



**Australian Greens (Victoria)**

**Bylaws**

Current as at 28 October 2011

## Index

| <b>Section</b> | <b>Subject</b>   |
|----------------|--|
| 1              | Disputes and Grievance Procedure   |
| 2              | Scope and Coverage of Regions  |
| 3              | Basic Standards for Internal AGV Elections   |
| 4              | Notice and Papers for Meetings   |
| 5              | Tithing  |
| 6              | Donations and Loans not from Financial Institutions  |
| 7              | Email Protocol   |
| 8              | Mutual Responsibilities Between Elected Representatives and Party Bodies, Officers and Members |
| 9              | Victorian Representation in the Australian Greens  |
| 10             | Branch, Regional Council and Regional Campaign Committee Financial Management and Reporting    |
| 11             | Procedures for Urgent Withdrawal of Party Endorsement of a Candidate for Public Office         |
| 12             | In camera Sessions   |
| 13             | Meeting Code of Conduct  |
| 14             | <i>not used</i>  |
| 15             | Membership   |
| 16             | 2010 Interim Bylaw – Disputes Panel  |
| 17             | Standing Orders  |
| 18             | Sexual harassment  |

# 1. Disputes and Grievance Procedure

## Modification History

| Action   | Body             | Date       |
|----------|------------------|------------|
| Approved | State Conference | 2004-08-21 |
| Updated  | State Executive  | 2009-07-23 |
| Updated  | State Executive  | 2011-10-27 |

1. These by-laws are made pursuant to clause 41.22 of the Constitution and the clauses referred to herein are references to clauses of the Constitution unless stated to the contrary.

## Disputes Panel

2. There shall be 9 positions on the Disputes Panel which will be filled by election at the State Conference. The election shall take place after the State Council representatives election. All Greens party members may nominate for the positions on the Disputes Panel. Only State Council members are eligible to vote in the election of Dispute Panel members. Following the election the candidates shall be ranked in order and shall fill the positions on the Disputes Panel in that order subject to the following restrictions:
  - (a) Up to three positions of the nine positions may be filled by Greens party members who are not and have never been members of State Council.
  - (b) If five of the positions are filled by members of the same gender, no further positions shall be filled by members of that gender unless all eligible candidates of the other gender have been elected.
  - (c) No member of executive shall be on the Disputes Panel.
  - (d) Selection criteria as described in the "AGV Guidelines to Dispute Resolution" shall be taken into consideration.
3. A vacant position on the Disputes Panel may be filled by Executive or State Council appointing a person to the panel and in doing so the relevant body shall apply affirmative action principles taking into account the need to have gender balance on the Disputes Panel, and having regard to the selection criteria in clause 2 (d).
4. The Disputes Panel shall make decisions with a quorum of 5. All decisions of the Panel must be minuted.
5. A notice of dispute given pursuant to clause 41.5 shall be in writing and shall be in the form of, or shall contain the information in, Schedule A to these by-laws.
6. The Disputes Panel may authorise not less than 2 members of the Panel to consider a Notice of Dispute and to decide, within 14 days, whether to:
  - (a) refer the dispute to either a mediation, conciliation or arbitration, or
  - (b) refer the dispute back to the Panel for a decision as to what procedure under clause 41.6 should apply to the dispute.
7. The Disputes Panel may dismiss a complaint by notifying the complainants in writing, within 28 days of the application, stating the reasons.
8. Subject to the constitution and these by-laws, the disputes panel and any person to whom a dispute has been referred, may take whatever action is necessary to progress the resolution of the dispute.
9. The Disputes Panel may appoint any person or persons to conduct a mediation. The Disputes Panel should not appoint a person to be a mediator unless the Disputes Panel is satisfied that the person has sufficient knowledge, skills and ability to mediate the dispute in question.
10. The disputes panel has the responsibility to arbitrate and conciliate disputes, and may delegate the arbitration or conciliation of a dispute where the Disputes Panel believes it is necessary or desirable.
11. If the parties to a dispute agree to bear the costs, the Disputes Panel may refer a dispute to a professional mediator, conciliator or arbitrator.

12. The Disputes Panel shall send a notice of dispute to each party to a mediation, conciliation or arbitration, and shall invite the respondents to give a summary of not more than 500 words stating that party's position in the dispute.
13. The Disputes Panel may dismiss a complaint if it:
  - (a) involves allegation against a person who is not a Greens Party member, or
  - (b) does not raise an issue that is related to Greens Party business, or
  - (c) is trivial or vexatious.
14. The Disputes Panel may appoint three or more of its members to conduct an inquiry under clause 41.6.4, which may be conducted in any manner that it sees fit. The Panel may invite any persons to make a submission or give evidence (either in writing or orally) before the Disputes Panel.

### **Mediations, Conciliations, Arbitrations**

15. The Disputes Panel shall maintain an approved list of mediators, conciliators and arbitrators, suitably qualified. Assessment of candidates for this list will follow selection criteria approved by State Council.
16. The person or persons appointed by the Panel to resolve a matter by mediation, conciliation or arbitration may give notice to any Greens member or body making them a party to the dispute resolution process.
17. If a dispute is resolved by agreement between the parties at a mediation or a conciliation, the mediator or conciliator must give to each party a copy of any agreement entered into by the parties in resolution of any aspect of the dispute, and must advise the Disputes Panel whether the dispute has been resolved.
18. If a decision is made at a conciliation or arbitration in resolution of a dispute, the conciliator or arbitrator must give to each of the parties and the Disputes Panel a copy of the decision in writing.
19. An arbitration may take place in the absence of a party to whom at least 7 days notice has been given.

### **Appeals**

20. An appeal under clause 41.16 shall be lodged with the convenor of the Disputes Panel within 14 days of receiving notice of decision of the arbitration.
21. An appeal under clause 41.16 shall be determined by the Disputes Panel appointing not less than 3 of its members to hear and determine the appeal *de novo*, which shall be dealt afresh in the same manner as an arbitration determined under these by-laws.
22. The Disputes Panel must act promptly to determine the appeal without undue delay.
23. In an appeal, the Disputes Panel may stay the decision of a single arbitrator pending the outcome of the appeal.
24. If the arbitrators on appeal are unable to reach consensus, the arbitrators must determine the outcome of the dispute by majority decision.

### **Other matters**

25. Any party to a conciliation or arbitration may request a written report giving reasons, outlining the process followed and factors taken into consideration in making a decision, The conciliator or arbitrator shall provide such reasons within 14 days.
26. All matters put in proceedings under these by-laws shall be presumed to be private and privileged information, and parties shall not repeat the matters outside of the dispute resolution process without the consent of the other parties. If the above requirement is not observed, or if such matters are raised by any party in a court of law in civil proceedings between the parties, such an action can be grounds for the member to be subject to the provisions of clause 10.
27. The powers of the Disputes Panel shall not be delegated unless where expressly empowered by these by-laws.
28. Every person involved in a dispute resolution process must take into account the matters contained in the most recent document approved by State council and known as "AGV Guidelines to Dispute Resolution", as amended from time to time.

### **Guiding Principles**

29. These Guidelines describe
- (a) standards and procedures of mediation, conciliation and arbitration, and
  - (b) the way in which disputes and grievances procedures and outcomes in the Greens Party shall be in accordance with the Greens charter, the principle of transformative justice and natural justice, and
  - (c) the assumptions of professional competence, knowledge, skills and ability, as well as a degree of independence of the mediators, conciliators and arbitrators, and the ways in which they will be operationalised.

### **Review of the Grievance Procedures**

30. The Disputes Panel shall meet not less than 4 times per year and report to State Council on the results of its work and any recommendations arising.
31. The Disputes Panel shall deliver an annual report to State Conference.
32. Every party to a grievance procedure will be given a feedback Form which will be sent to the Disputes Panel for consideration.

## 2 Scope and Coverage of Regions

### Modification History

| Action   | Body            | Date       |
|----------|-----------------|------------|
| Approved | State Council   | 2008-04-19 |
| Updated  | State Executive | 2008-06-26 |
| Updated  | State Executive | 2009-03-26 |
| Updated  | State Council   | 2009-06-21 |

1. This by-law gives effect in part to the requirements of sub-section 13.2 of the AGV Constitution.
2. Subject to clause 4 below, all members of the Party shall be allocated on the basis of their principal place of residence to a Region specified in this by-law.
3. The Regions are as specified in Schedule A in the left hand column in the table therein, and shall consist of the Local Government areas listed in right hand column opposite the name of each Region.
4. Notwithstanding the above, each Member who, as at 18 April 2008, by custom and practice has been treated as a member of a Branch which is located within a Region other than that which she or he would be allocated to in accordance with Schedule A, shall continue to be treated as a member of that former Regional Group, until either:
  - (a) he or she changes address to another Local Government Area; or
  - (b) she or he advises the State Secretary in writing that he or she wishes thereafter to be a member of the Regional Group which corresponds to her/his residential address.
5. For the purpose of this by-law, "custom and practice" shall prima facie mean those records of membership and allocation held by the State Secretary as at 18 April 2008.

### Schedule A

|                                     |   |                  |   |
|-------------------------------------|---|------------------|---|
| Australian Greens (Victoria) Region | Local Government Areas  |                  | Monash<br>Whitehorse  |
| Ballarat-Grampians-Wimmera          | Ararat<br>Ballarat<br>Golden Plains<br>Hepburn<br>Hindmarsh<br>Horsham<br>Moorabool<br>Northern Grampians<br>Pyrenees<br>West Wimmera<br>Yarriambiack | Geelong          | Geelong<br>Queenscliffe   |
| Central Highlands                   | Mansfield<br>Mitchell<br>Murrindindi<br>Strathbogie<br>AND The unincorporated area falling within Mansfield Shire.                                    | Gippsland        | Bass Coast<br>Baw Baw<br>East Gippsland<br>La Trobe<br>South Gippsland<br>Wellington                          |
| Central West                        | Bendigo<br>Central Goldfields<br>Macedon Ranges<br>Mount Alexander  | Goulburn Valley  | Campaspe<br>Moir<br>Shepparton  |
| Eastern Suburbs                     | Boroondara<br>Knox<br>Manningham<br>Maroondah   | Mallee Sunraysia | Buloke<br>Gannawarra<br>Loddon<br>Mildura<br>Swan Hill  |
|                                     |   | Melbourne        | Melbourne   |
|                                     |   | North East       | Alpine<br>Benalla<br>Indigo<br>Towong<br>Wangaratta<br>Wodonga<br>AND Unincorporated areas falling within the |

|                              |   |
|------------------------------|---|
|                              | Alpine Shire.   |
| North East Suburbs           | Darebin<br>Whittlesea   |
| North West Metropolitan      | Hume<br>Moreland  |
| Outer Eastern                | Cardinia<br>Casey<br>Dandenong<br>Yarra Ranges  |
| South West                   | Colac<br>Corangamite<br>Glenelg<br>Moyne<br>Southern Grampians<br>Surf Coast<br>Warrnambool |
| Southern Coastal             | Frankston<br>Mornington Peninsula<br>AND French Island                                      |
| Southern Suburbs and Bayside | Bayside<br>Glen Eira<br>Kingston<br>Port Phillip<br>Stonnington                             |
| Western Suburbs              | Brimbank<br>Hobsons Bay<br>Maribyrnong<br>Melton<br>Moonee Valley<br>Wyndham                |
| Yarra                        | Yarra   |
| Yarra Plenty                 | Banyule<br>Nillumbik  |

### 3 Basic Standards for Internal AGV Elections

#### Modification History

| Action   | Body          | Date       |
|----------|---------------|------------|
| Approved | State Council | 2009-03-01 |

Where any internal AGV election is to be held, and where rules regarding the process and method of the election concerned have not otherwise been determined by the State or Regional Council or Branch with the authority to do so, the election shall adhere to the below default standards:

1. A Returning Officer, with the power to make a final decision about any aspect of the election process, shall be appointed.
2. Elections shall be conducted with a secret ballot.
3. A roll of eligible voters shall be kept by the Returning Officer, with the names checked at the distribution of ballots and, for postal elections, also at the return of ballots. For elections conducted by State and Regional Councils, care should be taken to ensure that each officer receives one ballot (as opposed to one ballot per job sharing office-bearer).
4. The body with the authority over the election process will pre-determine the method of election. As a default:
  - (a) where there is one position to be filled, an optional preferential system (OPV) with the option to seek further candidate shall be used; and
  - (b) where there are two or more positions to be filled, a proportional representation system (STV) with the option to seek further candidates shall be used.
5. Where there are more nominations received than positions available, a Robson Rotation system shall be used.
6. All election documentation, including results, shall be kept by the Returning Officer for 60 days after the event and be made available to any candidate or elector on request.

#### Definitions

**Robson Rotation:** A method of printing multiple ballots to allow each candidate an equal proportion of appearances at the top of (and at each other position on) the ballot, thus eliminating the donkey vote.

**Optional Preferential:** A system whereby voters must nominate a first preference, but then may preference as many (or all, or none) of the remaining candidates as they wish.

**STV:** Single Transferable Vote (Hare-Clark and senate Group Voting systems being examples) is a voting method that allows voters to make their most preferred choice and then, after candidates have been either elected or eliminated, transfer surplus or unused votes according to the voter's stated preferences.

## 4 Notice and Papers for Meetings

### Modification History

| Action   | Body          | Date       |
|----------|---------------|------------|
| Approved | State Council | 2005-02-19 |

#### 1. Distribution of minutes

- 1.1 Draft Executive minutes must be circulated to Executive members within one week of the meeting they relate to, and the final version must be sent out to all prescribed recipients within one week of their confirmation at the following Executive meeting.
- 1.2 If Executive minutes are not confirmed within five weeks of the original meeting, the unconfirmed minutes must be sent immediately to State Councillors in lieu of the final version. If the unconfirmed minutes are unavailable, a report by the State Secretary or State Convenor must be sent to State Councillors within five weeks of the relevant meeting explaining why the minutes are not available, and providing a substantive report on the proceedings and decisions of the meeting.
- 1.3 Draft State Council minutes must be sent out within three weeks of the State Council meeting, inviting corrections or proposed amendments to be sent to the State Secretary. A final draft incorporating non-contentious corrections, and listing proposed amendments (if any) as an appendix, must be included with the papers for the next State Council meeting.
- 1.4 Draft Annual or Special State Conference minutes must be included with the papers for the next State Council meeting. Time will be set aside at the State Council meeting for business arising from the State Conference minutes, including debate (if any) over their accuracy; however, the minutes cannot be confirmed until the next State Conference.

#### 2. Agenda items

Agenda items for State Council and State Conference must be lodged with the State Secretary no later than 6 weeks before the meeting.

#### 3. Notice of meetings

- 3.1 The incoming Executive will prepare a draft schedule of meeting dates for the following twelve months, to be posted in the members-only section of the AGV website and included in every AGV newsletter and regular e-bulletin. This schedule will be updated as necessary, and will include the proposed dates for Executive meetings for the following two months.
- 3.2 Notice of the date, time and venue of an Executive meeting must be posted in the members-only section of the AGV website no later than seven days before that meeting.
- 3.3 Notice of the date, time and venue of the State Council or State Conference meeting must be sent out no later than 6 weeks before the meeting.

#### 4. Timeline for agenda

- 4.1 The draft agenda for an Executive meeting must be posted in the members-only section of the AGV website no later than 48 hours before that meeting.
- 4.2 The draft agenda for a State Council or State Conference meeting must be sent out no later than 5 weeks before the meeting.

#### 5. Timeline for papers

Discussion papers and notes relating to these agenda items must be sent out no later than 4 weeks before the meeting.

#### 6. Circulation of documents

Unless specified otherwise in the bylaws, Executive minutes and all documents relating to State Council and State Conference meetings must be sent to all State Council members, Regional Council Secretaries, Branch Convenors, Victorian Spokespersons, current candidates for public office and members elected to public office.

**7. Agenda items without accompanying papers**

The State Convenor/s and State Secretary are jointly responsible for deciding whether to accept agenda items not accompanied by explanatory notes or discussion papers.

**8. Late agenda items**

The State Convenor/s and State Secretary are jointly responsible for deciding whether to accept late agenda items for urgent consideration by State Council or State Conference, taking into account other options such as QDMG. Unless absolutely necessary, late agenda items should only be considered under 'Other Business'.

**9. Posting on website**

All meeting documents are to be posted in the members-only section of the AGV web-site and AGV newsletters and e-bulletins are to list what has recently been posted on the web- site.

## 5 Tithing

[Please contact the Party Manager at [party.manager@vic.greens.org.au](mailto:party.manager@vic.greens.org.au) for a copy of bylaw 5].

## 6 Donations and Loans not from Financial Institutions

### Modification History

| Action   | Body            | Date       |
|----------|-----------------|------------|
| Approved | State Executive | 2007-05-10 |
| Updated  | State Executive | 2009-05-28 |

1. The Australian Greens - Victoria (AGV), as a party committed to enhancing Australia's democratic process, will pursue the model of publicly funded elections at all levels of government. Publicly funded elections would promote more equitable access and reduce the risk of corruption associated with donations.
2. AGV will accept donations, including gifts-in-kind as defined by the Australian Electoral Commission, using transparent practices.
3. AGV will ensure that where any donor's one-off or cumulative donations to AGV totals \$1,500 or more within a specified twelve month period their donations are subject to ethical review.
4. At times AGV may also seek to finance its expenditure through loans that are not provided by financial institutions. These loans will be subject to ethical review where either:
  - 4.1 the value of the loan is \$10,000 or more; or
  - 4.2 the loan agreement has conditions under which the loan could convert into a donation and the value of the loan is \$1,500 or more.
5. Ethical review of donations and non-commercial loans will be undertaken by AGV State Council (or State Executive or State Quick Decision Making Group depending on amount and urgency) and will:
  - 5.1 seek to ensure that the values and aspirations of all donors and lenders are not inconsistent with those encapsulated in the goals, policies and the Charter of the Australian Greens Victoria;
  - 5.2 accept donations and loans only for supporting the aims of the Party;
  - 5.3 refuse any donation or loan if any conditions are imposed by the donor or lender;
  - 5.4 refuse any donation or loan if it gives rise to or is likely to give rise to a conflict of interest as defined below.
6. Further, AGV will:
  - 6.1 ensure that any donations solicited or accepted on behalf of the AGV by members or supporters of the AGV are used for AGV endorsed activities and not for the personal use of the member or supporter;
  - 6.2 maintain transparency in donor identity by making public at the end of each quarter all donors and the cumulative total of their donations to AGV over the previous twelve month period where those cumulative totals amount to \$1,500 or more;
  - 6.3 ensure that any donations or loans received that are subsequently rejected as a result of this bylaw are returned to the donor or lender at the earliest opportunity.
7. The acceptance of any donation by AGV does not imply endorsement of the activities, undertakings or processes of the donor.
8. It is the responsibility of the AGV State Treasurer to monitor all donations and loans received or offered to AGV and ensure all donations and loans which are subject to review, or may be subject to rejection under this bylaw are promptly referred for review.
9. To support the application of this bylaw:
  - 9.1 donations may only be directed to the AGV state party, regional councils, branches or electoral campaigns. Donations may be directed to campaigns for a specific election or electorate. Donations may not be directed to individual members (including candidates and elected representatives);
  - 9.2 any donation of \$1500 or more, or any donation which there is reason to think may bring the total donation for a particular donor to \$1500 or more in a 12 month period, shall be referred to the AGV State Treasurer for review prior to the donation being accepted;

- 9.3 an official AGV receipt will be issued and the name and address of the donor recorded for all donations unless the donor requests the donation be anonymous. Any donation of \$50 or more must have an official AGV receipt issued and the name and address of the donor recorded. Anonymous donations of \$50 or more can not be accepted. This is to facilitate monitoring cumulative individual donations against the \$1500 disclosure limit;
- 9.4 any donations accepted on behalf of the AGV shall be deposited into an AGV bank account or petty cash fund within 7 days;
- 9.5 all donations received by branches, regional councils or election campaign committees shall be reported to the AGV Finance Officer quarterly. This report shall include an itemized list of donations including the name and address of each non-anonymous donor.

## Definitions

### Donations:

(from [www.aec.gov.au](http://www.aec.gov.au) "Funding and Disclosure Handbook for Donors and Third Parties")

*A disposition of property or provision of a service for which no payment, or an inadequate payment, is received. The term includes cash and non-cash (gift-in-kind) transactions, but does not include commercial transactions or volunteer labour.*

(NB. This is a summary and the full AEC definition should be consulted.)

### Conflict of Interest:

AGV adopts the OECD definition of conflict of interest which is:

*A 'conflict of interest' involves a conflict between the public duty and the private interests of a public official, in which the public official has private interests which could improperly influence the performance of their official duties and responsibilities.*

*Public duty.* It is the duty of members of The Greens to uphold the Greens Charter and promote our policies. It is the public duty of elected representatives and other officials of The Greens to represent their constituents impartially and act without undue influence in the community interest.

*Private interests.* Candidates, elected representatives and other officials of The Greens are the beneficiaries of political donations directly or to the Party and hence have a private interest in those donations. They could be, or could be reasonably perceived to be, influenced by donations (and a desire to maintain them) in the conduct of their public duties. In general larger donations have a greater potential to give rise to the perception of a conflict of interest.

*Conflict.* Conflict arises where decisions are actually, potentially or perceived to be made against the public interest and/or duty as a result of private interests. In addition a conflict of interest exists if the donor is likely to receive a material benefit from a reasonably foreseeable decision that could be made by the Party or an elected Green, unless such benefit is likely to occur as a result of the donor being a member of such a broad class of beneficiary that their individual benefit is not readily identifiable or known or distinguishable from other members of that class.

A conflict of interest also still exists where a donation is received from a third party or associated entity related to the individual or entity where the conflict of interest originates.

## 7 Email Protocol

### Modification History

| Action   | Body            | Date       |
|----------|-----------------|------------|
| Approved | State Executive | 2004-08-11 |
| Updated  | State Executive | 2011-03-24 |

#### 1. Use of email lists

- 1.1 The Australian Greens Victoria (AGV) encourages the free and rigorous expression of opinion. It recognises that a free and fearless exchange of views is essential to the formulation of a healthy and responsive political platform.

#### 2. Protocol

- 2.1 Australian Greens Victoria requires all users of our email lists to observe these guidelines. They are based on the safe meeting procedures already established in Greens processes.
- 2.2 When using email please refrain from writing or forwarding material that contains:
  - (a) personal attack or vilification of people or groups;
  - (b) abusive or offensive language;
  - (c) excessive use of aggressive language, rhetoric or polemic;
  - (d) false, malicious, vindictive or vexatious statements.
- 2.3 The contents of all emails and attachments must be treated in confidence and not distributed in any manner beyond those members of the Greens who are authorised to receive the information. Emails should not be forwarded to another member without the consent of the author.

#### 3. Breaches of Protocol

- 3.1 The following applies to working groups, branches, regions, State Council and Executive, election campaign committees and any other structures in the party that meet regularly and are officially convened.
- 3.2 Complaints about breaches of protocol may be made to the responsible person who is:
  - (a) the convenor of the group, or
  - (b) if there is no convenor of the group, then the Convenor of State Executive (or any person appointed by State Executive to receive and deal with such complaints).
- 3.3 If the responsible person finds that the email protocols have been breached, the responsible person may give to the person who is the subject of the complaint a written caution stating:
  - (a) the nature of the complaint and breach;
  - (b) that any further breach of the protocol may result in the person being the subject of disciplinary procedures; and
  - (c) what the disciplinary procedures are.
- 3.4 If a person has received a caution pursuant to clause 3.3 and thereafter that person again breaches a group's email protocols, the person may be subject to the disciplinary procedures set out in part 4. The responsible person shall notify the email list in the event that any person is the subject of a caution or disciplinary procedures.

#### 4. Disciplinary Procedures

- 4.1 A convenor or other person responsible for the conduct of email lists may enforce any of the following disciplinary procedures pursuant to clause 3.4 as the person considers appropriate:
  - (a) facilitate the holding of a mediation of the dispute between any interested parties;
  - (b) accept a written apology from the member;

- (c) suspend the member's privilege to post messages to the email list for any period being not more than 3 months; or
  - (d) if the member has previously been suspended from any email list, suspend the member's access to the email list for any period being not more than 6 months.
- 4.2 If the convenor or responsible person believes that the disciplinary procedures are inadequate to deal with the problem, the matter may be referred to the State Executive with a recommendation that the person be permanently removed from all or any AGV email lists and State Executive shall delegate two or more of its members to investigate the matter and to report to State Executive with a recommendation and State Executive may impose any other disciplinary actions as it considers are warranted.
- 4.3 Any person who is in any way affected by any decision made pursuant to these protocols may activate the dispute resolution processes under the AGV constitution or the *Associations Incorporation Act 1981*.

## **5. All member/supporter emails**

- 5.1 Any information to be emailed to the state-wide member and/or supporters list must:
- (a) have nation-wide or state-wide significance; and
  - (b) where possible, be the subject of consultation between at least two of the State Convenor, the VCCEC Convenor and the Party Manager and any one of these may authorise such an email, subject to any specific direction by the Convenor.

## 8 Mutual responsibilities between elected representatives and party bodies, officers and members

### Modification History

| Action   | Body          | Date       |
|----------|---------------|------------|
| Approved | State Council | 2009-06-21 |

All Greens public office-holders\* have a responsibility under the constitution and this bylaw to report when required to relevant party bodies\* and to the Greens membership generally and within their own constituencies.

It is expected that all public office-holders of the party will attend State Conference whenever possible, and will be available there to answer questions relevant to the office they hold from any Party member.

Party members may exercise their rights to hold elected representatives accountable primarily at electorate assemblies, or through the Party's collective bodies – branches, regions, working groups, committees, and State Executive and State Council.

Party members should not assume that, acting as individuals, they have any special or privileged access or rights in relation to elected representatives as compared to constituents generally. Similarly, elected representatives, while they have special expertise and knowledge, have no more right than other members to direct the work of Party bodies.

### Reporting and Liaison Requirements

Elected public office-holders have a responsibility to keep the “relevant bodies”\* and the “relevant office bearers”\* informed. Office bearers also have a responsibility to provide reports and information to elected public officeholders.

The reporting arrangements need not be mechanical or prescriptive, but must ensure that:

1. In the case of public office-holders, the relevant bodies are provided with a written report or a report given in person at a meeting at least once every quarter (or, subject to leave etc, monthly in the case of full-time salaried public office holders, but not more than once to each meeting of the relevant body). This report (or taken together, a series of reports over the relevant quarter) is to indicate the main activities undertaken, key decisions made as a public officeholder, major issues which are pending and the planned approach to these issues;
  - a) relevant office-holders are advised in a timely manner of issues in which they are involved where their position is likely to involve considerable public controversy or are likely to be controversial within the Party. In these circumstances, wherever possible, a report should be provided in sufficient time to allow relevant party bodies\* to consider the issue when that consideration will still be relevant;
  - b) a representative of the State MPs should attend and provide a report to each State Council, and any Federal parliamentary representatives should where possible attend, and where not, provide a report.
2. In the case of office-bearers of relevant regions or branches, relevant public office-holders are advised of the views of relevant party bodies, about matters within the current work or priorities of the public officeholders, faithfully and in good time, particularly where issues have become or are likely to become controversial within the Party.

### Definitions

\*In this bylaw:

“*Public office-holder*” means a State or Federal MP/Senator or an elected local government representative

(including VLGA).

“Relevant Party body” and “relevant office-bearers” means as follows:

| <b>Position</b>                 | <b>Relevant Party body</b>                                    | <b>Relevant office-bearers</b>  | <b>Conditions</b>   |
|---------------------------------|---|---|---|
| State MLCs/State or Federal MPs | State Council; State Executive; regions within constituencies | State Convenor (or where not available, State Secretary); regional convenors within constituencies. | Reporting to State Officers will satisfy requirement of reporting to office-bearers, except on issues of specifically local concern. Reporting to regions quarterly is satisfied by advising all regions of reporting meeting and location of a Regional Council meeting. |
| Senator                         | State Council / Executive                                     | State Convenor (or where not available, State Secretary)  |   |
| Local Govt representative       | Relevant regional council                                     | Relevant regional or branch convenor (or if absent, regional or branch secretary)                   | Also to report to State Convenor on issues which have state-wide significance or may establish de facto Greens “policy”   |

## 9 Victorian Representation in the Australian Greens

### Modification History

| Action   | Body            | Date         |
|----------|-----------------|--------------|
| Approved | State Council   | 2009-06-21   |
| Updated  | State Executive | 2010 – 01-28 |
| Updated  | State Executive | 2010-03-11   |
| Updated  | State Council   | 2010-04-17   |
| Updated  | State Council   | 2011-02-26   |

### 1. Formation of AGV positions on National matters, and accountability of and reporting mechanisms for Australian Greens (Victoria) (AGV) members who are National Councillors or National Conference delegates.

- 1.1 Victorian National Councillors or National Conference delegates shall represent the position of the AGV at National Council and Conference meetings, in keeping with the Australian Greens constitution.
- 1.2 An 'AGV positions document' shall be produced by Victorian National Councillors or National Conference delegates prior to each National Council or Conference that proposes a Victorian position on all matters on the agenda of the National meeting. The positions in this document shall be ascertained after:
  - a) at least one workshop at a State Council meeting, convened by one or more National Councillors or National Conference delegates; and
  - b) at least one meeting of all National Councillors and Conference delegates and all Victorian delegates to National Working Groups or Committees, with other AGV members invited to attend; and be provided to the State Executive members at least one week prior to the Executive's final meeting before each National Council or Conference.
- 1.3 The Party Manager and/or AGV Treasurer shall assess the financial implications of the positions proposed in the 'AGV positions document' and report this assessment to the final Executive meeting before each National Council or Conference.
- 1.4 The State executive shall hold a meeting jointly with the National Council or National Conference delegates, as the case may be, prior to the relevant national meeting, and at least 7 days notice shall be given of that meeting ("the joint meeting"). Appropriate teleconference arrangements shall be made for those delegates who require this. Subject to any specific decisions of State Council, that meeting shall determine the positions of the AGV to be taken at the National Conference or National Council meeting, and shall make any consequent amendment to the "AGV positions document".

A delegate who is unable to attend the joint meeting must lodge a written apology to the Secretary prior to the joint meeting setting out the reasons for their unavailability for the joint meeting, affirming that they will be attending the upcoming national meeting, and specifying what arrangements they have made to be properly briefed about the position of the AGV at the upcoming national meeting. If such an apology is not forthcoming, or is not accepted as satisfactory by the joint meeting, the State Executive shall appoint a replacement delegate or delegates as necessary.

In appointing a replacement delegate or delegates, State Executive, to the extent that the relevant records are known or ascertainable, shall have regard to the results of the original election for the delegation, and in particular, the electoral support received by any unsuccessful candidates in that election.

It may also have regard to:

- a) appointing a person(s) who is an appropriate replacement specifically for the replaced delegate(s);
  - b) appointing a person who has attended the joint meeting or is a State Councillor,
- and may nominate several persons in an ordered list who may be selected if available as the replacement delegate(s).

- 1.4a State Councillors shall be sent all National Council and Conference proposals and related documents within 7 days of receipt unless the AGV office bearers are of the view that the matter should firstly be sent to Executive.
- 1.5 The final 'AGV positions document' shall be the primary basis for negotiating and voting at National Council and conference meetings, though National Councillors and Conference delegates shall be free to negotiate a consensus outcome should the AGV position not prevail at that National Council or Conference meeting.
- 1.6 Notwithstanding article 1.5, National Councillors and Conference delegates shall not directly contradict the positions outlined in the final 'AGV positions document'.
- 1.7 National Councillors and Conference delegates shall, as much as possible, share the delegation work equally.
- 1.8 In the event of an urgency motion with significant impact on the AGV being put to a National Council or Conference meeting, National Councillors and Conference delegates shall consult as extensively as possible regarding the matter, including in particular with the AGV Office Bearers wherever possible.
- 1.9 All versions of any National Council and Conference meeting agenda or minutes documents provided to National Councillors and Conference delegates shall be sent to the AGV Office Bearers and Party Manager forthwith upon receipt by a nominated Councillor or delegate.
- 1.10 After each National Council or Conference meeting, Victorian National Councillors or Conference delegates shall together produce a report outlining:  
a) decisions made at National Council or Conference meetings; and  
b) the way Victorian delegates voted on each of those decisions.
- 1.11 This report shall be distributed to all State Councillors and the Party Manager within fourteen days of each National Council or Conference meeting.
- 1.12 Victorian National Councillors or Conference delegates shall provide a verbal report to the State Secretary and Convenor outlining any National Council or Conference decisions made that have implications on the AGV that should, for reasons of urgency, be communicated before the written report is distributed.
- 1.13 Victorian National Councillors or Conference delegates shall liaise with the State Secretary and Convenor on any discussions happening at the National level between National Council and Conference meetings that have implications on the AGV.
- 1.14 The AGV State Council or Executive may choose to remove any Victorian National Councillor/s or Conference delegate/s from his or her or their position/s on the grounds that the Councillor/s or Conference delegate/s has/have contravened article 1.6 or 1.7, or on the grounds that the member concerned has seriously breached of any of the above articles.

## **2A. Communication of internal elections and committee vacancies available at National level**

- 2A.1 The AGV Executive, in conjunction with the Victorian representatives on National Council, shall ensure that internal elections and committee vacancies are notified to the Victorian Greens membership.
- 2A.2 Internal elections and committee vacancies at national level shall be communicated in the following ways:  
- Via the Victorian E-bulletin;  
- Sent to Regional and Branch Secretaries for distribution via elists and other means if necessary, at these levels.

## **2. Accountability of, and reporting mechanisms for, Australian Greens (Victoria) members who are members of National Working Groups.**

- 2.1 Victorian delegates to National Working Groups shall provide the State Secretary with the minutes of all meetings of their Working Group forthwith upon receipt.
- 2.2 Victorian delegates to National Working Groups shall provide the State Secretary with a brief report no longer than fourteen days after each formal meeting (including non-face-to-face meetings) of the group on which they serve, or otherwise twice each year if the groups do not generally meet, setting out:
  - a) the issues or proposals being considered by the committee, and in particular any contentious proposals or issues;
  - b) any important decisions made;
  - c) their intentions in relation to any issues which are or are likely to become contentious, or which have been decided;
  - d) any other matters of such importance they believe they should be considered by State Council or Executive; and
  - e) their attendance, non-attendance, participation or non-participation in the deliberations of the group on which they serve.
- 2.3 The State Secretary shall collate reports from Victorian delegates to National Working Groups and distribute these to State Councillors prior to each State Council and Conference meeting as part of the State Secretary's Report.
- 2.4 Victorian delegates to National Working Groups shall not contradict decisions made by the AGV State Council or Executive when negotiating and voting on decisions made by the Working Group that they are a member of.
- 2.5 Victorian delegates to National Working Groups shall, at all times, be guided by the AGV Strategic Plan when contributing to the work of the Working Groups that they are a member of.
- 2.6 The AGV State Council or Executive may choose to terminate any AGV member's National Working Group membership on the grounds that the member concerned has contravened articles 2.4 or 2.5, or on the grounds that the member concerned has repeatedly contravened article 2.1 and/or 2.2.

### **3. Membership appointment of, accountability of, and reporting mechanisms for, Australian Greens (Victoria) members who are members of the National Election Campaign Committee and National Campaigns Action Group.**

- 3.1 Victorian delegates to the National Election Campaign Committee (NECC) shall, subject to any relevant confidentiality agreements, provide all general meetings of the Victorian Campaigns Elections and Communications Committee (VCECC), or its equivalent successor committee, with brief written reports, setting out:
  - a) the issues or proposals being considered by the committee, and in particular any contentious proposals or issues;
  - b) any important decisions made;
  - c) their intentions in relation to any issues which are or are likely to become contentious, or which have been decided;
  - d) any other matters of such importance they believe should be considered by the VCECC or its equivalent successor committee; and
  - e) their attendance, non-attendance, participation or non-participation in the deliberations of the group on which they serve.
- 3.2 A nominated Victorian NECC member shall send agendas and minutes of NECC meetings, and documents being considered by the NECC, to the VCECC members (or members of VCECC's equivalent successor body) forthwith upon receipt, in line with any confidentiality agreements.
- 3.3 Victorian NECC members shall take direction from the VCECC or its equivalent successor committee regarding NECC matters. Any direction shall allow Victorian NECC members the flexibility to negotiate consensus decisions at NECC meetings.
- 3.4 Victorian NECC members shall not contradict decisions of the VCECC or its equivalent successor committee when negotiating and voting on NECC decisions.

- 3.5 The VCECC, or its equivalent successor committee, shall select Victoria's representatives to the NECC.
- 3.6 The VCECC, or its equivalent successor committee, may withdraw any AGV member's NECC membership appointment on the grounds that the member concerned has contravened bylaws 3.3 or 3.4 or on the grounds that the member concerned has repeatedly contravened bylaws 3.1 and 3.2.
- 3.7 The membership appointments and reporting mechanisms of the Victorian delegate or delegates to the National Campaigns Action Group shall be determined by the VCECC.

#### **4. Membership appointment of, accountability of, and reporting mechanisms for, Australian Greens (Victoria) members who are members of the National Policy Committee.**

- 4.1 Victorian delegates to the National Policy Committee (NPC) shall, subject to any relevant confidentiality agreements, provide all general meetings of the AGV Policy Coordination Committee (PCC), or its equivalent successor committee, with brief written reports, setting out:
- a) the issues or proposals being considered by the committee, and in particular any contentious proposals or issues;
  - b) any important decisions made;
  - c) their intentions in relation to any issues which are or are likely to become contentious, or which have been decided;
  - d) any other matters of such importance they believe should be considered by the PCC or its equivalent successor committee; and
  - e) their attendance, non-attendance, participation or non-participation in the deliberations of the group on which they serve.
- 4.2 A nominated Victorian NPC member shall send agendas and minutes of NPC meetings, and documents being considered by the NPC, to the PCC members (or members of PCC's equivalent successor body) forthwith upon receipt, subject to any relevant confidentiality agreements.
- 4.3 Victorian NPC members shall take direction from the PCC or its equivalent successor committee regarding NPC matters. Any direction shall allow Victorian NPC members the flexibility to negotiate consensus decisions at NPC meetings.
- 4.4 Victorian NPC members shall not contradict decisions of the PCC or its equivalent successor committee when negotiating and voting on PC decisions.
- 4.5 The PCC, or its equivalent successor committee, shall select Victoria's representatives to the NPC.
- 4.6 The PCC, or its equivalent successor committee, may withdraw any AGV member's NPC membership appointment on the grounds that the member concerned has contravened bylaws 4.3 or 4.4 or on the grounds that the member concerned has repeatedly contravened bylaws 4.1 and 4.2.

#### **5. Accountability of, and reporting mechanisms for, Australian Greens (Victoria) members who are members any other group established by National Council or Conference with members elected by State parties.**

- 5.1 Accountability and reporting mechanisms for Victorian representatives on any group established by National Council or Conference with members elected by State parties, other than those listed in parts 1 to 4, shall be the same as those outlined in articles 2.1 to 2.5.
- 5.2 The AGV State Council or Executive may choose to terminate any AGV member's membership of any group established by National Council or Conference with members elected by State parties, other than those listed in parts 1 to 4, on the grounds that the member concerned has contravened the principles of articles 2.4 or 2.5, or on the grounds that the member concerned has repeatedly contravened article 2.1 and/or 2.2.

# 10 Branch, Regional Council and Regional Campaign Committee Financial Management and Reporting Bylaw

## Modification History

| Action   | Body            | Date       |
|----------|-----------------|------------|
| Approved | State Executive | 2009-08-13 |
| Updated  | State Executive | 2010-08-11 |

### 1. General Financial Operations

- 1.1 The conduct, recording and reporting of all financial transactions shall be in accordance with standards and procedures as set from time to time by the AGV State Treasurer and as documented in the AGV "Victorian Treasurer's Handbook for Party Bodies".
- 1.2 Party bodies shall notify the AGV State Treasurer within seven days of any change in treasurer.
- 1.3 For the purposes of this bylaw, 'party body' includes a branch, regional council or regional campaign committee.

### 2. Petty Cash

- 2.1 The maximum petty cash balance that a party body can hold is \$100. Amounts greater than \$100 must be held in a bank account managed by either:
  - a) the party body itself;
  - b) in the case of a branch or regional campaign committee that does not hold a bank account, its regional council; or
  - c) the AGV State Treasurer.
- 2.2 All petty cash transactions shall be recorded in a petty cash journal.

### 3. Bank Accounts

- 3.1 All party body bank accounts shall be opened through the AGV State Treasurer.
- 3.2 All party body bank accounts shall be closed through the AGV State Treasurer.
- 3.3 All party body bank accounts shall be operated in a manner as specified by the AGV State Treasurer.
- 3.4 All party body bank accounts shall have a minimum of three signatories, two of whom must sign to approve any transaction, including the addition or deletion of signatories.
- 3.5 Additions or deletions of account signatories other than the State Treasurer or Finance Officer must first be decided by the party body holding the account, and minuted accordingly.
- 3.6 The AGV State Treasurer shall be a signatory on all party body bank accounts.
- 3.7 The AGV Finance Officer, or an alternate AGV staff member nominated by the AGV State Treasurer, shall be a signatory on all party body bank accounts.
- 3.8 The AGV Finance Officer, or alternate nominated signatory as described in section 3.4, shall not initiate or approve any transactions on party body bank accounts unless authorised by the AGV State Treasurer.

- 3.9 The AGV State Treasurer shall not conduct or authorise any transactions on party body bank accounts unless a written request to do so has been received from two party body office bearers or the party body has been declared non-compliant with their financial obligations as defined in section 8.

#### **4. Income**

- 4.1 All income received shall be deposited either to petty cash or to a bank account before any costs or other outgoings are paid from the income.
- 4.2 A receipt shall be issued for each income amount of \$20 or more received from a single source.
- 4.3 An official tax receipt book issued by the AGV state office shall be used for all receipts issued.

#### **5. Expenditure**

- 5.1 No financial commitments shall be made unless the funds to cover the commitment are already available in the accounts of the party body.
- 5.2 All expenditure decisions shall be made at a quorate meeting of the party body and documented in the meeting minutes. An expenditure decision may delegate the spending, up to an approved amount, to a nominated individual or committee.
- 5.3 If a party body has a defined Quick Decision Making Group and process, this may be used to approve urgent expenditure.
- 5.4 An official tax invoice/receipt should be received and kept for all payments made.
- 5.5 An AGV expenditure claim form should be submitted by any party member wishing to claim reimbursement for money spent on party activities.

#### **6. GST**

- 6.1 Party bodies shall pay via the AGV state office, on a quarterly basis unless otherwise specified by the State Treasurer, GST on all income they receive that is liable for GST. Donations and bank interest are GST exempt.
- 6.2 Party bodies shall be refunded via the AGV state office, on a quarterly basis unless otherwise specified by the State Treasurer, GST on any payments they make for which the party can claim a refund from the ATO.

#### **7. Reporting**

- 7.1 Party bodies shall report all financial transactions to the AGV Finance Officer on a quarterly basis.
- 7.2 Quarterly reports shall be provided by due dates as specified by the AGV State Treasurer.
- 7.3 Quarterly reports shall include:
- a) record of all financial transactions made during the quarter;
  - b) record of all donations received during the quarter.
  - c) all bank account statements for the quarter;
  - d) all invoices/receipts received for expenditure made during the quarter;
  - e) all expenditure claim forms for which expenditure was reimbursed during the quarter;

f) any other relevant financial documents.

7.4 Quarterly records of financial transactions and donations shall be in a format as specified by the AGV State Treasurer.

7.5 All complete or partially complete cheque books, deposit books and receipt books shall be made available on request to the AGV Finance Officer with the final quarterly report for the financial year.

## **8. Non-compliance**

8.1 Party bodies that are not in compliance with AGV financial requirements as detailed in the AGV Constitution, AGV Bylaws and the "Victorian Treasurer's Handbook for Party Bodies" may be issued with a notice of non-compliance by the AGV State Treasurer.

8.2 The notice of non-compliance shall be sent to all party body office bearers as registered with the AGV state office.

8.3 The notice of non-compliance shall specify the areas of non-compliance and state that these matters are to be rectified within 30 days from the notice date.

8.4 If the non-compliance is not rectified by the specified date, the AGV State Executive may authorise the AGV State Treasurer to take over the financial operations of the party body.

# 11 Procedures for urgent withdrawal of Party Endorsement of a Candidate for Public Office

## Modification History

| Action   | Body            | Date       |
|----------|-----------------|------------|
| Approved | State Executive | 2010-03-11 |
| Updated  | State Council   | 2010-04-17 |

1. Any endorsed candidate for public office may be removed as a candidate under these procedures. In this bylaw, the "ERC" shall mean the Endorsement Review Committee constituted under this bylaw.
2. These procedures cease at any stage should the relevant candidate withdraw as a candidate.
3. These procedures must be initiated by a notice, which may be in writing or by telephone, from a public office-holder (including the Parliamentary Leader of the Australian Greens), or a member of State Council, to the State Convenor or Secretary or the convenor of the State-wide campaign committee, which notice need only state the name of the candidate proposed for de-selection, but may include any other relevant matter.
4. If possible, the State Convenor, the Secretary and the convenor of the State-wide campaign committee shall confer. If any of them thinks the matter should proceed, they shall forthwith:
  - (a) advise the candidate;
  - (b) convene the ERC; and
  - (c) advise any relevant Regional Convenor.
5. The ERC shall be convened at a time having regard to the desirability of allowing sufficient time for the candidate to respond, but also to any urgency having regard to the political circumstances, but in any case shall not be convened until at least 8 hours (excluding midnight to 6am) after a written notice has been sent to the candidate setting out the reasons why it is considered necessary that he or she might need to be disendorsed, advising the time and place of the ERC meeting (and any phone number by which its meeting may be attended). The candidate should have the opportunity to address the ERC, and every attempt shall be made to contact the candidate to ensure that the notice has been received. Copies of the notice shall be sent to the relevant Regional Convenor and, in the case of a Federal candidate, to the Parliamentary Leader of the Australian Greens. The ERC shall consist of:
  - (a) the Convenor or nominee, or where the Convenor is absent or fails to nominate, the Secretary or nominee;
  - (b) the convenor of the State-wide campaign committee or nominee, or where the convenor of the State-wide campaign committee is absent or fails to nominate, the secretary of the State-wide campaign committee;
  - (c) a person elected (or agreed by consensus) by and from those members of State Council present at a meeting of State Council who are or have been a candidate for public office during the previous 5 years. However, the person elected shall not at the time of the ERC meeting be a current candidate or public office-holder. (An election for this position shall be held in every second year or whenever necessary. However, the person elected shall in any case hold office until replaced.) If that person is unwilling, absent or disqualified, he or she shall be replaced on the ERC by a person of at least 10 years membership who has been more than once a candidate for public office, nominated by the Convenor or Secretary.
6. The ERC shall determine its own procedures having regard to the circumstances and urgency of the matter. All proceedings before the ERC are confidential. The ERC shall have access to all relevant

probity documents and candidate agreements, and may interview any person involved in any probity check. In the case of a Federal candidate, the Parliamentary Leader of the Australian Greens shall have the right to confer with the ERC, and in any case, the ERC shall have regard to her or his advice, which may be given in confidence.

7. The terms of reference of the ERC shall be to determine whether, in all the circumstances there are clear and compelling reasons why it is in the interests of the Party to cancel a candidate's endorsement, and if the ERC so determines, it shall cancel the candidate's endorsement.
8. Proceedings before the ERC are not disciplinary or penalty proceedings. Therefore,
  - (a) it is not necessary that any allegation or suggestion in relation to any conduct by the candidate be proven for the ERC to make any decision;
  - (b) where an issue involves an allegation or suggestion related to any past or present conduct by the candidate, the ERC has no brief to make any adverse determinative findings of fact against the candidate in respect of that alleged or suggested conduct. (This does not prevent any subsequent disciplinary proceedings against a candidate or former candidate in accordance with other relevant party procedures.);
  - (c) where a decision to cancel the candidate's endorsement occurs in circumstance where the candidate denies any allegation or suggestions in relation to his or her conduct, any public statement by the Party shall acknowledge this denial.
9. The ERC may authorise the making of a statement on behalf of the AGV following its decision. Where appropriate, an attempt shall be made to reach agreement with the candidate or former candidate about the terms of that statement.
10. A decision of the ERC to cancel a candidate's pre-selection must be by consensus, but is final, provided that the ERC may refer the matter to the State Executive for a final decision if it is not certain, and shall do so if it cannot reach consensus. In this case, an Executive meeting shall be called forthwith to determine the matter. The members of the ERC and the Parliamentary Leader of the Australian Greens shall as far as practicable, be in attendance, but otherwise the meeting shall be closed, unless the Executive decides that others may attend.

## 12 *In camera* sessions in State Council and State Executive meetings

### Modification History

| Action   | Body            | Date       |
|----------|-----------------|------------|
| Proposed | State Executive | 2010-03-11 |
| Approved | State Council   | 2010-04-17 |

1. *In camera* sessions should be avoided. Meetings should only go *in camera* when absolutely necessary.
2. If a meeting goes *in camera*, this shall be recorded in the minutes along with the general reason the meeting went *in camera* and the number of decisions made *in camera*. The general reason the meeting went *in camera* should be identified to the level of 'Staff Issue', 'Member Dispute', 'Campaign Strategy', 'Legal Issue', or similar.
3. Any decisions made *in camera* shall be recorded in a separate set of *in camera* meeting minutes.
4. *In camera* minutes of State Executive meetings shall not be available for viewing by anyone except the members of State Executive and such other persons it authorises. State Council may decide to open *in camera* State Executive minutes for viewing by State Councillors at a State Council meeting, or by such members of State Council or the Disputes Committee, as it determines.
5. Any decisions made *in camera* shall be reported to State Council for ratification in accordance with the Constitution. However, State Executive may determine that this reporting shall occur at the next meeting of State Council, in writing or otherwise, rather than being included in the circulated minutes. However, the fact that such a report shall be given shall be included in the agenda of the relevant State Council meeting.
6. It is recognised that in some circumstances the decision of State Executive may not itself be fully informative as to what has been decided. (For example, '*That in relation to the defamation action against the AGV, the course of action proposed by the Treasurer and the Secretary be approved.*') Where this is the case, the *in camera* minutes must include sufficient information and documents to ensure it is clear what has been decided.

## 13 Meeting Code of Conduct

### Modification History

| Action   | Body          | Date       |
|----------|---------------|------------|
| Approved | State Council | 2010-04-17 |

1. This bylaw is made pursuant to clause 69.5 of the AGV Constitution.
2. The intent of the bylaw is to facilitate productive cooperation between AGV members, and to provide protection for individual AGV members and constituent groups.
3. The bylaw is also to facilitate the sharing of information and ideas; support affirmative action; and enable participatory, democratic and accountable internal decision-making.
4. **Meeting behaviour**  
At all meetings between 2 or more AGV members, whether formally called or otherwise, or face-to-face or through electronic means, members shall:
  - (a) ensure that all interactions between AGV members are cordial and appropriately conducted. (Note that recourse for bullying and sexual harassment will be initially through the processes in section 5 below);
  - (b) attend the meeting in good faith, with the goal of what is in the best interest of the Greens;
  - (c) have a commitment to consensus decision making, with the intention of reaching consensus where possible;
  - (d) try not to bring previous differences, difficulties and problems to the meeting;
  - (e) follow procedures which are known to be positive and successful;
  - (f) listen without preconceptions, and be open to new ideas;
  - (g) show respect for the opinion of others, and value their diversity;
  - (h) address the issue, and not personalize it;
  - (i) not initiate or respond to aggressive verbal or non-verbal interaction;
  - (j) if issues evoke emotions, acknowledge and discuss these if necessary beforehand;
  - (k) value equal opportunity for participation;
  - (l) not overdo interjections or asides;
  - (m) if a parallel conversation is required in larger group meetings, have it far enough away from the meeting for it not to disturb other meeting participants.
5. Although section 4 above is expressed in mandatory terms, it is understood that normal human behaviour may not always meet the ideals expressed. However, substantial or continuing divergence from the ideal is not acceptable, and may open up any AGV member breaching (or being believed to have breached) section 4 to action being taken under the dispute (Chapter 8) or disciplinary (section 11) procedures under the AGV Constitution.



**14** *not used*

## 15 Membership

### Modification History

| Action   | Body            | Date       |
|----------|-----------------|------------|
| Approved | State Executive | 2010-06-10 |

1. Membership of the AGV runs for a period of 12 months.
2. The joining date is considered to be the date on which the membership application is processed.
3. New members are provisional until formally accepted by the Regional Council of the region in which they are registered, or by State Council if their region has no Regional Council.
4. A new membership runs from the first day of the month of joining.
5. Membership terminates on the last day of the 12<sup>th</sup> month of the membership period.
6. A renewed membership runs from the first day of the month following expiry of the previous membership period.
7. Suggested membership fees are:
  - \$30.00 Concession
  - \$60.00 Low Income (up to \$30,000 p.a.)
  - \$90.00 Medium Income (\$30,000 to \$45,000p.a.)
  - \$135.00 High Income (above \$45,000 p.a.)
8. Membership may not be paid by installments.
9. Membership renewals may not be paid more than 6 months before becoming due.

## 16 2010 Interim by law – Disputes Panel

### Modification History

| Action   | Body            | Date       |
|----------|-----------------|------------|
| Approved | State Executive | 2010-07-06 |

1. This by-law shall, to the extent of any inconsistency operate notwithstanding the provisions of any other by-law, and shall govern exclusively the matters with which it deals.
2. This by-law shall operate only until a Disputes Panel is elected at 2010 State Conference and then shall cease to have effect thereafter.
3. The purpose of this by-law is to ensure that the Disputes Panel established under the Constitution can operate and shall have a quorum of members, and that members will have thereby the right to refer matters to the Disputes Panel as is their entitlement under the Constitution.
4. The Executive may appoint a Returning Officer to conduct an election for any vacancies which occur or have occurred on the Disputes Panel.
5. The Returning Officer so appointed shall call for nominations to the Disputes Panel for all vacant positions, to all members of State Council, with nominations to close on 19 July 2010. Nominations may be made by any member of State Council of any person eligible to stand, including self nomination. Such nomination must be endorsed by 4 members of State Council other than the nominee. Such endorsements must be made with the nomination or at a later time up to 24 hours after the close of nominations. The Returning Officer shall advise upon request to any member of State Council, the names of persons who have nominated, up until that time.
6. Nominations and endorsements may be made by email.
7. If the number of valid nominations does not exceed the number of vacancies, after allowing a further 24 hours for withdrawals, then those persons nominated shall be declared elected.
8. Otherwise, the Returning Officer shall conduct a postal ballot of the members of State Council (including an option for seek further candidate) with the ballot to close 8 days after the despatch of the ballot papers, and shall declare the result.

# 17 Standing Orders

## Modification History

| Action   | Body          | Date        |
|----------|---------------|-------------|
| Approved | State Council | 2011-02- 26 |

*Note: excerpts or descriptions of the State Constitution are shaded in grey and are for reference only; such references do not themselves constitute Standing Orders.*

### Part A: Purpose

- 1 The Standing Orders, along with the State Constitution, are the principal source of procedural authority for meetings of State Council. All meetings of State Council are to be conducted within the framework provided by these Standing Orders. Adherence to these Standing Orders is required for the proper conduct of State Council meetings.

### Part B: Application

- 2 These Standing Orders are rules of State Council made by State Council. They are of continuing effect and apply until changed by State Council.
- 3 Amendments to Standing Orders will be in the form of Proposals, not procedural questions (see Standing Orders Part G).  
Subject to the Constitution, any of these Standing Orders may be suspended in respect of any particular matter, either:
  - a) by the facilitator if there is no dissent; or
  - b) by a procedural question (see Standing Order 42q).
- 4 The facilitator is responsible for ruling whenever any question arises as to the interpretation or application of a Standing Order and for deciding cases not otherwise provided for. The facilitator will generally be lenient when making rulings that have implications on new State Councillors.

### Part C: Quorum

*36.5 A quorum for a State Council meeting will be the next integer greater than one third the number of voting members of the State Council for the time being.*

- 5 No decision of State Council is valid unless the facilitator has declared that the meeting is quorate.
- 6 The facilitator will determine whether State Council is quorate at the beginning of every meeting.
- 7 State Council is deemed to be inquorate until such time as the facilitator declares quorum. State Council is then deemed to be quorate until the meeting is closed by the facilitator, notwithstanding Standing Order 8.
- 8 When any State Councillor draws the attention of the facilitator to a possible lack of quorum at any time during a meeting, the facilitator will count State Councillors present to determine whether or not the meeting is still quorate.

### Part D: Agenda

*The agenda is set by the State Secretary in line with the State Constitution and bylaws.*

- 9 The agenda will specify the order and substance of matters for reporting or for debate.
- 10 The agenda will include the full text of any and all Proposals.
- 11 The agenda will include the words "For report only" at agenda items where it is proposed that no discussion be entered into.
- 12 The agenda will specify that the beginning of each meeting will, before any substantive matters are discussed, include:
  - a) an acknowledgement of traditional landowners;
  - b) a determination by the facilitator of whether or not the meeting is quorate (see Standing Orders Part C);
  - c) a report of State Councillors absent with apologies; and
  - d) the Proposal "that the proposed agenda and facilitators be agreed to". To this Proposal, State Councillors may propose amendments to:
    - i. select different facilitators for any particular agenda item;
    - ii. add agenda items;
    - iii. add or delete the words "For report only" as appropriate to any part of the agenda; or
    - iv. propose a variation to the time allocation;
  - e) a moment where the facilitator will ask State Councillors present to declare any conflict they may have or be perceived to have in relation to any scheduled agenda item.

#### **Part E: Discussion**

- 13 The facilitator will allow discussion at any point in the agenda where the words "For report only" do not appear, notwithstanding Standing Order 14.
- 14 The facilitator will close discussion when the time allotted for the agenda item has expired. An extension of time will only be permitted if a procedural question is agreed to (see Standing Order 42-j).
- 15 The facilitator will close discussion if State Councillors are seeking to discuss matters at a point where the words "For report only" appear in the agenda. An agreement to open discussion will only be permitted if a procedural question is agreed to (see Standing Order 42-k).

#### **Part F: Conduct**

##### Right of speech

- 16 The facilitator will have the right to speak at any time.
- 17 A State Councillor wishing to speak must raise their hand and be recognised by the facilitator before speaking.
- 18 State Councillors should refrain from seeking recognition to speak during times that the facilitator has not opened discussion unless there is good reason to do so.
- 19 If two or more State Councillors seek recognition to speak, the facilitator will keep a list and recognise State Councillors in the order in which recognition was sought. The facilitator will be flexible with the order of recognition of speakers (for example, in the interests of affirmative action).
- 20 State Councillors may not be interrupted by any other State Councillor, with the exception of the facilitator, unless:
  - a) raising a point of order (Standing Order 25);
  - b) raising a procedural question (Standing Order 37); or
  - c) drawing the attention of the facilitator to a possible lack of quorum (Standing Order 8).

##### Order

- 21 State Councillors will at all times during meetings adhere to the Meeting Code of Conduct bylaw.
- 22 State Councillors will respect the authority of the facilitator to facilitate debates and maintain order.

- 23 State Councillors will be seated during meetings.
- 24 State Councillors will adhere to requests from the facilitator for silence at any point during the meeting.

#### Point of order

- 25 A point of order may be raised with the facilitator by any State Councillor at any time if the State Councillor believes the standing orders are being breached. After the point of order has been raised with the facilitator, debate on all other matters will be suspended until the facilitator has addressed the matter.
- 26 If the facilitator deems the frequency or substance of points of order from any one State Councillor to be deliberately vexatious, that State Councillor must abide by any request of the facilitator to cease raising points of order for a period of time stated by the facilitator.

#### Suspension of State Councillor

- 27 A decision to require a State Councillor to leave the meeting room for any period of time will be treated as a procedural question (Standing Order 42-n). The facilitator will not require any State Councillor to leave the meeting room without such agreement of State Council.

### **Part G: Decision-making process**

- 28 Every proposed decision of State Council will:
  - a) begin with the word “that”;
  - b) be recorded in the minutes; and
  - c) have the outcome of the question recorded in the minutes in line with the constitution.
- 29 For the purposes of the Standing Orders, all proposed decisions before State Council will be classified in one of two ways:
  - a) **Proposals** (i.e. proposals relating to substantive matters – see below); or as
  - b) **procedural questions** (i.e. proposals relating to procedure – see below).

#### Proposals

- 30 Proposals are important questions of substance (not procedure) to which the principles of consensus decision-making will be fully applied.
- 31 Proposals will only be considered if:
  - a) they appear in the agenda; or
  - b) a procedural question to allow consideration is agreed to (Standing Order 42-i); or
  - c) a workshop held earlier during the meeting has constructed a Proposal that is directly relevant to the agenda item.
- 32 Proposals will be written and numbered before being considered. Numbering of Proposals begins at 1 at the beginning of each new agenda item.
- 33 Amendments to Proposals will, if longer than ten words, be written.
- 34 Proposals with budgetary implications must indicate where changes to income and/or expenditure would need to be made in order to balance the current budget.
- 35 Proposals will be minuted consistently as follows:
  - a) If a Proposal is dealt with in the usual way:  
**PROPOSAL [number]:** that [text of proposal in full].  
**PROPOSAL [number] [not] agreed to.**
  - b) If a Proposal lapses (see Standing Order 42-e):  
**PROPOSAL [number]:** that [text of proposal in full].  
A **procedural question**, “**that the proposal lapse**”, was **agreed to.**  
**PROPOSAL [number] lapsed.**
  - c) If a Proposal is deferred (Standing Orders 42-b and 42-c):  
**PROPOSAL [number]:** that [text of proposal in full].  
A **procedural question**, “**that the Proposal be considered at [a later time this day / the next meeting]**”, was **agreed to.**

**PROPOSAL [number] deferred.**

- d) If a Proposal is put to a vote as required by a procedural question being agreed to (Standing Order 42-g):

**PROPOSAL [number]:** that [text of proposal in full].

**PROPOSAL [number] not agreed to.**

A **procedural question** “that the proposal be put to a vote” was **agreed to.**

**PROPOSAL [number]** was put to a vote and **was [not] agreed to** ([number] Ayes; [number] Noes; [number] Abstentions).

*47.6 A substantive motion carried by vote, unless provided for elsewhere in the State Constitution, requires at least a 75 per cent majority of votes cast. Abstentions may be recorded but will not count as a vote, either for or against.*

Procedural questions

- 36 Procedural questions are administrative in nature and must be dealt with immediately without discussion once raised.
- 37 Procedural questions may be raised by any State Councillor at any time.
- 38 In addition to the provisions of Standing Order 42-p, if the facilitator deems the frequency or substance of procedural questions from any one State Councillor to be deliberately vexatious, that State Councillor must abide by any request of the facilitator to cease raising procedural questions for a period of time stated by the facilitator.
- 39 Procedural questions will take precedence over Proposals.
- 40 Procedural questions will be stated verbally when put to State Council for decision.
- 41 Once a procedural question is raised by a State Councillor, the facilitator must immediately deal with the procedural question in the following manner:
- a) the facilitator will, as soon as the procedural question has been asked, ask State Councillors if there is any dissent to the procedural question being agreed to;
  - b) if there is no dissent, the procedural question is agreed to;
  - c) or, if there is dissent, the facilitator must immediately, without allowing discussion on the matter, ask for a show of hands of State Councillors. A simple majority of State Councillors present is required for the procedural question to be agreed to, with the exception of the procedural questions at 42g and 42q, which require a 75% super majority for the procedural question to be agreed to.
- 42 Procedural questions will only take the form of one of the following seventeen phrases:
- a) **“that time for discussion on the Proposal now expire”**  
The effect of this procedural question being agreed is to require the facilitator to immediately test for consensus on the Proposal, that is, to end any discussion immediately.  
It should not be used in an attempt to silence dissent, and generally should only be used if the time allotted to debate is nearing its end.
  - b) **“that the Proposal be considered at a later time this day”**  
The effect of this procedural question being agreed is to require the State Secretary to schedule time later in the day for further consideration of the Proposal at hand.
  - c) **“that the Proposal be considered at the next meeting”**  
The effect of this procedural question being agreed is to require the State Secretary to include the Proposal, in its exact form, on the agenda for the next State Council meeting.
  - d) **“that the matter be considered at the next meeting”**  
The effect of this procedural question being agreed is to require the State Secretary to schedule time on the agenda for the next State Council meeting for debate on the substantive matter at hand, but allows flexibility for the redrafting of any Proposals.
  - e) **“that the Proposal lapse”**

The effect of this procedural question being agreed is to defeat, rather than defer, a Proposal, without first testing for consensus. It should only be put if it has become apparent that a decision on the matter is not required.

f) **“that Proposal [number] be now considered”**

The effect of this procedural question being agreed is to consider a Proposal in a different order to that stated on the agenda.

g) **“that the Proposal be put to a vote”**

The effect of this procedural question being agreed is to put the Proposal at hand to a vote, for the reasons stated in the State Constitution; that is, that “if, after a reasonable period of time, disagreement persists and a decision cannot be deferred, the question will be resolved by vote.”

*47.4: Except where this State Constitution requires a decision to be made by consensus only, if, after a reasonable period of time, disagreement persists and a decision cannot be deferred, the question will be resolved by vote. A procedural question to this effect will be deemed to have been carried if it is supported by at least a 75 per cent majority.*

h) **“that the names and votes of State Councillors voting under Standing Order 42-g be recorded”**

The effect of this procedural question being agreed is for the names of those State Councillors voting for, against, or abstaining from the previous Proposal, to be recorded in the minutes.

The procedural question must be put within five minutes of the facilitator declaring the outcome of the Proposal in question.

In the event that the list of names by vote type contradicts the total recorded in the minutes, the totals will be amended to reflect the list.

i) **“that a Proposal regarding [very short description of substance of proposal] be considered”**

The effect of this procedural question being agreed is for State Council to consider a Proposal that did not appear on the agenda.

j) **“that consideration of this agenda item be extended for [number] minutes”**

The effect of this procedural question being agreed is to extend time for discussion beyond the time allowed for in the agenda.

k) **“that the words ‘For report only’ be removed from the agenda”**

The effect of this procedural question being agreed is to open discussion at a time when the agenda does not allow for open discussion (see Standing Orders Part E).

In all but the most important of cases, State Councillors should only seek to have the words “For report only” removed from parts of the agenda under the provisions of Standing Order 12-d.

l) **“that the ruling of the facilitator be overturned”**

The effect of this procedural question being agreed is to overturn the facilitator’s most recent ruling on a procedural matter.

It must only be raised in the most serious of cases.

m) **“that the facilitator step down”**

The effect of this procedural question being agreed is to require the facilitator to step down, and for the State Convenor to choose another facilitator (see Standing Order 48).

It must only be raised in the most serious of cases.

n) **“that [Name] leave the meeting room for [number] minutes”**

The effect of this procedural question being agreed is to suspend a State Councillor from the meeting room for a set period of time.

It must only be raised in the most serious of cases.

o) **“that [Name] cease raising procedural questions”**

The effect of this procedural question being agreed is to disallow any one State Councillor from raising procedural questions for the rest of the meeting. It must only be raised in the most serious of cases.

p) **“that [Name/s] not consider Proposal [number] due to perceived conflict”**

The effect of this procedural question being agreed is to disallow any State Councillor/s from blocking consensus on, or voting on, any specific Proposal. It must only be raised in the most serious of cases.

q) **“that the standing orders be suspended for [number] minutes to allow for [details of matter]”**

The effect of this procedural question being agreed is to suspend the standing orders for a determined amount of time.

43 Procedural questions will be minuted consistently as follows:

A **procedural question**, “that [text of question]”, was [**not**] **agreed to**.

44 Unlike for the recording of the outcomes of Proposals, if procedural questions are put to a vote by show of hands under Standing Order 41-c, votes, including abstentions, are not recorded in the minutes.

#### **Part H: Facilitator**

45 Minimal discussion on substantive matters will be entered into by the meeting facilitator.

46 The facilitator will be the State Convenor, or appointee of the State Convenor.

47 The name of the facilitator for any and all parts of any State Council meeting will appear in the agenda.

48 State Council may change the choice of facilitator by:

- a) using the opportunity at the beginning of any meeting in accordance with Standing Order 12-d to change the facilitator; or
- b) requiring the facilitator to stand down at any time in accordance with Standing Order 42-m, at which point the State Convenor will appoint a new facilitator.

## 18 Sexual harassment policy

### Modification History

| Action   | Body            | Date       |
|----------|-----------------|------------|
| Approved | State Executive | 2011-08-11 |

#### 1. Statement and application of policy.

- 1.1 Sexual harassment is unlawful.
- 1.2 The Australian Greens Victoria (AGV) does not tolerate sexual harassment in any form.
- 1.3 All AGV members have a responsibility to ensure that sexual harassment does not occur.
- 1.4 This policy applies to and covers every AGV member.
- 1.5 Reports of sexual harassment will be treated promptly, seriously and confidentially.
- 1.6 Complainants have the right to determine how a complaint will be treated. They also have the right to have a supporter or representative chosen by them involved in the process and the option to stop the process at any time.
- 1.7 The alleged harasser also has the right to have a supporter or representative chosen by them present when they respond to the allegations made.
- 1.8 No AGV member will be treated unfairly as a result of making a complaint of sexual harassment.
- 1.9 The AGV will afford natural justice to any person involved in an allegation of sexual harassment.

#### 2. Definition of sexual harassment

- 2.1 Sexual harassment includes any unwelcome behaviour of a sexual nature that could be reasonably expected to make someone feel offended, humiliated or intimidated. This may include, but is not restricted to:
  - a) an unwelcome sexual advance;
  - b) a request for sexual favours;
  - c) unwelcome comments about someone's sex life or physical appearance;
  - d) leering and ogling;
  - e) sexually offensive comments, stories or jokes;
  - f) displaying sexually offensive photos, pinups or calendars, reading matter or objects;
  - g) sexual propositions or continued requests for dates;
  - h) physical contact such as touching or fondling, or unnecessary brushing up against someone; and
  - i) indecent assault or rape (these are criminal offences).
- 2.2 Sexual harassment may occur between one AGV member and another, between AGV members and staff members, or between AGV members and volunteers. It may occur wherever AGV members, volunteers and/or AGV staff are interacting in the context of their position in the AGV, including in the AGV office, work for the AGV off site (such as at campaign events) and at social functions.

### **3. Making a complaint**

- 3.1 An AGV member who has been harassed may choose to take their complaint to either:
- a) the Victorian Equal Opportunity and Human Rights Commission who can be contacted on 1300 292 153; or
  - b) the AGV Disputes Panel who will follow its normal procedure in respect of investigating and assisting in the resolution of the complaint. The Disputes Panel can be contacted at [disputespanel@lists.vic.greens.org.au](mailto:disputespanel@lists.vic.greens.org.au).