that point shall be elected, and any remaining unfilled positions shall be reopened to nomination for election at the next meeting of the Delegates Council.
- 8.2. Permanent office-bearer positions shall be those of:
- Convenor and Deputy Convenor;
 - Secretary and Deputy Secretary;
 - Treasurer and Deputy Treasurer;
 - Party Agent
 - Membership Officer and Deputy Membership Officer;
 - Returning Officer and two Deputy Returning Officers;
 - Registered Officer and Deputy Registered Officer;

Persons holding these positions must be members of The Greens NSW.

- 8.3. From time-to-time, The Delegates Council may choose to delegate an individual, or individuals, to undertake other activities, or delegate an individual to convene a working group to undertake specified activities. Such individuals are subordinate to the Delegates Council and their duties, authority and procedures shall be determined by the Delegates Council. Section 22 governs the operations of Working Groups.
- 8.4. Assistant office-bearers may be elected by the Delegates Council to assist office-bearers in circumstances of heavy workload or temporary incapacity.
- 8.5. Representatives of The Greens NSW to interstate meetings, including bodies of the Australian Greens, shall be elected by, and remain accountable to, the Delegates Council.
- 8.6. Office-bearers shall be accountable to the Delegates Council.
- 8.7. Removal and Vacancy
- 8.7.1. An Office-bearer or Representative may be removed by a motion of no confidence proposed by a member-group and adopted by the Delegates Council following the normal decision-making procedure set out in section 7.6. In the event of no consensus and a vote, a record of delegate votes supporting the motion will be recorded.
- 8.7.2. Where a member of the Committee or a Representative of The Greens NSW to whom a proposed resolution referred to in section 8.7.1 relates, makes representations in writing to the Secretary (not exceeding a reasonable length) and requests that the representations be notified to the member-groups, the Secretary shall send a copy of the representations to each member-group. The member or Representative is also entitled to require that the representations be read out at the meeting at which the resolution is considered.
- 8.7.3. An Office or Representative position may become vacant through:
- a. resignation in writing, to the Secretary;
 - b. ceasing to be a member under section 2;
 - c. being removed from office under section 8.7;
 - d. becoming an insolvent under administration within the meaning of the Corporations Law;

- e. becoming of unsound mind or a person whose estate is liable to be dealt with in any way under the law relating to mental health;
- f. being absent without the consent of the Committee from three consecutive meetings of the Committee and/or meetings of the Delegates Council (for the purposes of this section “consent” shall be granted if an apology is duly lodged and included in the minutes); or
- g. becoming incapacitated for any cause and being unable to discharge the duties of office thereby creating a casual vacancy.

8.8. Office bearers and committee members shall be elected at the Annual General Meeting (see Section 18) for a term of one year, with the exception of the Registered Officer and Deputy Registered Officer whose terms shall be three years. All terms shall commence at the conclusion of the Delegates Council at which the election is held and expire at the conclusion of the Delegates Council meeting where an AGM is held for which an election of the position is due.

8.9. No individual can hold the position of Registered Officer or Deputy Registered Officer for more than two full consecutive terms; and no individual may hold any other office-bearer position for more than four full consecutive terms.

8.10. Any unfilled elected position, or casual vacancy in such a position, shall be filled by following the normal process. The Delegates Council may in the interim make a temporary appointment which shall lapse at the next Delegates Council.

8.11.1 One person may hold more than one office at any one time, but no two (2) or more of the positions of Convenor, Secretary, Treasurer, and Membership Officer may be held by any one person.

8.11.2 The positions of Treasurer and Party Agent shall be filled by the same person until and unless a meeting of the Delegates Council resolves to have these positions filled separately.

8.12 Co-Officebearers

8.12.1 The position of Convenor may be filled by two individuals separately eligible for election who shall share the duties of that office as co-convenors. Co-convenors will decide between themselves the allocation of the duties of their office, and will inform the SDC, the Secretary and the Committee of Management of this as soon as practicable. The Co-convenors shall exercise a single vote or blocking power by mutual agreement in any ex-officio voting role, and failing agreement shall not vote or block consensus.

8.12.2 The position of Secretary may be filled by two individuals separately eligible for election who shall share the duties of that office as co-secretaries. Co-Secretaries will decide between themselves the allocation of the duties of their office, and will inform the SDC, the Convenor and the Committee of Management of this as soon as practicable. The Co-secretaries shall exercise a single vote or blocking power by mutual agreement in any ex-officio voting role, and failing agreement shall not vote or block consensus. If two people nominate as co-Secretaries, one of them must nominate before election as the Public Officer and any other statutory office.

8.13 Co-Officebearer vacancies

8.13.1 Where a co-convenor ceases to hold office for any reason, the casual vacancy process in 8.10 shall be used, and the remaining co-convenor shall hold the position individually until the vacancy is filled.

8.13.2 Where a co-secretary ceases to hold office for any reason, the casual vacancy process in 8.10 shall be used, and the remaining co-secretary shall hold the position individually until the vacancy is filled.

9 DUTIES OF OFFICE-BEARERS

9.11 Duties of the **Convenor** include:

- 9.11.1 Acting in accordance with the requirements of the various NSW and Commonwealth electoral and funding acts.
- 9.11.2 Acting as a spokesperson on party organisational matters.
- 9.11.3 Liaising with other state or territory Greens parties and the Australian Greens.
- 9.11.4 Hearing complaints and coordinating the mediation process in the case of disputes except where the dispute involves the Convenor in which case it will be the Secretary.
- 9.11.5 Coordinating the operations & functions of all committees of The Greens NSW
- 9.11.6 Reporting back to the Delegates Council of The Greens NSW on a regular basis about the work & functions of all Greens NSW committees
- 9.11.7 Performing other actions as detailed in various sections of this constitution.

9.12 Duties of the **Secretary** include:

- 9.12.1 Acting as the Public Officer of The Greens NSW for the purposes of the Associations Incorporation Act shall be the Secretary who will carry out all duties related to that Act.
- 9.12.2 Coordinating and preparing and distributing agendas, minutes, notices and business papers for meetings.
- 9.12.3 Maintaining the Constitution, and the rules and decisions made by the Delegates Council
- 9.12.4 Coordinating dates, locations & arrangements for Delegates Councils throughout the year.
- 9.12.5 Distributing Delegates Council minutes and notifying new postings on the members web page to the members email list
- 9.12.6 Managing of correspondence.
- 9.12.7 Maintaining records of appointments of office-bearers, representatives, spokespeople and Committee members
- 9.12.8 Maintaining a record of those attending meetings of the Delegates Council and the Committee of Management.
- 9.12.9 Maintaining a record of the proceedings and decisions of Delegates Council and Committee of Management
- 9.12.10 Performing other actions as detailed in various sections of this constitution.

9.3 Duties of the Treasurer include:

9.3.1. Providing oversight of the banking, payment and receipts of monies for The Greens NSW.

9.3.2. Ensuring the keeping of properly ordered financial accounts, the preparation of required documentation for external audits, and the submission of financial reports as required by external regulation and/or the Delegates Council.

9.3.3. Being a signatory to bank accounts along with other Greens NSW office-bearers and Greens NSW staff members authorised by the Committee of Management and approved by the Delegates Council.

9.3.4. Providing oversight of the transactions recorded in the accounts of member-groups, transactions between The Greens NSW and member-groups, and the allocation of funds for transfer between the Greens NSW and member-groups.

9.3.5. Presenting financial reports to the Delegates Council as required by that body.

9.3.6. Providing oversight and advice in the preparation and monitoring of budgets for The Greens NSW.

9.3.7. Performing other actions as detailed in various sections of this constitution.

9.3A. Duties of the Party Agent include:

9.3A.1. Adhering to recording and reporting procedures as required by NSW and Commonwealth electoral and funding acts until such time as those requirements are fulfilled for the financial year relevant to their term as Party Agent.

9.3A.2. Ensuring the provision of timely and accurate responses to compliance audits and reviews conducted by the NSW and Commonwealth electoral commissions.

9.13 Duties of the **Membership Officer** include:

- 9.13.1 Establishing and maintaining a register of members of member-groups and members (non-group) which provides names and addresses, together with the date on which the person became a member, as well as a list of supporters.
- 9.13.2 Receiving all membership returns and fees due to The Greens NSW.
- 9.13.3 The register of members shall be made available by the Membership Officer for inspection by any member free of charge, at any reasonable time.

9.14 Duties of the **Returning Officer** include:

- 9.14.1 Conduct all elections which may occur at meetings of the Delegates Council including the annual general meeting, excepting that any Returning Officer or Deputy Returning officer shall not officiate for any election in which they are a candidate.
- 9.14.2 Unless re-elected, the term of the Returning Officer and Deputy Returning Officers shall terminate after the election of office bearers at the Annual General Meeting.
- 9.14.3 Receiving nominations, preparing ballot papers, distribution of ballot papers, counting of the ballot and declaration of the result(s) of the election.
- 9.14.4 In the conduct of elections the Returning Officer and Deputy Returning Officers shall follow the rules for election as decided by the Delegates Council.
- 9.14.5 In the event that no Returning Officer is available to conduct an election, the Delegates Council may appoint any member as returning officer for that election.
- 9.14.6 Any appeal or dispute in relation to the conduct of an election or the eligibility of a Returning Officer or Deputy Returning Officer under section 9.5.1 shall be resolved by an ordinary decision of the Delegates Council

9.15 Duties of the **registered officer** and **deputy registered officer** include:

- 9.15.1 Acting as described in various sections of this constitution.
- 9.15.2 Acting in accordance with the requirements of the various NSW and Commonwealth electoral and funding acts.

9.16 Duties of **Deputy office bearers** include:

- 9.16.1 Providing assistance to the respective office bearer with their duties; and
- 9.16.2 Subject to section 8.10, acting in place of the office bearer if that position becomes vacant or the office bearer is otherwise unable to perform their duties.

10 ELECTORAL CAMPAIGNS AND REPRESENTATIVES

10.11 The Delegates Council shall be responsible for the conduct and financing of the running of The Greens ticket for NSW Legislative Council and Commonwealth Senate (in NSW) elections.

10.12 Member-groups are solely responsible for all aspects of The Greens Legislative Assembly, House of Representatives or local government campaigns in the electoral districts where they have a candidate.

10.13 The registered officer must nominate for the Legislative Assembly, House of Representatives or local government, any candidate proposed by a member-group for an electoral district of which that member-group has coverage. Where coverage is not recorded, the registered officer shall only nominate the candidate of a member-group if there is no

objection by other adjacent member-groups, or if the objection is resolved by a conflict resolution process.

- 10.14 Candidates for pre-selection for the NSW Legislative Council or the Commonwealth Senate must be members of The Greens NSW.
- 10.15 If a potential Green candidate does not belong to a member-group or is part of a group which is not a member of The Greens NSW, the Delegates Council may decide to direct the registered officer to nominate that person provided:
- 10.15.1 the group, or a meeting of campaign supporters, has minuted the adoption of the Charter of the Australian Greens;
- 10.15.2 the candidate is not intending to stand in an electoral district where there will be a candidate from a member-group;
- 10.15.3 the candidate is not a member of a proscribed organisation;
- 10.15.4 the group and candidate are assessed to be satisfactory by at least two delegates of the Delegates Council who can either attend meetings of the group or liaise in other ways. The form of the liaison shall be under the direction of the Delegates Council; and
- 10.15.5 the candidate becomes a member of The Greens NSW.
- 10.16 Candidates who have no member-group to which they are accountable shall be accountable to the Delegates Council.
- 10.17 A Greens NSW Member of the NSW Legislative Council or Commonwealth Senator standing for preselection for a further consecutive term in the same legislature after having served 13 or more consecutive years there will be excluded from the preselection count if, in an additional question in the preselection, less than 75% voters support their candidature.

11 PRE-SELECTION PROCESS

- 11.11 The preselection of an electoral ticket for the political party The Greens NSW for the NSW Legislative Council and Commonwealth Senate, or to fill a casual vacancy being created by the departure from office of a MLC or Senator who is a member of the political party The Greens NSW, will be conducted according to the preselection rules agreed to by the Delegates Council in respect of that preselection (the "Preselection Rules"). The Preselection Rules must include provisions specifying that:
- 11.11.1 A "seek other candidate(s)" pseudo-candidate will be included on all ballots and shall participate in the ballot counting process equivalent to other candidates except that it is not subject to elimination from the count. In the event that "seek other candidate(s)" is elected, all further stages of the count shall cease and only those candidates elected at earlier stages of the count shall be included on the ticket.
- 11.11.2 An optional preferential count (similar to the method used in counting House of Representatives and NSW Legislative Assembly elections) of all valid votes is performed for the election to the top position on the electoral ticket, or to fill the casual vacancy. All valid votes are then counted by a proportional representation (PR) method (similar to the method of counting used in Senate elections) to elect the number of members required on the ticket.
- 11.11.3 The order in which candidates are placed on the electoral ticket shall be the order in which they are elected in the PR count, except if, in counting each even-numbered sub-group of candidates from the top (that is, the top two, the top four, the top six, and so on up to the number of candidates to be elected), a sub-group is found where less than half of the sub-group are women, the next most successful woman candidate (if any) shall be promoted to the lowest ranked position of that sub-group.

- 11.11.4 All financial and non-provisional individual members of member-groups, and all financial and non-provisional individual members (non-group), of The Greens NSW (being residents of New South Wales) as at the close of rolls for the relevant preselection are entitled to vote in the preselection - with each such individual member entitled to one vote.

12 GREENS IN PUBLIC OFFICE

- 12.11 The actions, activities and public statements of all members of The Greens NSW who are elected to Public Office shall be consistent with the Charter, Constitutions, policies and decisions of the Party.
- 12.12 Elected representatives of The Greens NSW in the Legislative Council or Commonwealth Senate are accountable to the Delegates Council.
- 12.13 The accountability of House of Representatives, NSW Legislative Assembly or Local Government representatives of The Greens NSW is the responsibility of the relevant member-group.
- 12.14 Elected representatives of The Greens NSW in the Legislative Assembly, House of Representatives or Local Government who have no member-group to which they are accountable shall be accountable to the Delegates Council.
- 12.15 Elected representatives accountable to the Delegates Council shall attend regular Delegates Council meetings or meet with an appropriately formed working group (refer [8.3](#)) to discuss issues pertaining to their responsibilities.
- 12.16 Elected representatives shall consult with the Delegates Council regarding positions to be taken in their legislative activity.
- 12.17 Elected representatives shall provide regular reports (either written or oral) of their activities to the Delegates Council and to The Greens NSW newsletter
- 12.18 Tithes
- 12.18.1 Elected or appointed representatives to the Legislative Council or Senate shall give 15% of their before tax salary and any unexpended allowances treated as salary to The Greens NSW.
- 12.18.2 Elected or appointed representatives to other bodies requiring endorsement by The Greens NSW (including non member-group Local Government Representatives), shall tithe 12.5% of their before tax remuneration for such positions to The Greens NSW except for:
- 12.18.2.1 Monetary payments for specified job expenses, or
- 12.18.2.2 The first \$40,000 of any Local Government Councillor Allowance per-annum, or
- 12.18.2.3 Where such payment would, in the opinion of the Delegates Council, be unwarranted or inappropriate (for example, for reasons of financial hardship).
- This provision does not apply to elected representatives endorsed by a Greens NSW local group.
- 12.18.3 Elected or appointed representatives to the Legislative Council or Senate upon retirement from the Parliament are required to:
- 12.18.3.1 Tithe 15% of the Government's contribution to a lump sum Parliamentary superannuation payout, once the payment is received, and
- 12.18.3.2 Tithe 15% of any pre-tax Parliamentary pension payments. Except where:
- a. The payment of a Parliamentary superannuation lump sum or pension is a result of the death of a parliamentarian; or

b. Such payment would, in the opinion of the Delegates Council, be unwarranted or inappropriate (for example for reasons of financial hardship).

12.19 Representatives in public office accountable to The Greens NSW and the representatives' staff who are members of The Greens NSW shall endeavour day to day decision making in accordance with the spirit of consensus decision making as set out in section [7.6](#) of this constitution.

12.20 Staff provisions

12.20.1 The Greens NSW Office, MLC's and Senators of The Greens NSW shall employ members of The Greens or people with no political party affiliation.

12.20.2 An employee of The Greens NSW Office, MLCs and Senators of The Greens NSW shall only stand for public office as a candidate if pre-selected or approved by The Greens NSW.

13 POLICY

13.11 Each policy of The Greens NSW shall consist of a policy framework and a policy detail section. These policy frameworks are not to be as general as the Charter of the Australian Greens but are to permit opinions to differ over the details of the policies.

13.12 Member-groups are free to adopt and promote additional local/regional policies in accordance with the Charter of the Australian Greens and not in conflict with policies of Greens NSW. Such policies will be notified to the Delegates Council, which shall identify any areas of conflict or needs for further policy development arising.

13.13 The Greens NSW policies shall be formulated with the maximum possible participation of the members.

13.14 Policy documents shall be adopted by The Greens NSW by resolution of the Delegates Council at a regular meeting or special meeting called for the purpose, provided that member-groups have received the document to be considered at least 30 days prior to the meeting.

13.15 Emergency policy adoption can be made by consensus of the Delegates Council and this adoption will be submitted for ratification as soon as feasible. The Delegates Council shall not make any emergency policy decision which contradicts any policy of the party already approved by members. Policies adopted under this emergency procedure and not ratified within three months, are annulled (as official policy).

13.16 Spokespeople, candidates and elected representatives of The Greens NSW shall express public opinions and vote in public fora in accordance with the Charter of the Australian Greens and ratified policies of the Australian Greens and The Greens NSW, where a Party policy exists.

13.17 Policies shall be regularly reviewed to ensure clarity, currency and adherence to Greens principles.

13.18 Policy Working Groups may be established by resolution of the Delegate's Council according to section [22](#) of this constitution and shall operate according to the provisions of section [22.6](#).

14 MEMBERS (NON-GROUP)

14.11 Individuals beyond the reach of any member-group may join The Greens NSW directly (i.e. without joining a member-group) and shall be known as 'members (non-group)'. Individuals within areas of member-groups will not be accepted as members (non-group) but will be encouraged and assisted to join their local member-group.

- 14.12 Members (non-group) will be considered provisional (as per section [2.6](#)) for the first 3 months after receipt of their membership fees.
- 14.13 The applications of provisional members (non-group) can only be rejected by a decision of the Committee of Management, which is to be communicated in writing to the Membership Officer.
- 14.14 Members (non-group) will be required to pay an annual fee, the amount determined by the Delegates Council.
- 14.15 Members (non-group) shall have all the rights and responsibilities of member-group members except that they shall not be represented by a delegate on Delegates Council. Members (non-group) shall receive news from The Greens NSW and shall be welcomed at meetings and activities of The Greens NSW.
- 14.16 The list of members (non-group) shall be maintained by the Membership Officer.
- 14.17 Should there be a number of members (non-group) in an area they shall be encouraged and assisted in forming their own local group which could then join The Greens NSW.

15 FORMAL MATTERS

- 15.11 Funding of the Party, electoral candidates and parliamentary representatives will be open to public inspection in accordance with the various NSW and Commonwealth acts.
- 15.12 Liability.
- 15.12.1 The member-groups which constitute The Greens NSW are not partners and none of them will be liable in any way for the acts or defaults of any of the other member-groups.
- 15.12.2 The liability of a member-group or member of The Greens NSW to contribute towards the payments of debts and liabilities of The Greens NSW or the costs, charges and expenses of the winding up of The Greens NSW, is limited to the amount, if any, unpaid by the member-group or member in respect of membership of The Greens NSW as required by sections [2.5](#), [2.6](#), and [2.7](#).
- 15.13 Indemnity.
- 15.13.1 Members of The Greens NSW who act on behalf of The Greens NSW with any written authority of the Delegates Council, and who accept or incur any personal pecuniary liability in carrying out such actions, will be held indemnified against that personal liability.
- 15.13.2 The member-groups are equally liable for acts and defaults of The Greens NSW. Individual (natural person) members are personally liable only to the extent of their membership fees.
- 15.14 Membership entitlements not transferable. A right, privilege, or obligation which a person has by reason of being a member of The Greens NSW:
- 15.14.1 is not capable of being transferred or transmitted to another person, and
- 15.14.2 terminates on cessation of the person's membership of The Greens NSW.
- 15.15 Property. The property and income of The Greens NSW will be applied solely towards promoting the principles and achieving the objectives of The Greens NSW and no part of that property or income may be applied or otherwise distributed, directly or indirectly, except in good faith for that purpose. No portion shall be paid or distributed to the members except as bona fide remuneration for services rendered or expenses incurred on behalf of The Greens NSW.
- 15.16 Dissolution.

- 15.16.1 The Greens NSW will not be dissolved except
- a. by consensus of the Delegates Council following notice of such a proposal at least 30 days prior; or
 - b. a resolution of the full membership passed by at least 50 percent of valid returns received in a postal ballot.
- 15.16.2 The dissolution of The Greens NSW will be effective within 30 days after the decision is confirmed, or whichever day is stipulated in the decision.
- 15.16.3 If, when winding up The Greens NSW, any property of The Greens NSW remains after satisfaction of the debts and liabilities of The Greens NSW and the costs, charges and expenses of winding up, the property of The Greens NSW will be distributed according to a resolution of the Delegates Council. It may only be distributed to non-profit organisations, which have rules prohibiting the distribution of their assets and income to their members. If no resolution to this effect is made, any outstanding property shall be distributed equally amongst all member groups which fulfil the requirement to be non-profit.
- 15.17 Resolution of internal disputes
- 15.17.1 Serious disputes between member-groups or members (in their capacity as members) and The Greens NSW or disputes between member-groups or members (in their capacity as members) that cannot be resolved will be referred to mediation. The mediator will be appointed as agreed between the parties. If the parties are unable to agree then the mediator will be appointed by the Office Bearers of the Australian Greens.
- 15.17.2 At least 7 days before a mediation session is to commence, the parties are to exchange statements of the issues that are in dispute between them and supply copies to the mediator.

16 CONSTITUTIONAL CHANGES

- 16.11 Notice of motions to amend this constitution must be circulated to all member-groups at least 30 days before the Delegates Council meeting at which the motion is to be decided upon. The usual decision-making process shall be followed except that no further proposals which would substantially alter the effect of a notified proposal to amend the constitution or to provide for a new by-law may be adopted at the same meeting.
- 16.12 This constitution, subject to 16.1 shall be reviewed at intervals not greater than four years, commencing with the year of adoption of this clause.
- 16.13 16.3. By-laws
- 16.3.1 The Greens NSW may adopt by-laws to provide for the regulation of any matter in the affairs of the Greens NSW.
 - 16.3.2 By-laws created under this section are subordinate to the constitution and, in the event of any discrepancy or ambiguity, the provisions in the constitution shall prevail.
 - 16.3.3 The Secretary shall maintain a register of by-laws adopted under this section which shall be available to members.

17 REGISTRATION

- 17.11 No local member group shall have separate state or federal registration as a political party.

18 ANNUAL GENERAL MEETINGS

- 18.11 The Annual General meeting will be held in conjunction with a scheduled Delegates Council meeting at the earliest reasonable opportunity after the 1st of July of each year, but no later than 31st December of that year.
- 18.12 At least 30 days notice of the meeting shall be given to members. The notice shall include details of the business to be discussed at the Meeting and any decisions that need to be made at the Meeting.
- 18.13 In addition to the powers of an ordinary Delegates Council Meeting the Annual General Meeting is empowered to:
- 18.13.1 receive the Annual Report of the office bearers;
- 18.13.2 receive the financial statements for the previous year by the Treasurer as required under Section 26 [6] of the Associations Incorporation Act, and as required by other Commonwealth and State legislation;
- 18.13.3 receive reports from standing committees and working groups; and
- 18.13.4 conduct elections for office-bearers, committees and other positions.

19 SPOKESPEOPLE

- 19.11 The following people shall have general authority to make public statements to the media on behalf of The Greens NSW:
- 19.11.1 Spokespeople appointed by the Delegates Council during the term of their period of appointment.
- 19.11.2 Members elected to the Legislative Council of the NSW Parliament or members elected to the Senate of the Federal Parliament.
- 19.11.3 Candidates for the Legislative Council or the Senate who have been elected and endorsed in accordance with Section 11 of this constitution during the period of the election for which they have been endorsed.
- 19.12 Public statements must be consistent with this constitution, the policies of The Greens NSW and the Australian Greens Charter, Constitution and Policies.
- 19.13 The following procedure shall be followed to appoint non-parliamentary spokespeople.
- 19.13.1 The relevant working group may propose to the Delegates Council the appointment of a member of that working group as a Greens NSW spokesperson. This proposal must explain:
- 19.13.1.1 the area(s) of responsibility;
- 19.13.1.2 the need for such a position;
- 19.13.1.3 the efforts taken to ensure gender/regional balance;
- 19.13.1.4 the method of interaction with any parliamentary spokesperson(s) in the same area(s);
- 19.13.1.5 the qualifications of the spokesperson; and
- 19.13.1.6 the term of the appointment which shall not exceed two years.
- 19.13.2 The proposal must be circulated to all member-groups at least 30 days before the Delegates Council meeting at which the proposal is to be decided upon.
- 19.13.3 The Delegates Council may amend the proposal using the ordinary decision making procedure.

- 19.13.4 A secret ballot of delegates offering support/no-support for the appointment proposal (as amended) must be carried by three or more votes in support to one vote against.
- 19.14 A spokesperson appointed according to 19.3 shall cease to be a spokesperson at either:
- 19.14.1 the expiration of their agreed term unless that term is renewed for an additional period by the Delegates Council; or
- 19.14.2 at any earlier time decided by the Delegates Council.
- 19.15 Before making public statements to the media, the spokesperson will endeavour to liaise with their working group and the Greens MP with the relevant portfolio.
- 19.16 Spokespeople must submit a report to each meeting of the Delegates Council including copies of their media releases.

20 STANDING COMMITTEES

- 20.11 The Delegates Council may authorise standing committees to have an ongoing responsibility in specified areas of activity. Such committees are subordinate to the Delegates Council and their duties, composition, authority and procedures shall be determined by the Delegates Council.
- 20.12 Standing committees shall consist of as many members (no fewer than three) as determined by the Delegates Council. Members shall be elected at the Annual General Meeting, following the nomination and election procedures for office-bearers. The Delegates Council may determine specific provisions relating to composition for each committee including consideration of regional and gender balance, term length and rotation of members, limitation of tenure, and other similar provisions as the Delegates Council may consider fit. Such provisions shall be specified in the Terms of Reference for the Standing Committee. No provision specifying preference criteria for election to the committee shall operate unless at least one candidate who satisfies the specified preference criteria is properly nominated for election to the committee and is not excluded by the "seek other candidate(s)" ballot provision.
- 20.13 Elected committees may decide to co-opt further members, either voting or non-voting, as extra members of the committee. Such decisions must be ratified by the next Delegates Council meeting or else lapse.
- 20.14 Standing committees shall elect a Convenor, who shall be responsible for providing regular written reports to the Delegates Council.
- 20.15 No confidence provisions of this constitution relating to office-bearers shall also apply to members of standing committees.
- 20.16 Decision-making process of standing committees shall follow the rules for decision-making by the Delegates Council. All decisions made by vote shall be reported to the Delegates Council. Any matter on which a decision cannot be reached must be referred to the Delegates Council. The quorum for committee decision making shall be the participation of at least half of the current number of voting members of the committee rounded up if required to the nearest whole number.

21 ELECTION CAMPAIGN COMMITTEES

[deleted]

22 WORKING GROUPS

- 22.11 The Delegates Council may authorise working groups to have an ongoing responsibility in specified areas of activity. Such working groups are subordinate to the Delegates Council and their terms of reference, including purpose, duties, duration, composition, authority and procedures shall be determined by the Delegates Council.
- 22.12 The Secretary shall provide a current list of working groups at the Annual General Meeting in order for the Delegates Council to determine which groups (if any) should be discontinued.
- 22.13 Working groups shall have a Convenor, to be elected preferably by the Delegates Council but alternatively by the members of the working group. The Convenor shall be responsible for providing written reports as necessary to Delegates Council meetings.
- 22.14 No confidence provisions of this constitution relating to office-bearers shall also apply to members of working groups.
- 22.15 Decision-making process of working groups shall follow the rules for decision-making by the Delegates Council. All decisions made by vote shall be reported to the Delegates Council. Any matter on which a decision cannot be reached must be referred to the Delegates Council.
- 22.16 Notwithstanding the provisions of section 22.1 a working group whose terms of reference include any responsibility for policy development as provided in section 13 shall operate according to the following:
- 22.16.1 Membership and meetings of the working group shall be open to all members;
- 22.16.2 The working group may submit proposals for changes to the policy of The Greens NSW, within the working group's area of responsibility, to the Delegates Council subject to the terms of section 13.4;
- 22.16.3 The Convenor of the working group shall liaise with the Committee of Management, Electoral Campaign Committee or Parliamentary offices as required. The convenor does not have the authority to speak publicly on behalf of the Greens NSW except where explicitly authorised by this constitution or by the Delegates Council;
- 22.16.4 The working group may submit proposals to the Delegates Council to authorise one or more of its members be to be spokespeople;
- 22.16.5 Where a spokesperson already exists for a policy area covered by a working group the spokesperson shall become a member of the working group. Wherever reasonably possible the spokesperson shall liaise with the working group prior to speaking publicly on behalf of The Greens NSW;
- 22.16.6 Dates and agendas of meetings where policy is to be considered shall be advertised to members of the working group and local group contacts at least 14 days in advance of any meeting;
- 22.16.7 The working group shall endeavour to promote broad discussion of its particular policy area(s) within The Greens NSW;
- 22.16.8 The working group shall make use of the internet to involve all interested Greens members in its processes.

23 YOUNG GREENS

- 23.11 Purpose and membership

- 23.11.1 The NSW Young Greens are the youth wing of the Greens NSW, whose membership is governed by the NSW Young Greens Terms of Reference as determined at SDC.
- 23.11.2 Membership of the NSW Young Greens is open to any Greens financial members aged under 31 and residing in NSW.
- 23.11.3 The Membership Officer(s) of the NSW Young Greens will be granted temporary access to the relevant Greens NSW databases subject to the relevant privacy, legal and training requirements, to access and input data for members in the party under 31, and this access will be forfeit at the conclusion of their terms.
- 23.12 Roles and responsibilities:
- 23.12.1 The NSW Young Greens are responsible for engaging young members of the party within the party structures and facilitating political education and activism.
- 23.12.2 The NSW Young Greens are responsible for providing support and training and encouragement for youth engagement in Greens NSW Local Groups, Working Groups, Committees, elected roles and preselections.
- 23.12.3 The NSW Young Greens are authorised to create Young Green working groups, such as the Regional working group, Women's working group, LGBTQIA+ working group, Multicultural working group and Education working group.
- 23.12.4 As a constituent group of the Greens NSW, the NSW Young Greens are eligible to bring proposals to SDC.

24 YEAR, FINANCES, SOURCES AND MANAGEMENT OF FUNDS

- 24.1 The year of The Greens NSW shall be the twelve (12) months, 1st July to 30th June. Annual accounts, subscriptions and fees shall cover this period.
- 24.2 The funds of The Greens NSW shall be derived from annual subscriptions of members, donations and other sources determined by decision of the Delegates Council.
- 24.3 All monies received by The Greens NSW shall be deposited as soon as practicable and without deduction to the credit of The Greens NSW's bank or Credit Union account. The financial institution used will be determined by the Delegates Council.
- 24.4 The Greens NSW shall, as soon as practicable after receiving any money, issue an appropriate receipt.
- 24.5 Each member–group and each member (non-group) shall pay to The Greens NSW such fees as are prescribed in respect of each member and such fees shall be paid at the time of registration in accordance with section 2.5.
- 24.6 The prescribed fee shall be such amount as is decided by the Delegates Council. It shall not be levied retrospectively.
- 24.7 By the decision by the Delegates Council the funds of The Greens NSW shall be used in pursuance of the objects of The Greens NSW.
- 24.8 All transfers of funds and other financial transactions from centrally held Greens NSW bank accounts must be approved and authorised by a minimum of two signatories drawn from a panel of signatories appointed by the Committee of Management and approved by the Delegates Council

25 COMMON SEAL

- 25.1 The common seal of The Greens NSW shall be kept in the custody of the Secretary.

25.2 The common seal shall not be fixed to any instrument except by the authority of the Delegates Council or Management Committee and the affixing of the common seal shall be attested by the signatures of the Secretary and one non office-bearer member of the Committee of Management.

26 CUSTODY OF BOOKS

26.1 Except as otherwise provided by this constitution, the Secretary shall keep in their custody or under their control all records, books, and other documents relating to The Greens NSW.

27 INSPECTION OF BOOKS

27.1 The records, books, and other documents of The Greens NSW shall be open to inspection by any member upon reasonable written notice being given to the Secretary.

28 INSURANCE

28.1 The Greens NSW shall effect and maintain insurance pursuant to Section 44 of the Associations Incorporation Act.

28.2 In addition to the insurance required under Clause above The Greens NSW may effect and maintain other Insurance.

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:

Please see clause 1.2 of the constitution

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

Please see clause 16 of the

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

Please see clause 5 and 6 of the constitution

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

Please see clause 20 of the constitution

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

Please see clause 7 & 8 of the constitution

(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*:

Seamus Lee as Registered Officer (clause 9.45)
Christopher Maltby as deputy Registered Officer (clause 9.46.1)
Paul Dognan as Party Agent (clause 9.3A.1, 9.3A.2)

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