

AUSTRALIAN LABOR PARTY
VICTORIAN BRANCH

RULES

Authorised version incorporating amendments as at 14 September 2020

Victorian
Labor

ALP VICTORIAN BRANCH RULES

1.	NAME	5
2.	PLATFORM	5
2.1.	Origins	5
2.2.	Objectives.....	5
2.3.	Principles of Action.....	7
2.4.	Membership and Organisation	7
2.5.	Membership Pledge.....	7
2.6.	Values Statement	8
3.	AFFIRMATIVE ACTION	8
3.1.	Objectives.....	8
3.2.	Definitions	8
3.3.	Party Positions.....	9
3.4.	Union Delegations	9
3.5.	Public Office Preselection	9
3.6.	National Executive Responsibility.....	11
3.7.	State Secretary Responsibility	11
3.8.	Transitional Rules	11
4.	DEFINITIONS.....	11
5.	COMPOSITION OF PARTY.....	14
5.1.	Composition	14
5.2.	Affiliated Trade Unions.....	14
5.3.	Eligibility to join the party	14
5.4.	Central Branch Membership	15
5.5.	Individual Membership – How to join a Branch	16
5.6.	Joining a Branch & Responsibilities of a Branch Executive	17
5.7.	Accrual of Membership Rights	20
5.8.	Applicants Aggrieved by Refusal of Branch Membership	21
5.9.	Membership Fees	22
5.10.	Renewal of membership.....	22
5.11.	Branch to Branch Transfer	23
5.12.	Continuity.....	23
5.13.	Resignations	23
5.14.	Breach of Membership Pledge.....	23
5.15.	Life Membership	24
5.16.	Code of Conduct	24
5.17.	Code of Conduct relating to Membership Recruitment and Democratic Participation	25
5.18.	Code of Conduct for Party Officials	27
5.19.	Interstate / International membership.....	27
6.	STATE CONFERENCE.....	27
6.1.	Meetings	27
6.2.	Powers	28
6.3.	Composition	29
6.4.	Conduct of Business.....	30
7.	ELECTIONS BY STATE CONFERENCE.....	31
7.1.	General.....	31
7.2.	Officers.....	32
7.3.	National Delegates	33
8.	COMMITTEES OF STATE CONFERENCE	34
8.1.	Administrative Committee	34
8.2.	Agenda Committee.....	38
8.3.	Rules Revision Committee	40
8.4.	Public Office Selection Committee.....	40
8.5.	Policy Committees.....	41

9.	FEDERAL ELECTORATE ASSEMBLIES (FEA'S)	44
9.1.	Powers and Duties	44
9.2.	Meetings	45
9.3.	Elections	46
9.4.	Miscellaneous	49
10.	LOCAL BRANCHES	50
11.	STATE ELECTORATES	52
12.	MUNICIPAL ELECTORATES	53
12.1.	Overarching Objective	53
12.2.	Municipal Forum Executive	53
12.3.	Municipal Forum	54
12.4.	Administrative Committee determining participation in Municipal Elections	54
12.5.	Candidate Selection	55
12.6.	Preferencing Requirement	55
12.7.	Obligations of Non Endorsed Supported Candidates	55
12.8.	Municipal Caucus Rules	56
12.9.	Access to Party resources	56
13.	COUNTRY LABOR – COUNTRY LABOR EXECUTIVE POLICY COMMITTEE	57
14.	YOUNG LABOR	58
14.1.	Membership	58
14.2.	Aims	58
14.3.	Annual Young Labor Conference	59
14.4.	Composition of Young Labor Conference	59
14.5.	VYL Conference Agenda Committee	60
14.6.	Election of Victorian Young Labor Executive and Officers	60
14.7.	Victorian Young Labor Executive	61
14.8.	VYL General meetings	62
14.9.	Women's Forum	62
14.10.	Australian Young Labor ("AYL")	63
14.11.	Application of Affirmative Action	63
15.	VICTORIAN LABOR WOMEN'S NETWORK	63
15.1.	Aims	63
15.2.	Membership	64
15.3.	Executive	64
16.	VICTORIAN LABOR ADVISORY COUNCIL	64
17.	VICTORIAN INDIGENOUS LABOR NETWORK	64
18.	SELECTIONS FOR PUBLIC OFFICE	65
19.	ELECTIONS GENERALLY	67
19.1.	The Chief Returning Officer and Deputy Returning Officers	67
19.2.	Casual vacancies	68
19.3.	Secret ballot	68
19.4.	Counting of ballots and election appeals and disputes	69
20.	DISPUTES TRIBUNAL	69
20.1.	Appointment of Panel	69
20.2.	Constitution of Tribunal	69
20.3.	Responsibilities	69
20.4.	Powers	70
20.5.	Disciplinary Offences	70
20.6.	Disputed Elections	71
20.7.	Challenges to Credentials	72
20.8.	Complaints and Responses	72
20.9.	Hearings	73
20.10.	Procedure of Tribunal	73
20.11.	Deposits	73
20.12.	Effect of Decisions	73
21.	FINANCE, PROPERTY, TRUSTEES AND AUDITORS	74

21.1.	General.....	74
21.2.	Capital Investment Fund.....	74
21.3.	Labor Services & Holdings Trust.....	76
22.	STANDING ORDERS.....	78
22.1.	Applicability	78
22.2.	The Chair	78
22.3.	Order of Business	78
22.4.	Cognate Debate.....	80
22.5.	Amendments.....	80
22.6.	The closure	80
22.7.	Dissent in the Chair	81
22.8.	Non-voting members.....	81
23.	RULES NOT ENFORCEABLE IN LAW	81
24.	REVOCAION OF MEMBERSHIP	81
25.	STATE PARLIAMENTARY LABOR PARTY.....	82
26.	TEMPORARY RULES APPLICABLE DURING THE PERIOD OF THE ADMINISTRATION	83
26.1.	Interpretation.....	83
26.2.	Pending applications for membership	83
26.3.	Pending renewals	83
26.4.	Breach of branch stacking rules	83
26.5.	Revocation of membership.....	84
26.6.	Modification of Disputes Tribunal rules.....	84
	SCHEDULE A1 – REPRESENTATION AT STATE CONFERENCE	86
	SCHEDULE A2 – UNION AFFILITATION TO THE ALP	88
	SCHEDULE B – METHOD OF VOTING (QUOTA PREFERENTIAL)	89
	SCHEDULE C1 – FEDERAL NOMINATION FORM	96
	SCHEDULE C2 – STATE NOMINATION FORM.....	97
	SCHEDULE C3 – MUNICIPAL NOMINATION FORM	98
	SCHEDULE D – PROSCRIBED ORGANISATIONS.....	99
	SCHEDULE E – BY-LAWS OF THE CHIEF RETURNING OFFICER	100
	SCHEDULE F – RAINBOW LABOR NETWORK VICTORIA	102
	SCHEDULE G – STATE PARLIAMENTARY LABOR PARTY LEADERSHIP ELECTIONS.....	104
	SCHEDULE H – LABOR FOR AN AUSTRALIAN REPUBLIC GROUP	108

1. NAME

- 1.1. The Australian Labor Party, Victorian Branch.

2. PLATFORM

2.1. Origins

- 2.1.1. The Australian Labor Party has its origins in:

- 2.1.1.1. the aspirations of the Australian people for a decent, secure, dignified and constructive way of life; and
- 2.1.1.2. the recognition by the trade union movement of the necessity for a political voice to take forward the struggle of the working class against the excesses, injustices and inequalities of capitalism; and
- 2.1.1.3. the commitment by the Australian people to the creation of an independent, free and enlightened Australia.

2.2. Objectives

- 2.2.1. The Australian Labor Party is a democratic socialist party and has the objective of the democratic socialisation of industry, production, distribution and exchange, to the extent necessary to eliminate exploitation and other anti-social features in these fields. To achieve the political and social values of equality, democracy, liberty and social co-operation inherent in this objective, the Australian Labor Party stands for:

- 2.2.1.1. Redistribution of political and economic power so that all members of society have the opportunity to participate in the shaping and control of the institutions and relationships which determine their lives; and
- 2.2.1.2. Establishment and development of public enterprises, based upon Federal, State and other forms of social ownership, in appropriate sectors of the economy; and
- 2.2.1.3. Democratic control of strategic social ownership of Australian natural resources for the benefit of all Australians; and
- 2.2.1.4. Maintenance of and support for a competitive non-monopolistic private sector, including small business and farming, controlled and owned by Australians, operating within clear social guidelines and objectives; and
- 2.2.1.5. The right to own private property; and
- 2.2.1.6. Recognition and encouragement of the right of labour to organise for the protection and advancement of its interests; and
- 2.2.1.7. The application of democracy in industry to increase the opportunities for people to work in satisfying, healthy and humane conditions, and to participate in and to increase their control over the decision-making processes affecting them; and
- 2.2.1.8. The promotion of socially appropriate technology and the monitoring of its introduction to ensure that the needs and interests of labour, as well as the requirements of competitive industry and consumer demand, are taken into consideration; and

- 2.2.1.9.** The restoration and maintenance of full employment; and
- 2.2.1.10.** The abolition of poverty, and the achievement of greater equality in the distribution of income, wealth and opportunity; and
- 2.2.1.11.** Social justice and equality for all individuals, the family and all social units, and the elimination of exploitation in the home; and
- 2.2.1.12.** Equal access and rights to employment, education, information, technology, housing, health and welfare services, cultural and leisure activities and the law; and
- 2.2.1.13.** Reform of the Australian Constitution and other political institutions to ensure that they reflect the will of the majority of Australian citizens and the existence of Australia as an independent republic; and
- 2.2.1.14.** Recognition and protection of fundamental political and civil rights, including freedom of expression, the media, assembly, association, conscience and religion; the right to privacy; the protection of the individual from oppression by the State; and democratic reform of the Australian legal system; and
- 2.2.1.15.** The development of a democratic communications system, as an integral part of a free society, to which all citizens have opportunities for free access; and
- 2.2.1.16.** Elimination of discrimination and exploitation on the grounds of class, race, sex, sexuality, religion, political affiliation, national origin, citizenship, age, disability, regional location, or economic or household status; and
- 2.2.1.17.** Recognition of the prior ownership of Australian land by Aborigines and Islanders, recognition of their special and essential relationship with the land as the basis of their culture, and a commitment to the return of established traditional lands to the ownership of Aboriginal and Islander communities; and
- 2.2.1.18.** Recognition and encouragement of diversity and cultural expression and life-style within the Australian community; and
- 2.2.1.19.** The proper management of Australian resources and protection of the environment, whether created by people or nature, to safeguard the rights of present and future generations; and
- 2.2.1.20.** Maintenance of world peace; an independent Australian position in world affairs; the recognition of the right of all nations to self-determination and independence; regional and international agreement for arms control and disarmament; the provision of economic and social aid to developing nations; a commitment to resolve international conflicts through the United Nations; and recognition of the inalienable right of all people to liberty, equality, democracy and social justice; and
- 2.2.1.21.** Commitment to and participation in the international democratic socialist movement as represented by the Socialist International; and
- 2.2.1.22.** Recognition of the right of citizens to work for progressive changes consistent with the broad principles of democratic socialism; and
- 2.2.1.23.** The introduction into Australian domestic law of the rights recognised and

protected in the international treaties, conventions and protocols to which Australia is a Party; and

2.2.1.24. To develop policy within the framework of and consistent with the Universal Declaration of Human Rights and the rights recognised and protected in the international human rights treaties, conventions and protocols to which Australia is a Party; and

2.2.1.25. The importance of a Parliamentary Party that is empathetic and engaged with the community and that is composed of a reflective range of occupational experiences.

2.3. Principles of Action

2.3.1. The Australian Labor Party believes that the task of building democratic socialism is a co-operative process which requires:

2.3.1.1. Constitutional action through Australian and State Parliaments, Municipal and other Statutory Authorities; and

2.3.1.2. Union action; and

2.3.1.3. Ongoing action by organised community groups.

2.4. Membership and Organisation

2.4.1. Membership of the Australian Labor Party is open to all residents of Australia who are prepared to accept its objectives and who have associations with no other political party.

2.4.2. Australian Labor Party policy is made by the National Conferences comprising the National and State Parliamentary leadership of the Party, together with elected delegates from all States, the Australian Capital Territory, the Northern Territory and Australian Young Labor.

2.4.3. Party policy within the State and Territories is framed by conferences of delegates elected by constituent Branches and affiliated unions.

2.4.4. Policy within the Australian Labor Party is not made by directives from the leadership, but by resolutions originating from Branches, affiliated unions and individual Party members.

2.5. Membership Pledge

Members of the Australian Labor Party are bound by the membership pledge of the Party as stated hereunder:

I hereby pledge myself to the Australian Labor Party to faithfully uphold to the best of my ability its Constitution, Rules and Platforms and to work and vote for selected Australian Labor Party candidates for public office. I am not a member of any other organisation which pledges its members to support candidates for public office. I will forfeit my membership of the Australian Labor Party if I nominate against any candidate selected by the Australian Labor Party for public office. If I employ labour, I will actively encourage trade union membership.

2.6. Values Statement

The Values Statement of the Party is stated hereunder:

Victorian Labor values achieving social justice, fairness and equality.

The Party is a collective cause and larger than any individual.

We are proud of our deep roots and history in the labour movement.

We support workers organising in union to achieve justice for all.

Our members, volunteers and supporters are our greatest assets.

Prejudice and discrimination - including sexism, racism and homophobia - have no place in our party.

We celebrate the diversity of our Party.

We support one another because we are stronger together.

This is Labor.

3. AFFIRMATIVE ACTION

3.1. Objectives

- 3.1.1.** The ALP has a strong record of working to improve the status of women in Australia, both in public and private life. Fundamental to this is a belief in equality, and recognition of the benefits to the Party and to society of increasing the representation of women in all areas of political activity. It is our objective to have 50% women at all levels in the Party organisation, and in public office positions the Party holds. To achieve this, the Party adopts the affirmative action model in this clause, in accordance with the National Rules:

3.2. Definitions

- 3.2.1.** In this rule:

- 3.2.1.1.** “**minimum percentage**” means 40% of positions. From 1 January 2022 it means 45%; and from 1 January 2025 it means 50%. If the calculation to determine the minimum percentage results in a fraction of more than one-half, then the minimum percentage shall be the next higher whole number, and where it results in a fraction of one half or less it shall be the next lower whole number.
- 3.2.1.2.** A non-held but winnable seat in a single member electorate (i.e. those seats in the Federal House of Representatives and the Victorian Legislative Assembly) is any seat which would be won by the ALP with a 5% increase in its two party preferred vote since the last election (i.e. those which received a two party preferred vote of 45% or higher at the last election.)
- 3.2.1.3.** A non-held but winnable position in a multi-member electorate (i.e. the Federal Senate and the Victorian Legislative Council) is the first non-held position on that ticket, provided that the number of primary votes obtained by the ALP at the last election in the electorate in question was greater than the number required to provide a full quota of votes for each member elected. (For example, if at the last ordinary Senate election the ALP obtained primary votes equivalent to more than 2.0 quotas, but had only two members elected, then the third position on the Senate ticket shall be considered winnable. However if the ALP obtained 2.0 quotas or less, then the third position on the ticket is not considered winnable for the purposes of this rule.)

- 3.2.1.4. “**opening of nominations**” refers to both the initial opening of nominations for a particular election or preselection round, and to each subsequent opening of nominations within that process.
- 3.2.1.5. “**closing of nominations**” refers to both the initial closing of nominations for a particular preselection round, and to each subsequent closing of nominations within that round.
- 3.2.1.6. A “**casual vacancy**” refers to any instance in which a member needs to be replaced outside of the standard election timetable. This includes, but is not limited to, any occurrence of a by-election, and to the appointment of a Senator or Member of the Legislative Council outside of a general election. For preselection rounds leading up to Federal or State elections, the resignation of members after the initial opening of nominations but prior to the election will not be considered a casual vacancy, and the selection of a new candidate must be done in accordance with Rule 3.5.1.

3.3. Party Positions

- 3.3.1. For all elected and appointed Party and office bearer positions (other than Public Office preselections and party employees) the minimum percentage of positions must be filled by women. If at the close of nominations for positions the minimum percentage cannot be met, nominations for that group of positions will be reopened for a period of 5 days.
- 3.3.2. For party officials that are to be elected or appointed the minimum percentage of positions must be filled by women. Therefore when a party official position becomes vacant, if less than the minimum percentage of positions would be held by women if the vacancy was not filled by a woman, then the vacancy must be filled by a woman. In order to meet the requirements of this rule the Party will seek to obtain an exemption under the Equal Opportunity Act, if one is required.
- 3.3.3. Rule 3.3.2 does not apply to any person employed as a Party Official on 13 November 2016.

3.4. Union Delegations

Union delegations to State Conference and other Party forums shall comply with the affirmative action model. Not less than the minimum percentage of a union’s delegation shall be women (“**the minimum representation**”). Provided that the level of female membership of a union of a union is less than the minimum percentage, the minimum representation shall be set at that level.

3.5. Public Office Preselection

- 3.5.1. For all public office preselections, at least the minimum percentage of the candidates preselected for each of the following groups of seats (determined separately for each group) must be women:
 - 3.5.1.1. The seats currently held by the ALP; and
 - 3.5.1.2. “**Winnable seats**” (as defined in Rule 3.2) which are not held by the ALP; and
 - 3.5.1.3. All other seats to be preselected.
- 3.5.2. This Rule 3.5 applies separately to each house of State Parliament, lower and upper, as well as to individual municipalities, however in preselections for the Federal

Parliament, seats in the Senate and the House of Representatives shall be grouped together. Specifically, the minimum target separately applies:

- 3.5.2.1.** In relation to the Victorian State Legislative Assembly, to each of the groups listed in Rule 3.5.1; and
 - 3.5.2.2.** In relation to the Victorian State Legislative Council, to each of the groups listed at in Rule 3.5.1; and
 - 3.5.2.3.** In relation to the Federal Parliament, to the combined totals for each of the groups listed in Rule 3.5.1 from both the House of Representatives and the Senate.
- 3.5.3.** Prior to the initial opening of nominations for any preselection round, the Administrative Committee will determine the minimum number of women to be elected for each of the groups listed in Rule 3.5.1. If there has been a redistribution since the last election, the Administrative Committee must determine which of the seats affected by the redistribution fall into each of the categories listed in Rule 3.5.1 prior to the initial opening of nominations.
- 3.5.4.** When the majority of preselections are due to occur, the Administrative Committee will ensure that:
- 3.5.4.1.** the preselection timetables for all seats defined by Rule 3.5.1.1 are scheduled to occur contemporaneously; and
 - 3.5.4.2.** the preselection timetables for all seats defined by Rule 3.5.1.2 are scheduled to occur contemporaneously; and
 - 3.5.4.3.** the preselection timetables for all seats defined by Rule 3.5.1.3 are scheduled to occur contemporaneously.
- 3.5.5.** The requirements of Rule 3.5.1 apply whether or not the preselection timetables in Rule 3.5.4 is achieved.
- 3.5.6.** If at the close of nominations for a preselection for a group of seats or positions the number of women nominees is such that the requirements of Rule 3.5.1 cannot be met, nominations for that group of seats or positions shall be reopened for a period of 5 days. If at the close of this five day period the requirements of Rule 3.5.1 still cannot be met, then nominations for all seats within the group shall be declared void and reopened and a new preselection timetable set by the Administrative Committee.
- 3.5.7.** Prior to the declaration of results for any preselection round, the Chief Returning Officer will ensure that the requirements of Rule 3.5.1 have been met. If the requirements of Rule 3.5.1 cannot be met by declaring the results in question, the POSC may meet immediately, or within 7 days, and shall vote again on all preselections within the relevant group. If on the completion of this process the requirements of Rule 3.5.1 are still not met, then all nominations for that group of seats shall automatically be declared void and all nominations for that group of seats must be reopened and a fresh ballot conducted in accordance with these Rules.
- 3.5.8.** For casual vacancies, if less than the minimum percentage of all held seats in the relevant group would be held by women if the vacancy was not filled by a woman, then the vacancy must be filled by a woman.

3.6. National Executive Responsibility

- 3.6.1.** The National Executive has the responsibility and the power to enforce Rules 3.2 – 3.5 generally and specifically to determine the outcome in any Public Office preselection in order to ensure that this Rule is complied with.

3.7. State Secretary Responsibility

- 3.7.1.** The State Secretary must no later than 1 November each year provide a report to the Women’s Policy Committee, the Executive of the Victorian Labor Women’s Network, the Administrative Committee and the National Executive on the implementation of Rules 3.2 – 3.5.
- 3.7.2.** On the opening of nominations for public office preselections, the State Secretary must write to or email all Branch members eligible to vote outlining the AA rules, the list of seats in each of the three groups, and the number of women to be preselected in each group.
- 3.7.3.** On the closing of nominations for public office preselections, the State Secretary must write to or email all POSC members and all candidates for preselection outlining the AA rules, the list of seats in each of the three groups, and the number of women to be preselected in each group.

3.8. Transitional Rules

- 3.8.1.** Rules 3.5.6 and 3.5.7 do not apply to any seat that has been held by the same member of parliament since 13 November 2016, and has been held continuously since that date. (i.e. a MP or Senator who has held their seat since 13 November 2016 will not have their nomination or preselection voided as a result of the minimum percentage of women not being preselected. This does not alter the calculation for the minimum percentage, which will still be calculated based on the total number of seats in the held seats group. This rule does not preclude a sitting MP from losing a preselection through any other means.)
- 3.8.2.** Rule 3.8 is repealed in its entirety effective 1 January 2022.

4. DEFINITIONS

- 4.1.** “**Member**” means, a Central Branch member or/and a Local Branch Member.
- 4.2.** “**Central Branch Member**” means, a member who is not a member of a Local Branch of the Party. A Central Branch member is afforded the same membership rights as a Local Branch member except the right to vote in certain internal Party elections in accordance with Rule 5.4.3.
- 4.3.** “**Local Branch Member**” means, a member of a Local Branch of the Party who:
- 4.3.1.** at the relevant time holds a membership receipt valid for the current year and which contains the membership pledge as per Rule 2.5; or
- 4.3.2.** is a Life Member of the Party as per Rule 5.15.
- 4.4.** “**Constituent Unit**” means, a constituent unit of the Party being each Federal Electorate Assembly, each State Electorate Campaign Committee, each Municipal Forum Executive,

each Branch, Country Conference, Youth Conference, each Committee of State Conference and the State Parliamentary Labor Party.

- 4.5. **“Election”** means, election by secret ballot using the optional preferential system of proportional representation provided in Schedule B.
- 4.6. **“Party”** means, the Australian Labor Party, Victorian Branch.
- 4.7. **“State Office”** means, the State Office of the Australian Labor Party Victoria Branch.
- 4.8. **“Union”** means, a trade union or other organisation of employees solely constituted within the State of Victoria, or a Victorian Branch or Division of a Federal trade union.
- 4.9. Except in those Rules regarding Affirmative Action, words importing a gender include every other gender.
- 4.10. Time standards
- 4.10.1. A reference to “day” in these rules means “working day” being a 24 hour period beginning at 12.00 midnight which does not fall on a weekend, declared public holiday or any period for which the State Office of the Party is closed. A reference to “days” is the multiple as specified in the relevant rule of “day” as defined in this clause.
- 4.10.2. A reference to “ordinary day” in these rules means a 24 hour period beginning at 12 midnight and includes days which fall on weekends or declared public holidays. A reference to “ordinary days” is the multiple as specified in the relevant rule of “ordinary day” as defined in this clause.
- 4.10.3. A reference to “week” in these rules means seven ordinary days. A reference to “weeks” is the multiple as specified in the relevant rule of “week” as defined in this clause.
- 4.10.4. A reference to “month” or “months” in these rules means a calendar month or months.
- 4.11. **“Traceable means”** means, a payment:
- 4.11.1. where the person making the payment is clearly and verifiably identified;
- 4.11.2. not made by cash; and
- 4.11.3. that has been made only by one of the following means:
- 4.11.3.1. that person’s personal credit or debit card;
- 4.11.3.2. a cheque drawn directly on that person’s bank account; or
- 4.11.3.3. a direct transfer from that person’s personal bank account.
- 4.12. **“Interstate / international member”** means, a member who is not a resident in Victoria, and who cannot vote in internal Party elections and cannot stand for elected positions.
- 4.13. **“Leader”** means the Leader of the State Parliamentary Labor Party, elected in accordance with Rule 25.3 and Schedule H.
- 4.14. **“SPLP”** means the State Parliamentary Labor Party, which is comprised of all members of the Party elected to the Victorian Legislative Assembly and the Victorian Legislative Council.

- 4.15.** “Aboriginal or Torres Strait Islander” means, a member who:
- 4.15.1.** is a person of Aboriginal and/or Torres Strait Islander descent;
 - 4.15.2.** identifies as being of Aboriginal and/or Torres Strait islander descent; and
 - 4.15.3.** is accepted as such as by the community with which the person associates; and
 - 4.15.4.** has indicated to State Office that they identify as an Aboriginal or Torres Strait Islander.
- 4.16.** “**Indicated to State Office that they identify as an Aboriginal or Torres Strait Islander**” means, the member has:
- 4.16.1.** indicated on their most recent membership application form or membership renewal that they identify as an Aboriginal and/or Torres Strait Islander; or
 - 4.16.2.** indicated in writing to State Office that they identify as an Aboriginal and/or Torres Strait islander.
- 4.17.** “**Non Aboriginal or Torres Strait Islander**” means a member who does not fall within the definition of “Aboriginal or Torres Strait Islander” in Rule 4.15.
- 4.18.** “**Serious criminal offence**” means an indictable offence that is punishable by imprisonment for 5 years or more.
- 4.19.** “**Membership form**” means, any or all of the following:
- 4.19.1.** a membership application form; or/and
 - 4.19.2.** a membership renewal form; or/and
 - 4.19.3.** a membership transfer form.
- 4.20.** “**Membership application form**” means, a Local Branch membership application form or a Central Branch membership application form.
- 4.21.** “**Local Branch membership application form**” means, a form that a person must complete in order to become a Local Branch Member, as per Rule 5.6.1.1.
- 4.22.** “**Central Branch membership application form**” means, a form that a person must complete in order to:
- 4.22.1.** become a Central Branch Member, as per Rule 5.4.1; or
 - 4.22.2.** become a interstate / international member, as per Rule 5.19.1.
- 4.23.** “**Membership renewal form**” means, a form that a member must complete in order to renew their membership, as per Rule 5.10.
- 4.24.** “**Membership transfer form**” means, a form that a member must complete in order to:
- 4.24.1.** transfer from Central Branch to a Local Branch, as per Rule 5.4.5; or
 - 4.24.2.** to transfer from one Local Branch to another Local Branch, as per Rules 5.5.3, 5.5.4.5 and 5.11.1.

- 4.25. **“Local Branch transfer form”** means, a form that a member must complete in order to transfer from one Local Branch to another Local Branch, as per Rules 5.5.3, 5.5.4.5 and 5.11.1.

5. COMPOSITION OF PARTY

5.1. Composition

- 5.1.1. The Party shall consist of affiliated Trade Unions and individual members.

5.2. Affiliated Trade Unions

- 5.2.1. Any trade union which desires to become affiliated shall make application in writing to the Administrative Committee accompanied by a copy of its rules and an independent audit report and advice on the number of members in respect of whom the union will pay affiliation fees for the current year in accordance with Schedule A2.
- 5.2.2. The Administrative Committee shall ensure that the application is considered by the next State Conference.
- 5.2.3. State Conference may approve or reject any such application. In the event of any such application being approved, such union shall be entitled to delegates as set out in Rules 6.3.4, 6.3.5 and Schedule A1.
- 5.2.4. Affiliation fees payable to the party by affiliated unions shall be indexed to ABS CPI (all groups) according to the December figures of the immediate prior calendar year. Other fees payable to the Party by affiliated unions shall be as determined by State Conference from time to time. New unions shall pay a pro rata affiliation fee on approval of their affiliation.
- 5.2.5. For the purposes of calculating union delegation sizes and affiliation fees, the number of members of each affiliated union must be determined each year in accordance with Schedule A2.
- 5.2.6. 25% of affiliation fees must be paid by 4.00 pm on the last Friday in March. The remainder of the affiliation fees must be paid by 31 December. A union that has not paid all affiliation and other fees by the due date is not financial until all those fees are paid. A union that is not financial may not exercise any of the rights of an affiliated union under these Rules.
- 5.2.7. A union that is not financial for more than 12 months ceases to be affiliated, and must reapply in accordance with this Rule if it wishes to become affiliated again.

5.3. Eligibility to join the party

- 5.3.1. Individual membership of the Party shall be open to any person fourteen years of age or over.
- 5.3.2. Applicants who have been members of a proscribed organisation or another political party, or who have nominated against any endorsed Labor candidate shall only be admitted to the Party after a minimum period of two years from the date they have ceased to be members of such organisation or Party, or from the date they so nominated, subject to Rule 5.14.
- 5.3.3. The Administrative Committee may admit such members to the Party within the minimum two year period however they cannot stand or vote in internal Party

elections or represent a constituent unit at any Party conference until the minimum two year period has expired.

- 5.3.4. Any person who is an employer of labour, and who applies to join the Party must give an undertaking that he/she will actively encourage union membership.
- 5.3.5. Any person who is not a member of any union at the time of his/her application who is eligible to belong to a Union which is affiliated with the Party must belong to such a Union before he/she can be admitted to membership of the Party.

5.4. Central Branch Membership

- 5.4.1. A person may apply for Central Branch membership by completing a Central Branch Membership application form or by application on the ALP website, in both cases paying the prescribed fee by traceable means.
- 5.4.2. Under Rule 5.6.4, applications for Local Branch membership may in the circumstances specified in that Rule be treated as applications for Central Branch membership, unless the applicant indicates that he/she does not wish to become a Central Branch member, in which case they will be given a refund of their fees.
- 5.4.3. A Central Branch member is afforded the same membership rights as a Local Branch member except the right to vote in internal Party elections for:
 - 5.4.3.1. State Conference Delegates; and
 - 5.4.3.2. National Conference Delegates and proxy delegates; and
 - 5.4.3.3. Federal Electorate Assembly Executive Members; and
 - 5.4.3.4. Federal Electorate Assembly Returning Officers; and
 - 5.4.3.5. the selection of candidates for public office.
- 5.4.4. All Central Branch membership applications must be approved by the Administrative Committee.
- 5.4.5. A member with Central Branch membership approved by the Administrative Committee after 1 December 2019 who wishes to become a Local Branch member must attend a Branch meeting within the FEA in which he/she resides and complete a Membership transfer form.
- 5.4.6. By no later than 16 December 2019, the State Secretary shall write to all current Central Branch members whose membership was approved by the Administrative Committee before 1 December 2019. In this correspondence, the State Secretary must:
 - 5.4.6.1. provide the member with a list of all the Local Branches within the FEA in which he/she resides; and
 - 5.4.6.2. invite the member to select which Local Branch they would like to join; and
 - 5.4.6.3. specify that the member must respond to the State Secretary, in writing, of the Local Branch they would like to join; and

- 5.4.6.4. provide a prefilled form with the member's name, member number, address and unique identifying number for members to respond to in writing, along with a reply paid envelope.
- 5.4.7. The Central Branch member has until 16 March 2020 to provide the written response to the State Secretary under Rule 5.4.6 as to which Local Branch they would like to join by responding by email or Short Message Service (SMS) or on the pre-filled form provided. Upon receipt of a written notification from a Central Branch member pursuant to Rule 5.4.6, the State Secretary must transfer the Central Branch member to the Local Branch they have specified (so long as they are eligible to join that Local Branch).
- 5.4.8. The correspondence from the State Secretary to the current Central Branch members under Rule 5.4.6 must be sent by:
 - 5.4.8.1. post to the member's address from the Party records as of 17 November 2019; and
 - 5.4.8.2. email to member's email address/es from the Party records as of 17 November 2019; and
 - 5.4.8.3. Short Message Service (SMS) to the member's mobile phone number/s from the Party records as of 17 November 2019.

5.5. Individual Membership – How to join a Branch

- 5.5.1. A person may become a Local Branch member by joining a Local Branch of the Party in the Federal electorate in which he/she lives.
- 5.5.2. A Local Branch member must at all times be a member of a Branch in the Federal electorate in which he/she lives, subject to Rule 5.5.3.
- 5.5.3. A Local Branch member who moves from one Federal electorate to another must transfer to a Branch in the new electorate by completing a Local Branch transfer form.

5.5.4. Party Address

- 5.5.4.1. A member must give the address at which he/she lives when completing a membership application form, a membership renewal form or a membership transfer form. For the purposes of these Rules, a reference to where a person lives means the principal place of residence of that person.
- 5.5.4.2. If a member wishes mail from the Party to be sent to a post office box, the member may indicate this on the application, renewal or transfer form, but must still give the address at which he/she lives.
- 5.5.4.3. For renewal and transfer forms, the member must also give the date of any change of address that has not previously been notified under Rule 5.5.4.4.
- 5.5.4.4. It is the responsibility of the member to ensure that State Office is notified of any change in the address at which the member lives and the date of the change within 15 days. For the purposes of these Rules, a change of address does not take effect until 1 month after the member has moved.
- 5.5.4.5. If a Local Branch member's change of address results in a change of Federal electorate and the member does not transfer to a Branch in the new electorate one month after moving as required by Rule 5.5.3, the State Office, in order to

encourage the member's continuing participation, must transfer the member to the nearest Branch in the new electorate by completing a membership transfer form on behalf of the member, and notifying the member and relevant Branches accordingly.

5.5.5. AEC Enrolment

- 5.5.5.1.** All Local Branch members and Central Branch members who are eligible must be enrolled to vote in Federal and State elections at the same address the member has given the Party in Rule 5.5.4.1. However where a transition in residence has occurred and where the appropriate documentation and roll updates are undertaken by applicants within 1 month of relocating, a membership application may still be approved.
- 5.5.5.2.** Members who are not enrolled to vote must indicate why they are not eligible on their membership application, renewal and transfer forms.
- 5.5.5.3.** No member may belong to more than one Local Branch of the Party. This Rule does not apply to member forums, which are open to all members of the Party.
- 5.5.5.4.** Rules 5.5.2, 5.5.3 and 5.5.5.3 do not apply to Central Branch members.

5.5.6. Aboriginal and/or Torres Strait Islander

- 5.5.6.1.** The State Secretary shall maintain a contact list of all members who have indicated on their membership application form or membership renewal form that they identify as an Aboriginal and/or Torres Strait Islander. This contact list shall be provided, on request, to the Victorian Indigenous Labor Network ("VILN"), the Aboriginal & Torres Strait Islander Affairs Policy Committee and the National Indigenous Labor Network to assist in their duties.

5.6. Joining a Branch & Responsibilities of a Branch Executive

5.6.1. Completion of the Application Form

- 5.6.1.1.** All applications for Local Branch membership must be in the form of a Local Branch membership application form.
- 5.6.1.2.** The application form should normally be filled out by the applicant and must be personally signed and dated by the applicant.
- 5.6.1.3.** The application form must be signed by two nominators who are members of the Local Branch to which the applications is made, and may include the Branch Secretary.

5.6.2. Submission of the Application Form to the Branch

- 5.6.2.1.** The Branch Secretary (or in the absence of the Branch Secretary, another member of the Branch Executive) must place the properly completed application form before the meeting.
- 5.6.2.2.** The Branch must by resolution decide whether it recommends the admission of the applicant as a Local Branch member of the Party.
- 5.6.2.3.** The resolution must include the name of the applicant, and must be recorded in the minutes of the meeting.

5.6.3. Attendance Requirement

5.6.3.1. The applicant must not be recommended for admission to the branch unless he/she is in attendance or has attended a Branch meeting within the previous 6 months, provided that exemption from this requirement in individual cases may be granted by an affirmative vote of at least 22 members of the Administrative Committee.

5.6.3.2. The applicant must sign the attendance book at the meeting he/she attends.

5.6.4. Multiple Recruitment Requirements and Notifications

5.6.4.1. A Branch must not recommend admission of more than 13 new members at a single meeting.

5.6.4.2. If 7 or more applicants are recommended for admission at a single meeting or the Administrative Committee requests, a copy of the attendance book and minutes of the meeting (“**the Branch records**”) must be submitted to the Administrative Committee before it considers the applications.

5.6.4.3. If 7 or more applicants are expected at a Branch meeting, the Branch Executive must notify the State Secretary at least 5 days before the meeting, so that Administrative Committee observers may attend the Branch meeting.

5.6.4.4. If 7 or more applicants attend a Branch meeting, and the State Secretary has not been notified at least 5 days before, only the first 6 applicants to sign the attendance book may be accepted as members of the Branch. The remaining applications must be treated as Central Branch membership applications where they paid by traceable means, otherwise these members will be offered a refund.

5.6.5. Payment of fees

5.6.5.1. The applicant must pay the prescribed membership fee by traceable means to the Branch Secretary (or, in the absence of the Branch Secretary, another member of the Branch Executive), who must issue a receipt.

5.6.6. Concessional Fees

5.6.6.1. An applicant who pays a concessional membership fee must also complete the declaration on the application form stating that he/she is entitled to the concessional rate and indicating the basis on which the entitlement is claimed.

5.6.6.2. The Administrative Committee may by resolution establish levels of documentation required to support a claim of entitlement to the concessional rate and processes to ensure compliance with this Rule.

5.6.7. Procedure for Branches Processing Membership Applications and/or Central to Branch transfers

5.6.7.1. If the applicant is recommended for admission, the Branch Secretary (or, in the absence of the Branch Secretary, another member of the Branch Executive) must fill in on the application form the dates on which the applicant attended a Branch meeting and was recommended for admission, and sign the application form.

- 5.6.7.2. Central members transferring to a Local Branch are to be considered as applicants for membership for the purposes of this Rule 5.6.
- 5.6.7.3. The Branch Secretary must forward the original application to the State Office so it is received within 5 days of the end of the month in which the meeting that recommended the applicant for admission was held.
- 5.6.7.4. If the application is not received by that date, the new Local Branch member's membership rights as a Local Branch Member will accrue from the date the form is received by the State Office, not the date of the Branch meeting.
- 5.6.7.5. Notwithstanding Rule 5.6.7.4 all applications that are more than 3 months old on their receipt by the State Office or do not otherwise comply with rule 5.6 will be treated by the Administrative Committee as Central Branch membership applications.
- 5.6.7.6. All applications must be accompanied by the prescribed membership fees, which must be paid by traceable means, and a completed Branch summary form; otherwise the application will not be received by the State Office.

5.6.8. State Office Responsibilities – Membership Applications and/or Central to Branch transfers

- 5.6.8.1. Upon receipt of an application for Branch membership or a Central to Local Branch transfer by State Office, the application will be scrutinised for any deficiencies in accordance with the Rules and any Membership Protocols established under the Rules.
- 5.6.8.2. The Membership Protocols will be set and amended by an affirmative vote of at least 22 members of the Administrative Committee.
- 5.6.8.3. State Office will prepare a Membership Report for the Administrative Committee in accordance with the Membership Protocols.
- 5.6.8.4. Nothing in the Membership Protocols will be inconsistent with the rules of the Party.
- 5.6.8.5. A copy of the Membership Protocols shall be issued to all Branches of the Party.
- 5.6.8.6. State Office must notify the relevant FEA and nearest Branch of any Central Branch membership approved by the Administrative Committee.
- 5.6.8.7. State Office must notify the relevant Branch of any member who as a result of moving from one Federal electorate to another transfers to a new Branch in the new electorate.
- 5.6.8.8. State Office must notify the relevant Branches of any member who transfers from one Branch to another Branch within the same Federal electorate.

5.6.9. Membership Administration Committee

- 5.6.9.1. The Administrative Committee shall establish and maintain a Membership Administration Committee in accordance with Rule 8.1.2.17 which will be responsible for:
 - 5.6.9.1.1. Coordinating the Administrative Committee's consideration of applications for membership; and

- 5.6.9.1.2. Making recommendations to the Administrative Committee in relation to applications for membership; and
- 5.6.9.1.3. Making recommendations to the Administrative Committee in relation to changes to the Membership Protocols; and
- 5.6.9.1.4. Receiving annually, and as updated, a list of all members or previous members suspended or expelled from the Party to guide recommendations.

5.6.10. Acceptance, Rejection or Deferral of Applications

- 5.6.10.1. The Administrative Committee must in its absolute discretion decide whether to accept or reject each application. An application for which the Branch records have been provided may only be deferred by resolution stating the reason for the deferral.
- 5.6.10.2. All applications for which the Branch records have not been provided within 3 months the date of request from State Office must be treated as Central Branch membership applications.
- 5.6.10.3. For each membership application that is accepted, the State Secretary must open a permanent membership record for the new member, write welcoming the new member to the Party and in the case of Local Branch members, notify the relevant Branch Secretary of the new member's approval.
- 5.6.10.4. If the application is rejected, the State Secretary must write to the applicant giving the reasons and returning all membership fees paid, and notify the Branch Secretary of the rejection.
- 5.6.10.5. In being accepted as a member of the Party a member shall be provided with a copy of the Rules, the Code of Conduct and the Values Statement free of charge.
- 5.6.10.6. Members may obtain a copy of these Rules, the Code of Conduct and the Values Statement from the Party website or, on request from the State Office.
- 5.6.10.7. Members may obtain a copy of the Membership Protocols on request.
- 5.6.10.8. The State Office must provide all members with regular information on the activities and services of the Party, including member forums, FEA meetings, Policy Committee meetings and State Conferences.

5.7. Accrual of Membership Rights

- 5.7.1. If a member joins the Party at a Local Branch, their membership rights as a Member of the Party accrue from the date of the Branch meeting at which he/she was recommended for admission, except as provided in Rules 5.6.7.3 and 5.6.7.4. The member will continue to accrue membership rights as a Member of the Party from this date even if they transfer to a different Branch under Rules 5.5.3, 5.5.4.5 and 5.11.
- 5.7.2. If a member joins the Party at a Local Branch, their membership rights as a Local Branch member accrue from the date of the Branch meeting at which he/she was recommended for admission, except as provided in Rule 5.6.7.3 and 5.6.7.4. The member will continue to accrue membership rights as a Local Branch member from this date even if they transfer to a different Branch under Rules 5.5.3, 5.5.4.5 and 5.11.

- 5.7.3. If a member joins the Party as a Central Branch member, their membership rights as a Member of the Party accrue from the date in which his/her membership is approved by the Administrative Committee pursuant to Rule 5.4.4.
- 5.7.4. If a Central Branch member transfers to a Local Branch by attending a Local Branch meeting within the FEA in which he/she resides and completes a membership transfer form, their membership rights as:
 - 5.7.4.1. a Member of the Party continue to accrue from the date in which his/her Central Branch membership was approved by the Administrative Committee pursuant to Rule 5.4.4; and
 - 5.7.4.2. a Local Branch member , including their specific rights to vote in certain internal party elections in accordance with Rule 5.4.3, accrue from the date of the Branch meeting at which he/she was recommended for admission as Local Branch member, except as provided in Rule 5.6.7.3 and 5.6.7.4.
- 5.7.5. If a member becomes an interstate / international member as per Rule 5.19.2 but than becomes a resident of Victoria again as per Rule 5.19.5, their membership rights as:
 - 5.7.5.1. a Member of the Party will continue to accrue from the date they first became a Member of the Party under either Rule 5.7.1 or 5.7.3, so long as they have maintained uninterrupted membership as either a member or a interstate / international member from that date; and
 - 5.7.5.2. a Local Branch member will continue to accrue from the date they first became a Local Branch member under either Rule 5.7.2 or 5.7.4.2, so long as they have maintained uninterrupted membership as either a Local Branch member or a interstate / international member from that date.
- 5.7.6. If a Local Branch member fails to renew their membership by the due date under Rule 5.12.1 but then renew within six months under Rule 5.12.2, their membership rights as both a Local Branch member and a Member of the Party accrue from the date their membership renewal was processed by State Office.
- 5.7.7. If a Central Branch member, whose membership was approved by the Administrative Committee before 1 December 2019, joins, or is transferred to, a Local Branch between 17 November 2019 and 16 March 2020, their membership rights as:
 - 5.7.7.1. a Member of the Party continue to accrue from the date in which his/her Central Branch membership was approved by the Administrative Committee pursuant to Rule 5.4.4; and
 - 5.7.7.2. a Local Branch member, including their specific rights to vote in certain internal Party elections in accordance with Rule 5.4.3, accrue from the date in which his/her Central Branch membership was approved by the Administrative Committee pursuant to Rule 5.4.4.

5.8. Applicants Aggrieved by Refusal of Branch Membership

- 5.8.1. Any applicant for Local Branch membership aggrieved by the failure or refusal of the Branch to which he/she applies to recommend him/her for membership may make application direct to the Administrative Committee which after considering the matter may direct the Branch to admit such applicant to membership.

5.9. Membership Fees

- 5.9.1.** All individual memberships must be paid for by traceable means by the person wishing to become or remain a member of the Party.
- 5.9.2.** Fees for membership shall be as determined by the Administrative Committee by an affirmative vote of at least 17 from time to time. Any person who becomes a member of the Party after the 30th day of June shall pay a membership fee equivalent to fifty percent of the fee prescribed.
- 5.9.3.** Eligibility for any concessional membership fee must be limited to full-time students and those members who currently hold a Centrelink Health Care Card (or, if the name of, or eligibility for that card is changed, such other government card as is determined by an affirmative vote of at least 22 members of the Administrative Committee).
- 5.9.4.** ALP members of Parliament and full time Officials shall pay a membership fee of 5% of fortnightly income; payment to be made by the end of February or fortnightly.
- 5.9.5.** Any Party member who holds the office of councillor in a municipality and received access to Party resources under Rule 12.9 shall pay a membership fee of 5% of the fortnightly income they receive as a councillor; payment to be made by the end of February or fortnightly.
- 5.9.6.** The membership fee for members of affiliated unions must be reduced by the amount of the per capita affiliation fee paid by affiliated unions, rounded up to the next whole dollar. A member claiming the reduced rate must give the name of the affiliated union when paying their membership.

5.10. Renewal of membership

- 5.10.1.** Membership expires on 31 December of the year in respect of which the prescribed membership fee was last paid.
- 5.10.2.** Member rights and entitlements accrued by a member for the year which the prescribed membership fee was last paid expire on 12 noon on the last working day in May of the subsequent year subject to the continuation of a member's rights and entitlements as provided in Rule 5.12.
- 5.10.3.** Members must renew their membership personally by:
 - 5.10.3.1.** payment of the prescribed fee, by traceable means, to a member of their Branch Executive; or
 - 5.10.3.2.** payment of the prescribed fee by traceable means by automatic deduction from their bank account or credit card; or
 - 5.10.3.3.** payment by traceable means direct to the State Office of the invoiced prescribed fee posted to all members by the State Secretary in December of each year.
- 5.10.4.** All members who renew by payment other than by personal cheque, personal credit card or automatic deduction, or who pay a concessional fee must also personally sign a renewal form and provide the membership renewal form to the State Office.
- 5.10.5.** A member who pays a concessional fee must complete the declaration on the renewal form stating that he/she is entitled to the concessional rate and indicating the basis on which the entitlement is claimed. The Administrative Committee may by resolution establish levels of documentation required to support a claim of entitlement to the

concessional rate and processes to ensure compliance with this Rule.

- 5.10.6. The requirement of this Rule that members renew their membership personally does not preclude one member from authorising another family member living in the same household to renew the first member's membership on their behalf. A member who signs a renewal form on behalf of another member must state that they sign on behalf of the other member and legibly print their own name under the signature.

5.11. Branch to Branch Transfer

- 5.11.1. A member may transfer to another Branch within their existing FEA by completing a Local Branch Transfer form.
- 5.11.2. Transfers within an existing FEA take effect 6 weeks from receipt by State Office.
- 5.11.3. Transfers within an existing FEA notified to State Office less than 6 weeks prior to Branch elections will not be eligible to stand and vote in that Branch election.

5.12. Continuity

- 5.12.1. Members who have renewed their membership with the State Secretary at the State Office by 12 noon on the last working day in May shall retain continuity of membership for all purposes for that year or up to a maximum of three years if payment is received by traceable means.
- 5.12.2. Members who fail to renew by the due date lose their membership continuity as both a Local Branch member and a Member of the Party for voting purposes, but if they renew within six months are not required to reapply for Local Branch membership under Rule 5.6.
- 5.12.3. The Administrative Committee may grant membership continuity to a member as a Local Branch member and/or a Member of the Party who has not renewed their membership by that date upon the personally written application of that member detailing the reasons for the late renewal.
- 5.12.4. A member who returns and again becomes a resident of Victoria who has maintained uninterrupted membership will continue to accrue membership rights inclusive of the period they were an interstate/international member upon their return, as per Rule 5.7.5.

5.13. Resignations

- 5.13.1. A member may resign from the Party by writing to the State Secretary. The resignation takes effect immediately it is received by the State Office and may not subsequently be withdrawn. A former member who has resigned but wishes to re-apply for membership must do so in accordance with Rule 5.6.

5.14. Breach of Membership Pledge

- 5.14.1. If a member breaches the membership pledge (as listed on the membership application form, renewal form or automatic deduction from bank account form) by nominating against an endorsed Labor candidate, his/her membership will be forfeited and he/she shall not be able to reapply for membership for a period of seven years provided that State Conference by statutory majority may revise this period on appeal. In this Rule "member" includes former member.
- 5.14.2. Where a former member breaches the membership pledge by nominating against an endorsed Labor candidate, he/she shall forfeit the right to rejoin the Party until a date 7 years after he/she left the Party or 2 years after the date he/she so nominated

whichever is the later date. State Conference by statutory majority may revise this period on appeal.

- 5.14.3. The State Secretary must report such forfeiture to the Administrative Committee at its first meeting after the closure of the relevant nominations and the Administrative Committee must note such forfeiture of membership.

5.15. Life Membership

- 5.15.1. State Conference may grant Life Membership of the Party to individuals with at least 40 years of uninterrupted membership.
- 5.15.2. Life Members, other than members of the Parliamentary Party, shall no longer be required to pay a membership fee, but shall retain all the rights and other obligations they held as financial members of the Party.
- 5.15.3. To satisfy the internal elections eligibility requirements of these Rules, individual Life Members are deemed to have renewed their membership on the first day of each calendar year.
- 5.15.4. The Administrative Committee shall advise Conference when it is satisfied that an individual has met the requirements of Rule 5.15.1
- 5.15.5. State Office shall provide recognition to members of the Party with at least 20 and 30 years of uninterrupted membership.

5.16. Code of Conduct

5.16.1. Purpose, Guiding Principles and Enforcement

- 5.16.1.1. The Party believes that the safety and wellbeing of members, staff and volunteers comes first. This is consistent with our objective to achieve equality, democracy, liberty and social co-operation.
- 5.16.1.2. As a Party committed to gender equality, we aim to ensure that everyone has an equal opportunity to advance and to fully participate in our forums, whether as members, staff or volunteers. A key foundation for this involves the creation of safe and inclusive environments for everyone at all levels and forums of the Party.
- 5.16.1.3. Bullying, harassment, intimidation and discrimination in all forms are contrary to our social justice objective. The Party will take a zero-tolerance approach to members, staff and volunteers failing to actively comply with this Code.
- 5.16.1.4. This Code of Conduct sets out standards of behaviour within the Party. It will be enforced in accordance with the Sexual Harassment, Bullying, Discrimination and Misconduct Complaints Handling Policy and Procedure, Victorian Branch Workplace Policy and the Victorian Branch Rules, including Membership Recruitment and Democratic Participation (Rule 5.17) and Code for Party Officials (Rule 5.18).

5.16.2. Bullying, Harassment, Intimidation and Discrimination

- 5.16.2.1. Party members, staff and volunteers must not bully, harass, intimidate or discriminate against any other person (including in person, in writing or online).
- 5.16.2.2. For the purposes of Rule 5.16.2.1:

- 5.16.2.2.1. **“Bullying”** is defined as repeated, unreasonable behaviour directed toward a person that creates a risk to their health and safety. An intention to bully is not required.
 - 5.16.2.2.2. **“Harassment”** is defined any unwanted action, and sexual harassment any unwanted sexual action, that offends, humiliates or intimidates another person.
 - 5.16.2.2.3. **“Intimidation”** is defined as coercive behaviour including acts or threats of violence and conduct reasonably likely to endanger the physical or mental health of a person.
 - 5.16.2.2.4. **“Discrimination”** is defined as treating a person less favourably on the basis of sex, sexual orientation, gender identity or expression, ethnicity, racial or national origin, religious or spiritual belief or non-belief, class or social status, pregnancy, birth or other status, disability, or age.
- 5.16.2.3. Members, staff and volunteers must treat others with dignity and respect. They must not:
- 5.16.2.3.1. Engage in behaviour to shame, humiliate, exclude, belittle or degrade others, or otherwise emotionally abuse others; or
 - 5.16.2.3.2. Use language or engage in behaviour that is abusive, demeaning, or culturally inappropriate.

5.16.3. General Conduct

- 5.16.3.1. Members, staff and volunteers will:
 - 5.16.3.1.1. Cooperate with other Party members, staff and volunteers; and
 - 5.16.3.1.2. Seek to advance the interests of the Party.
- 5.16.3.2. Members, staff and volunteers must comply with all relevant laws and all Party Rules and policies.
- 5.16.3.3. Accordingly, members, staff and volunteers must promptly advise the State Secretary, the President, the Senior Vice President or the Junior Vice President about any matter that may bring the Party into disrepute.

5.17. Code of Conduct relating to Membership Recruitment and Democratic Participation

5.17.1. Branch Stacking

- 5.17.1.1. In this Rule, “genuine member” means a member who:
 - 5.17.1.1.1. agrees by their own affirmative act to become and remain a member of the Party;
 - 5.17.1.1.2. complies with the membership pledge stated in Rule 2.5; and
 - 5.17.1.1.3. pays their own membership fee by traceable means (subject only to the family member exception referred to in Rule 5.17.2.1).
- 5.17.1.2. Branch stacking is conduct unacceptable to the Party. Branch stacking means any activity relating to enrolling members, renewing memberships or transferring members between branches:
 - 5.17.1.2.1. Engaged in for the predominant purpose of influencing the outcome of ballots of members within the Party; or

5.17.1.2.2. That has the effect, or is likely to have, or intended to have, the effect of enrolling as a member, or retaining as a member, a person who is not a genuine member.

5.17.1.3. Party members individually or collectively who engage in, organise or promote Branch stacking activities, including any of the following activities, will be deemed to have engaged in Branch stacking:

5.17.1.3.1. To pay the membership fee of a person as an inducement for that person to join the Party; or

5.17.1.3.2. To pay the membership fee of a person who is unwilling to pay their own membership fee; or

5.17.1.3.3. To pay the membership fees for any person unaware that membership has been taken out on their behalf; or

5.17.1.3.4. To pay the membership fee for a person on the precondition or understanding of that member being obliged to vote in a particular way; or

5.17.1.3.5. To pay for another's membership in an attempt to influence the outcome of any ballot of members within the Party; or

5.17.1.3.6. To encourage any person to join the Party for the predominant purpose of influencing the outcome of local preselection ballots or other membership ballots; or

5.17.1.3.7. To enrol, encourage or assist a member to enrol on the electoral roll at an address which is not the principal address of the member; or

5.17.1.3.8. To organise or pay for concessional rate fees for a person who is ineligible for that rate without a reasonable belief that the person was entitled to the concessional rate; or

5.17.1.3.9. To recruit members who do not live at the claimed address of enrolment.

5.17.2. Onus to pay own membership

5.17.2.1. Subject to the family member exception, it is the responsibility of each member to pay their own membership fee to the Party. Any member who has membership paid for by another person as set out in Rule 5.17.1 shall be in breach of Rule 20.5.1.3.1.

5.17.3. Responsibility of elected Party Officials and Office Holders

5.17.3.1. In relation to the payment of membership fees, it is the responsibility of Party Officials and other Party office holders to ensure that members pay for their own membership by traceable means. Any Party Official or office holder who engages in, promotes or assists in Branch stacking activities will be subject to Rule 20.5.5.5.

5.17.4. Branch Stacking - Administrative Committee Responsibilities.

5.17.4.1. The Administrative Committee will appoint a representative to investigate allegations of Branch stacking activities, as described in Rules 5.17.1, 5.17.2 and 5.17.3, in an electorate where a complaint is received by 50 members or by 20% of members entitled to vote in a preselection ballot in that electorate (whichever is the lesser).

- 5.17.4.2.** Where there are more than 40 Central Branch applicants from any FEA in any single month, the Administrative Committee will consider appointing a representative to investigate their joining under these rules.
- 5.17.4.3.** A written report of any investigation under this Rule shall be provided to the Administrative Committee.
- 5.17.4.4.** Where a report provided under Rule 5.17.4.3 identifies conduct which, in the opinion of the Administrative Committee, may constitute a breach of Rules 5.17.1, 5.17.2 or 5.17.3, and which is sufficient to justify charges being brought in respect of the conduct, the Administrative Committee will appoint a representative to lay charges against members alleged to be involved in such breaches under Rule 20.5.

5.18. Code of Conduct for Party Officials

- 5.18.1.** Party Officials are placed in a position of trust by the Party and its membership. Officials are to act in a manner so as to advance the interests of the Party and its membership. In particular:
 - 5.18.1.1.** It is the responsibility of all Party Officials to uphold the Rules of the Party; and
 - 5.18.1.2.** It is the responsibility of all Officials to assist all Party members in a positive manner; and
 - 5.18.1.3.** Party Officials are expected not to play an active role in intra Party factional activity.

5.19. Interstate / International membership

- 5.19.1.** A person may apply to be an interstate / international member by completing a Central Branch Membership application form or by application on the ALP website, in both cases paying the prescribed fee by traceable means. .
- 5.19.2.** Any member of the party that ceased to be a resident in Victoria will automatically become an interstate / international member.
- 5.19.3.** An interstate / international member cannot vote in internal Party elections and cannot stand for elected positions.
- 5.19.4.** A member who becomes an interstate / international member will be considered to have maintained uninterrupted membership for the purposes of life membership under Rule 5.15.
- 5.19.5.** A member who returns and again becomes a resident of Victoria who has maintained uninterrupted membership will continue to accrue membership rights inclusive of the period they were an interstate / international member upon their return, as per Rule 5.7.5.

6. STATE CONFERENCE

6.1. Meetings

- 6.1.1.** There shall be a State Conference which, subject to the Rules, shall meet once a year at such times and places as are specified by the Administrative Committee. Unless the Administrative Committee resolves to the contrary, the Annual two day Conference will be held on a weekend in May.

6.1.2. Special State Conferences

- 6.1.2.1.1.** Special State Conferences shall be convened by the Administrative Committee in accordance with the Rules in the event of the following requiring such a Special Conference: A decision of State Conference made by a simple majority of delegates present and voting; or
 - 6.1.2.1.2.** A decision of the Administrative Committee made by the affirmative vote of seventeen members of that Committee; or
 - 6.1.2.1.3.** A petition signed by twenty per cent of the delegates entitled to attend State Conference; or
 - 6.1.2.1.4.** A petition signed by an absolute majority of the members of the State Parliamentary Labor Party.
- 6.1.2.2.** A decision to convene or any petition requiring the convening of a Special State Conference shall state the business to be transacted thereat.
- 6.1.2.3.** The Administrative Committee shall convene a Special Conference by giving all delegates at least four clear days notice in writing of the said Conference, such notice to state the time and place of the Conference and the business to be conducted thereat.
- 6.1.2.4.** Any Special Conference shall be limited in its powers to dealing with specific matters in respect of which it is convened.

6.2. Powers

- 6.2.1.** State Conference shall be the supreme policy-making and governing body of the Party.
- 6.2.2.** State Conference shall have the power to determine all matters affecting the Party including the following:
- 6.2.2.1.** Subject to National Rules, to make and interpret Platform and Policy and to amend and interpret the Rules of the Party; and
 - 6.2.2.2.** To elect in accordance with the Rules of the Party, the Officers of the Party, the Administrative Committee, the Agenda Committee, the Rules Revision Committee, the Public Office Selection Committee, Policy Committees and such other Committees as it may determine from time to time; and
 - 6.2.2.3.** To receive and consider reports from the Officers, the National delegates, the Administrative Committee and any other Committee of the Party; and
 - 6.2.2.4.** To review, amend or revoke any decision or action of the Officers or of the Administrative Committee or any other Committee; and
 - 6.2.2.5.** To receive and consider reports from the Victorian members of the Federal Parliamentary Labor Party, the State Parliamentary Labor Party and Municipal Caucuses; and
 - 6.2.2.6.** To determine agenda items put before it; and
 - 6.2.2.7.** To convene Special Conference or Policy Assemblies on any matter of Party policy and to receive and consider reports from such Conferences and Assemblies; and
 - 6.2.2.8.** To determine any question and deal with any matter in respect of which the

Rules are silent.

6.3. Composition

6.3.1. State Conference shall consist of:

6.3.1.1. Delegates elected by and from members of each Federal Electorate Assembly (“**membership delegates**”); and

6.3.1.2. Delegates appointed by affiliated unions (“**union delegates**”); and

6.3.1.3. The Leader and Deputy Leader of the Labor Party in the two Houses of the Victorian Parliament; and

6.3.1.4. Two persons elected by and from the Victorian members of the Federal Parliamentary Labor Party.

6.3.2. There shall be 300 membership and 300 union delegates to State Conference, in accordance with the formula provided in Schedule A1.

6.3.3. Membership delegates shall be elected by and from the members of each Federal Electorate Assembly in accordance with the Rules. FEAs shall be entitled to representation at State Conference in accordance with the number of members who would be eligible to vote under Rule 9.3.8.1. The number of delegates to which each FEA is entitled shall be determined in accordance with the formula provided in Schedule A1.

6.3.4. Union delegates shall be appointed by affiliated unions in accordance with the procedures determined from time to time by such organisations, provided that:

6.3.4.1. No person shall be appointed as a union delegate unless he/she is a member of the Party, including a Central Branch member and a member of that union; and

6.3.4.2. Union delegations must comply with the affirmative action requirements of Rule 3.4. A union that wishes to credential a delegation with less than the minimum percentage of female delegates on the basis that the percentage of its female membership is less than the minimum percentage must first notify the Administrative Committee in writing of that percentage; and

6.3.4.3. Subject to these Rules, unless a union affiliate notifies the Agenda Committee to the contrary, its delegates to the previous State Conference will continue as its delegates to the next State Conference.

6.3.5. The number of delegates to which each affiliated union is entitled shall be determined in accordance with the formula provided in Schedule A1. A union that has not paid its affiliation fees in full by 31 December is not entitled to any delegates to State Conferences in the following year (except as provided in clause 4 of Schedule A1).

6.3.6. The State Secretary shall notify affiliated unions by 4.00 pm on the first Friday in April each year, and FEAs by mid-June of each odd numbered year of the number of delegates which they will be entitled to elect or appoint to the next State Conference. Any FEA or affiliated union may within 5 days object against any such determination to the Administration Committee, which shall determine all such objections at its next meeting.

6.3.7. In the event that the State Secretary conducts a fresh calculation as provided in clause 1.8 of Schedule A1 the State Secretary shall notify affiliated unions of the number of delegates which they will be entitled to elect or appoint to the next State Conference. Any affiliated union may within 5 days object against any such determination to the Administrative Committee, which shall determine all such objections at its next

meeting.

6.3.8. All membership delegates to State Conference shall be elected in the months of July/August of each odd numbered year or at such other date as shall be determined by the Administrative Committee in accordance with Rule 8.1.2.2.

6.3.9. Casual vacancies shall be filled in the case of membership delegates in accordance with the Rules and in the case of union delegates in accordance with the procedures of the relevant union.

6.4. Conduct of Business

6.4.1. Subject to the Rules, the Agenda Committee shall propose to each meeting of Conference and Conference shall determine an order of business.

6.4.2. The business of Conference shall be conducted in accordance with the Standing Orders contained in these Rules.

6.4.3. A quorum of Conference shall be one quarter of delegates entitled to attend. No motion shall be put to Conference unless a quorum is present.

6.4.4. Any affiliated union or constituent unit of the Party, or the Disputes Tribunal, may propose amendments to the Rules, Platform or Policy of the Party or other resolutions for consideration by State Conference. The Rules Revision Committee may propose amendments to the Rules for consideration by State Conference subject to the requirements of Rule 6.4.6.

6.4.5. All motions shall be presented to Conference in one or other of the following forms:

6.4.5.1. That the Rules be amended by ...

6.4.5.2. That it be the Platform of the Victorian Branch that ...

6.4.5.3. That it be the Policy of the Victorian Branch that...

6.4.5.4. That State Conference recommends to National Conference/Executive that ...

6.4.5.5. That State Conference resolves that ...

6.4.6. Changing these Rules

6.4.6.1. Subject to Rule 21.2.6, no change shall be made to the Rules unless the affiliated union or constituent unit of the Party proposing such change has submitted the proposed change to State Office by 5.00 pm on the Friday eight weeks prior to the next State Conference.

6.4.6.2. State Office shall in the period between eight weeks and seven weeks before the next Conference circulate all proposed changes to the Rules to all affiliated unions, constituent units and Conference delegates and shall transmit them to the Agenda Committee for inclusion on the agenda paper of the next meeting of State Conference at which changes to the Rules are to be discussed.

6.4.6.3. Amendments to proposed rules changes circulated under Rule 6.4.6.2 may be submitted by an affiliated union or constituent unit and considered by the next

Conference, provided they are received at State Office by 5.00 pm on the Friday two weeks prior to the next Conference.

- 6.4.6.4.** State Office must send all amendments to proposed rules changes submitted under Rule 6.4.6.3 to all affiliated unions, constituent bodies and Conference delegates at least one week prior to the Conference.
- 6.4.6.5.** Amendments to proposed rule changes and amendments circulated under Rule 6.4.6.4 may be submitted by the Rules Revision Committee and considered by the next Conference, provided they are submitted to State Office by 4.00 pm on the Thursday prior to the next Conference. Submissions of amendments under this Rule will only take effect where there is a consensus of voting members of the Rules Revision Committee.
- 6.4.6.6.** State Office must send all amendments to proposed rule changes submitted under Rule 6.4.6.5 to all Conference delegates at least twenty four hours prior to the time set for the commencement of the Conference.
- 6.4.6.7.** Any change to the Rules shall require an absolute majority of delegates entitled to attend the relevant meeting of State Conference.
- 6.4.6.8.** Any change to the Rules shall take effect from the conclusion of the Conference at which it is made, unless the Rules provide for a different date of operation.
- 6.4.7.** No change shall be made to the Platform or Policy of the Party and no recommendations shall be made to National Conference or Executive unless notice of such proposed change or recommendation is contained in the agenda paper of the relevant meeting and unless at least one half of the delegates entitled to attend State Conference shall have taken out credentials for the session of Conference at which any such motion for change or recommendation is voted upon. Any change to Platform or Policy and any recommendation to National Conference or Executive shall require an absolute majority of delegates credentialed for the session of Conference at which the motion is voted upon.
- 6.4.8.** Resolutions of State Conference other than motions which propose to change the Rules, Platform or Policy or to make recommendations to National Conference or Executive shall require a simple majority of delegates present and voting.
- 6.4.9.** Any motion directing the proscription of an organisation must be carried by an absolute majority of delegates entitled to attend the relevant meeting of State Conference.
- 6.4.10.** No motion which is inconsistent with National Platform or Policy shall be presented to Conference in the form "That it be the Platform/Policy of the Victorian Branch that ..." Any such motion shall be presented in the form "That State Conference recommends to the Federal Conference/Executive that ..."
- 6.4.11.** An urgency resolution or motions arising from the minutes of the previous State Conference shall only be considered by the State Conference if they are submitted to State Office by 12.00 noon on the Tuesday before the scheduled Conference, has a mover and a seconder and is deemed to be genuinely urgent by the Agenda Committee.

7. ELECTIONS BY STATE CONFERENCE

7.1. General

- 7.1.1. The Administrative Committee, the Agenda Committee, the Party Officers and the Rules Revision Committee shall be elected by the delegates to the Annual meeting of State Conference in each odd numbered year.
- 7.1.2. The Public Office Selection Committee shall be elected by the delegates to the Annual meeting of State Conference in each even numbered year.
- 7.1.3. The Policy Committees shall be elected by the delegates to the first State Conference held after each Victorian State Election.
- 7.1.4. Not later than two months before a State Conference the Chief Returning Officer shall call for nominations.
- 7.1.5. Every candidate, other than candidates for the POSC, shall nominate in writing to the Chief Returning Officer by 12.00 noon ten days prior to conference. Should nominations need to be reopened as a result of Rule 3.3, nominees must follow the revised timetable determined by the Chief Returning Officer.
- 7.1.6. No member may be a member of both the Administrative Committee and the Public Office Selection Committee. No member of the Administrative Committee can be a proxy for a member of the Public Office Selection Committee, and no member of the Public Office Selection Committee can be a proxy for a member of the Administrative Committee.
- 7.1.7. Members elected to Committees by State Conference shall take office at the conclusion of the meeting of State Conference at which they are elected, or at the declaration of the ballot, whichever comes last, and shall hold office until their successors take office according to these Rules.
- 7.1.8. Unless specified to the contrary in these Rules, a quorum for any meeting within the Victorian Branch is the presence of at least half of the members eligible to vote at that meeting.
- 7.1.9. Any member of the Party, including any Central Branch member who has paid their annual membership by traceable means, shall be eligible to stand for election to any Committee elected by State Conference.
- 7.1.10. If a rule change made under Rule 6.4.6 affects the composition of any of the Officers or Committees that are being elected at the State Conference where the rule change is made, that rule change shall not take effect until 10 days after the declaration of the result of the elections of the aforementioned Officers or Committees being elected at that State Conference.

7.2. Officers

- 7.2.1. There shall be three Officers of the Party.
- 7.2.2. No person shall serve as an Officer for more than two successive terms.
- 7.2.3. Subject to Rule 9.4.5, the Officer who is first elected and who is eligible under Rule 7.2.2 above shall be declared President of the Party. The Officer who is next elected shall be Senior Vice-President and the Officer who is third elected shall be Junior Vice-President.
- 7.2.4. The President shall preside over all meetings of State Conference and the Administrative Committee. In his/her absence the Senior Vice-President shall preside.

In the absence of both the President and the Senior Vice-President, the Junior Vice-President shall preside.

7.2.5. Subject to the direction of State Conference, the President shall be sole spokesperson for the Party in matters relating to decisions of Conference and the Administrative Committee.

7.2.6. It shall be the responsibility of the Officers to resolve disputes within the Party which do not involve charges before the Disputes Tribunal.

7.2.7. Party Officers Committee

7.2.7.1. There shall be a Party Officers Committee made up of the Officers of the Party, the State Secretary and Assistant Secretaries and three nominees of the Administrative Committee. The State Secretary and Assistant Secretaries will attend as non-voting members.

7.2.7.2. The Party Officers Committee may

7.2.7.2.1. Consider and make recommendations on urgent matters of Party administration; and

7.2.7.2.2. Make decisions on matters delegated or referred to it by the Administrative Committee, Agenda Committee or Rules Revision Committee.

7.2.7.3. Decisions of Party Officers Committee will only take effect where there is a consensus of voting members.

7.3. National Delegates

7.3.1. There shall be such delegates and proxy delegates to the National Conference as are provided for in the National Rules. The national delegates and proxy delegates shall be elected in the 12 months immediately preceding the National Conference.

7.3.2. Half of the National Conferences delegates and proxy delegates shall be elected by and from a single postal ballot of Local Branch members who have at least 12 months continuity of membership as a Local Branch Member at the close of nominations for this election, pursuant to Rules 5.7.2, 5.7.4.2, 5.7.5.2, 5.7.6 and 5.7.7.2. The State Secretary will compile the voters' roll at the close of nominations subject to proved errors or omissions notified within 3 days after closure of the roll. Any member may inspect the roll for the purposes of proved errors or omissions. If FEA elections are held in the 12 months immediately preceding the National Conference, this election shall be held in conjunction with the FEA elections. If FEA elections are not held in the 12 months immediately preceding the National Conference, the timeline for the election shall be determined by the Administrative Committee by an affirmative vote of at least 17 members.

7.3.2.1. At least two of the National Conference delegates elected under Rule 7.3.2 must reside in a non-metropolitan area. If at the close of nominations for National Conference delegates less than two non-metropolitan members have nominated, nominations will be reopened for a period of 5 days. To ensure compliance with this Rule, the procedure outlined in clause 8 of Schedule B must be applied when counting the ballot.

- 7.3.2.2.** For the purposes of Rule 7.3.2.1 and Schedule B, “**non-metropolitan candidate**” means a member who has nominated for the ballot in Rule 7.3.2 and is residing in one of the following Legislative Council Regions:
- 7.3.2.2.1.** Northern Victoria Region; or
 - 7.3.2.2.2.** Western Victoria Region; or
 - 7.3.2.2.3.** Eastern Victoria Region.
- 7.3.2.3.** For the purposes of Rule 7.3.2.1 and Schedule B, “**metropolitan candidate**” means a member who has nominated for the ballot in Rule 7.3.2 and who does not fall within the definition of “non-metropolitan candidate” under Rule 7.3.2.2.
- 7.3.3.** Half of the National Conference delegates and proxy delegates shall be elected by a ballot of the union delegates at the meeting of State Conference immediately preceding the National Conference. The method of election shall be by proportional representation. The number of proxy delegates elected in this ballot will be half of the National Conference delegates to be elected by the union delegates, rounded down to the next whole number.
- 7.3.4.** In the event that the total number of National Conference delegates and/or proxy delegates to be elected is an odd number, the ballot for National Conference delegates and/or proxy delegates to which the last delegate position is allocated will be determined by lot. This allocation must be conducted by the Chief Returning Officer before calling for nominations in any of ballots for National Conference delegates.
- 7.3.5.** The Chief Returning Officer shall call for a set of nominations for each ballot of National Conference delegates and proxy delegates. Candidates shall submit a nomination form signed by himself/herself and any thirty other members of the Party. A candidate may nominate for both ballots but once elected as a National Conference delegate in one ballot, the candidate cannot be elected as a National Conference delegate in the other ballot. If a candidate is elected as a National Conference proxy delegate in one ballot, they can still be elected as a National Conference delegate in the other ballot. In the event of a proxy delegate being elected as a delegate in the other ballot, their proxy delegate position shall be declared vacant and the Chief Returning Officer shall conduct a recount of the ballot in accordance with the Rules to determine the replacement. In the event that a proxy delegate nominates for the other ballot and fails to be elected as a delegate, they shall be excluded from the proxy delegate election in the other ballot.
- 7.3.6.** The ballots shall be conducted by the Chief Returning Officer and the required number of delegates elected under Schedule B. Following the declaration of each ballot, the voting papers shall be re-sorted for a fresh count to elect the required number of proxy delegates. During this second count votes that would have otherwise have been allocated to a delegate elected in the first count, shall be passed to the unsuccessful candidate in the second count ranked highest on the respective ballot papers, and hence a full Schedule B election shall progress.

8. COMMITTEES OF STATE CONFERENCE

8.1. Administrative Committee

- 8.1.1.** The Administrative Committee consists of:

- 8.1.1.1.** The Officers of the Party and 30 other members elected by State Conference as voting members; and
 - 8.1.1.2.** The President and Vice-Presidents of Victorian Young Labor as non-voting members; and
 - 8.1.1.3.** The Co-Convenors of the Victorian Labor Women’s Network as non-voting members.
- 8.1.2.** The powers and duties of the Administrative Committee shall be:
- 8.1.2.1.** To carry out the decisions of State Conference; and
 - 8.1.2.2.** To temporarily suspend scheduled internal ballots during Federal or State election campaigns or where it is impracticable to proceed with an FEA Election until the redistribution of Federal Electorate boundaries is completed; and
 - 8.1.2.3.** To determine the procedures for re-opening nominations in electorates for which no nomination has been received; and
 - 8.1.2.4.** To convene meetings of State Conference in accordance with Rule 6.1; and
 - 8.1.2.5.** To notify all delegates and constituent units of the date, place and duration of Conference; and
 - 8.1.2.6.** To convene Special State Conferences in accordance with Rule 6.1; and
 - 8.1.2.7.** To convene Country Conferences in accordance with these Rules; and
 - 8.1.2.8.** To determine the Party’s participation in municipal elections, pursuant to Rule 12.4; and
 - 8.1.2.9.** To initiate and organise all election campaigns and such other campaigns on matters of Party policy as it may determine or is directed to initiate and organise by State Conference; and
 - 8.1.2.10.** To conduct a review of all State and Federal election campaigns within 3 months of the election; and
 - 8.1.2.11.** To establish a Campaign Committee, and direct any resources as it deems necessary in conducting campaigns, as provided in Rule 8.1.2.9; and
 - 8.1.2.12.** To promote and encourage membership of the Party. To provide for appropriate membership development and training for Party members. To approve and reject transfers from Central Branch and all applications for membership of the Party; and
 - 8.1.2.13.** To investigate any allegations of breaches of Rules 5.5, 5.6, 5.10 and 5.17 and, where appropriate, to refer such breaches to the Disputes Tribunal; provided that the Administrative Committee must investigate any such allegations in a particular Federal electorate if requested to do so by petition signed by 50 members or 25% of the members in that electorate, whichever is the lesser; and
 - 8.1.2.14.** To suspend and refer members alleged to have been engaged in branch stacking with no less than 28 affirmative votes to the Disputes Tribunal. No imposition of suspension shall exceed 2 months in duration without resolution; and

- 8.1.2.15.** To ensure the active operation of all constituent units of the Party, subject to the Rules; and
- 8.1.2.16.** Subject to the Rules, to approve the establishment of Local Branches under Rule 10.1; and
- 8.1.2.17.** To appoint sub-committees as it shall from time to time determine, and to delegate such powers to them as it thinks fit, provided that such delegated powers cannot be delegated further. These Committees shall report to the Administrative Committee on a monthly basis. There shall be a Membership Administrative Committee whose membership and powers will be determined by the Committee at the first meeting after the election of the new Committee; and
- 8.1.2.18.** To be responsible for publicity including Party publications and journals; and
- 8.1.2.19.** To keep proper records of membership of the Party, including the name and address of each individual member and the Branch and FEA to which he/she belongs, the number of members for which each affiliated union is affiliated, and details of the payment of membership and affiliation fees, such records to be available for inspection by members of the Party on request for purposes pertaining to the operation of the Party; and
- 8.1.2.20.** To organise and maintain such funds as may be necessary for any or all of the objectives for which the Party exists and to exercise together with Trustees proper control and supervision of the disbursement of such funds; and
- 8.1.2.21.** Subject to the approval of the Conference to appoint a qualified practising accountant to audit the Party's accounts which shall close on June 30 of each year so that an annual report may be presented to the subsequent Annual meeting of State Conference; and
- 8.1.2.22.** To ensure that each constituent unit banks at the bank nominated by the Administrative Committee. Constituent Units will forego interest. All Party accounts shall commence with the words "Australian Labor Party"; and
- 8.1.2.23.** To employ a State Secretary, Assistant State Secretary, Organisers and such other staff on such terms and conditions as it may from time to time determine; provided that no person so employed shall be entitled to be an Officer or member of the Administrative, Agenda or Public Office Selection Committee. To employ such staff as may be necessary for the efficient functioning of State Office and to ensure such staff are members of an affiliated union; and
- 8.1.2.24.** To authorise payment to any employee, agent, or contractor for work or services performed, or reimbursement of expenses incurred by any employee or person when acting for or on behalf of the Party; and
- 8.1.2.25.** To act upon matters that may arise, upon which the Rules are silent; provided that no motion determining any such matter shall have effect unless it is carried by an affirmative vote of at least seventeen members of the Administrative Committee, and to refer such matters to the Rules Revision Committee for a report to the next Conference; and
- 8.1.2.26.** To exercise such other powers and duties as are conferred upon it by the Rules; and

- 8.1.2.27.** Between meetings of Conference, to resolve disagreements concerning the Platform and Policy of the Party; provided that no such decision shall have effect unless it is carried by an affirmative vote of at least seventeen members of the Administrative Committee and that any such decision shall lapse unless it is ratified by an absolute majority of those delegates who are credentialed for the session of the next following meeting of State Conference at which any such resolution is submitted for ratification; and
- 8.1.2.28.** To consider reports from the Officers regarding disputes dealt with under Rule 7.2.6; and
- 8.1.2.29.** To receive from affiliated Unions and constituent units of the Party motions proposing amendments to the Platform or Policy of the Party and to refer such motions to the relevant Policy or other Committee for action in accordance with the Rules and where the matter is designated urgent, to the Agenda Committee; and
- 8.1.2.30.** To make urgent statements not inconsistent with the Platform or Policy; provided that no such statement shall be made unless it is carried by an affirmative vote of at least seventeen members of the Administrative Committee and that any such statement shall lapse unless it is ratified by an absolute majority of those delegates who are credentialed for the session of the next following meeting of State Conference at which the statement is submitted for ratification; and
- 8.1.2.31.** To propose amendments to the Rules, Platform and Policy of the Party; provided that any such amendment shall be referred to the appropriate Committee; and
- 8.1.2.32.** To amend membership forms as required, and report any amendments to the next Conference; and
- 8.1.2.33.** To revoke the membership of any member that it is satisfied was not eligible to become a member, subject to Rule 8.1.8; and
- 8.1.2.34.** Despite anything contrary in these Rules, to revoke the membership of any member found guilty of a serious criminal offence. Before the Administrative Committee revokes the membership of a member under this Rule:
 - 8.1.2.34.1.** the State Secretary must notify the member in writing of the proposed revocation; and
 - 8.1.2.34.2.** the member must be given an opportunity to make a written submission to the Administrative Committee as to why his or her membership should not be revoked.
- 8.1.2.35.** Despite anything to the contrary in these Rules, to immediately suspend the membership of a member who has been charged with a serious criminal offence pending the hearing of the charge.
- 8.1.3.** The Administrative Committee shall meet in ordinary meeting at least ten times each year at such times and places as it may from time to time determine.
- 8.1.4.** Special meetings of the Administrative Committee shall be held when a simple majority of the Committee itself so determines in writing to the State Secretary or on receipt by members of the Committee from the President of three days notice of his/her intention to convene a special meeting.

- 8.1.5.** When a Member of the Victorian Parliament or a Victorian Member of the Australian Parliament resigns, dies or is removed thus creating a vacancy to be filled, a meeting of the Administrative Committee shall be held within 10 days after resignation, death or removal for the purpose of setting a preselection timetable.
- 8.1.6.** Any member of the Administrative Committee who is absent from three consecutive meetings shall have their position on the Committee declared vacant provided that the Administrative Committee may grant leave of absence from meetings of the Committee to any member. Any member who obtains leave of absence for a period of more than twelve weeks shall, for the duration of that leave have their position on the Administrative Committee occupied by the person elected in accordance with the casual vacancy provisions of Schedule B of these Rules.
- 8.1.7.** In the event of any member of the Administrative Committee (including an Officer of the Party) being unable to attend a meeting of the Administrative Committee he/she shall notify in writing the State Secretary of the name of any member that he/she appoints as proxy for that meeting of the Administrative Committee he/she would otherwise be eligible to attend, provided such proxy is a current member of the Party. A woman member of the Administrative Committee may only nominate a woman Party member as her proxy.
- 8.1.8.** A quorum for meetings of the Administrative Committee is 15 voting members but the Administrative Committee may only exercise its powers under Rules 5.6.3.1, 5.6.8.2, 5.9.2, 8.1.2.2, 8.1.2.16, 8.1.2.33, 9.3.8.5, 10.1, 10.11.1.2, 12.4.3, 12.6.3.2, 12.10.1.2, 18.3, 18.7.6, 21.3.3, 21.3.5 and 21.3.6 if such a resolution is carried by an affirmative vote of at least 22 members.
- 8.1.9.** Agenda items for meetings of the Administrative Committee must be submitted in writing to the State Secretary at least 5 days prior to such meetings.
- 8.1.10.** The State Secretary shall ensure that agenda items and papers for an Administrative Committee meeting are forwarded to all members at least three clear days prior to the meeting. Late items may be included only if approved by an affirmative vote of at least seventeen members of the Administrative Committee and received by the State Secretary at least 48 hours prior to the Administrative Committee meeting.

8.2. Agenda Committee

- 8.2.1.** The Agenda Committee shall consist of the nine members and shall elect from among its members a President and a Secretary.
- 8.2.2.** The powers and duties of the Agenda Committee shall be:
 - 8.2.2.1.** To credential delegates to State Conference; and
 - 8.2.2.2.** To prepare the agenda for meetings of State Conference by receiving reports from the Administrative Committee, from Policy Committees, Conferences and Forums, and by receiving motions from affiliated unions and constituent units of the Party, provided that the Committee may recommend to Conference the form in which such motions appear on the agenda paper; and
 - 8.2.2.3.** To perform such other duties as are required by the Rules; and
 - 8.2.2.4.** After consultation with the Policy Committee and the Administrative Committee to determine the time of the presentation to Conference by Policy Committees of their reports and recommendations; and

- 8.2.2.5.** To co-ordinate the work of Policy Committees, especially with respect to matters that overlap the jurisdiction of two or more Committees, through regular meetings with the Presidents and Secretaries of Policy Committees, as a Policy Co-ordination Committee; and
 - 8.2.2.6.** To make recommendations to State Conference through the Administrative Committee, with respect to the creation, disbanding and naming of Policy Committees; and
 - 8.2.2.7.** To assist in preparation of Labor Party policy documents; and
 - 8.2.2.8.** To ensure effective participation of the Party through co-ordination of Policy Committees, Caucus Bill Committees, the Parliamentary Caucus and Cabinet and such other relevant bodies in the on-going development and implementation of the Party's political priorities; and
 - 8.2.2.9.** Through the Policy Co-ordination Committee, to liaise between Policy Committees and the National Policy Committee to ensure that Policy Committees are kept up to date with developments in the preparation of the National Platform; and
 - 8.2.2.10.** To establish and co-ordinate a system of annual policy reviews to assess the Party's progress towards attaining Labor's goals. The Agenda Committee shall develop this review system through the Policy Committees, who will be required to produce progress and implementation reports in consultation with the relevant Ministers and Bill Committees. The Agenda Committee shall present these reports to the Annual State Conference each year; and
 - 8.2.2.11.** To encourage maximum Party participation in the activities of the Government re implementing policy and allocating policy priorities. To encourage maximum Party consultation in the Budget process; and
 - 8.2.2.12.** In conjunction with the relevant Policy Committees, to convene at least 4 policy forums each year, as far as possible in conjunction with those conducted by the National Policy Committee, to which all Party members are invited; and
 - 8.2.2.13.** Subject to Administrative Committee co-ordination, to develop and implement policy and policy development training programs for FEA, SECC and Branch Executives, candidates and members; and
 - 8.2.2.14.** To co-ordinate and support the work of FEA Policy Development Officers and Community Activities Officers.
- 8.2.3.** The Agenda Committee with the addition of those members of the State Parliamentary Labor Party nominated by the Leader forms the Platform Committee, which is responsible for:
- 8.2.3.1.** development of the Party Platform in consultation with the Policy Committees; and
 - 8.2.3.2.** recommending the Platform to State Conference.
- 8.2.4.** At least 15 days before each meeting of Conference, the Agenda Committee shall circulate an agenda paper and committee reports to all State Conference delegates. At least 5 days before Conference, supplementary reports must be circulated.

8.2.5. Members of the Agenda Committee shall take office at the conclusion of the meeting of Conference at which they are elected and shall hold office until the conclusion of the meeting of Conference at which elections are next conducted.

8.2.6. A quorum for meetings of the Agenda Committee shall be five members.

8.3. Rules Revision Committee

8.3.1. The Rules Revision Committee shall consist of nine members and shall elect from amongst its members a President and a Secretary.

8.3.2. The powers and duties of the Rules Revision Committee shall be:

8.3.2.1. To consider and make recommendations on all Rules changes to Conference; and

8.3.2.2. By its own motion propose amendments to the Rules for consideration by State Conference subject to the requirements of Rule 6.4.6; and

8.3.2.3. To make a recommendation as to how proposed Rule changes are to be debated at State Conference; and

8.3.2.4. To assist State Office with the compilation of proposed Rule changes and amendments for circulation under Rule 6.4.6, including adding or amending titles and/or written descriptions for proposed Rule changes and amendments; and

8.3.2.5. After each State Conference where the Rules are amended, to prepare a draft of the amended Rules, including any consequential renumbering of the Rules as may be required, and submit such draft to the Administrative Committee for confirmation.

8.3.3. In the event of any member of the Rules Revision Committee being unable to attend a meeting of the Rules Revision Committee, he/she shall notify in writing the President or Secretary of the Rules Revision Committee of the name of any member that he/she appoints as proxy for that meeting of the Rules Revision Committee he/she would otherwise be eligible to attend, provided such proxy is a current member of the Party. Only woman Party members can be a proxy for women members of the Rules Revision Committee.

8.3.4. A resolution agreed to in writing by a majority of the members of the Rules Revision Committee has the same effect as a resolution passed at a meeting of the Rules Revision Committee. In this Rule, "**writing**" includes emails, faxes and other electronic means of representing or reproducing words in a visible form.

8.4. Public Office Selection Committee

8.4.1. State Conference shall elect a Public Office Selection Committee of 100 members.

8.4.2. The Chief Returning Officer shall close nominations for the Public Office Selection Committee during State Conference and conduct the ballot by post. Should nominations need to be reopened as a result of Rule 3.3, nominees shall be able to nominate in writing to the Chief Returning Officer, and must follow the revised timetable determined by the Chief Returning Officer.

8.4.3. The Public Office Selection Committee shall as soon as possible after its election meet and elect an Executive of six members one of whom shall act as POSC President and one of whom shall act as the POSC Returning Officer in each Selection Panel.

8.4.4. It shall be the duty of the Executive:

8.4.4.1. To keep proper minutes of Committee meetings and Selection Panel meetings and to make full report on same to both the Administrative Committee and the State Conference as required from time to time; and

8.4.4.2. To arrange in accordance with the directions of State Conference for the selection of candidates throughout Victoria.

8.4.5. A quorum for the Executive of the Public Office Selection Committee shall be three (3) members.

8.5. Policy Committees

8.5.1. State Conference shall elect the following Policy Committees:

8.5.1.1. Aboriginal & Torres Strait Islanders Affairs; and

8.5.1.2. Conservation, Environment & Resources; and

8.5.1.3. Culture, Sport & Tourism; and

8.5.1.4. Economics, Innovation, Employment & Industry Development; and

8.5.1.5. Education & Youth Affairs; and

8.5.1.6. Commonwealth Affairs & Federal Relations; and

8.5.1.7. Health, Community Services & Senior Victorians; and

8.5.1.8. Urban Affairs, Housing, Local Government & Infrastructure; and

8.5.1.9. Industrial Affairs; and

8.5.1.10. Justice & Democracy; and

8.5.1.11. Multicultural Affairs & Population; and

8.5.1.12. Transport; and

8.5.1.13. Women's Affairs; and

8.5.1.14. LGBTI Affairs.

8.5.2. Unless specified to the contrary in these Rules, Ordinary Policy Committees will consist of:

8.5.2.1. Twenty members elected by State Conference; and

8.5.2.2. Parliamentary members elected by Parliamentary Labor Parties ("PLPs").

8.5.3. Candidates for each Policy Committee shall be given a reasonable opportunity to provide all State Conference delegates with concise personal and other details

relevant to their candidacy. Such details shall be called for by the Agenda Committee and distributed to all delegates.

- 8.5.4.** Any member of the Party, including any Central Branch member who has paid their annual membership by traceable means, shall be eligible to stand for election to any Policy Committee.
- 8.5.5.** A member of any Committee elected by State Conference who is not a delegate to State Conference shall have the speaking and moving rights of a delegate on items arising out of their Committee's Report, but shall not be entitled to vote or be counted for quorum purposes.
- 8.5.6.** The State Secretary will request the PLPs to elect the number of Parliamentary members as determined under Rule 8.5.1. The voting members of a Policy Committee shall promptly meet and elect from among themselves a President and a Secretary. The President so elected shall convene a Policy Assembly to meet before the end of August in the relevant year.
- 8.5.7.** Each Policy Committee shall have the power to co-opt such additional members as it deems fit. Co-opted members of a Policy Committee shall be members of the Party and shall be non-voting members of the Policy Committee.
- 8.5.8.** Meetings of Policy Committees shall be convened and conducted in accordance with the following procedures:
 - 8.5.8.1.** Meetings shall be convened by the Secretary after consultation with the President and may be convened by any five members of the Committee. Members shall be given at least four days notice of any such meeting.
 - 8.5.8.2.** Decisions of Policy Committees shall be made by a majority of those members present and voting.
 - 8.5.8.3.** A quorum of any meeting of a Policy Committee shall be the presence of more than one third of the members eligible to vote at the time. Recommendations to State Conference proposing amendments to policy or resolutions can only be made if adopted by a meeting where at least half the members eligible to vote at the time are present.
 - 8.5.8.4.** Any member of any Policy Committee who is absent from three consecutive meetings shall have his/her seat on the Committee declared vacant; provided that the President of the Committee may grant special leave of absence from meetings of the Committee to any member.
 - 8.5.8.5.** In the event of any member of a Policy Committee being unable to attend a meeting of the Policy Committee he/she shall notify in writing the Policy Committee Secretary of the name of any member that he/she appoints as proxy for that meeting of the Policy Committee he/she would otherwise be eligible to attend, provided such proxy is a current member of the Party. A woman member of a Policy committee is encouraged to nominate a woman Party member as her proxy.
- 8.5.9.** Any member of the Party who wishes to become an associate member of a Policy Committee may do so by writing to the State Secretary. All unsuccessful candidates for election to a Policy Committee automatically become associate members. Associate members of a Policy Committee shall be non-voting members of the Policy Committee. A Policy Committee may by resolution passed by an absolute majority of the voting members at the time remove any associate member who unreasonably disrupts

meetings of the Policy Committee, or who fails to respect the confidentiality of information given to members or discussions at meetings.

- 8.5.10.** The powers and duties of each Policy Committee shall be:
- 8.5.10.1.** To develop Party policy in co-operation with State and Federal Ministers and Shadow Ministers, the Policy Co-ordination Committee and National Policy Committee, FEA Policy Development Officers and Community Activities Officers, and member forums, Local Branches and other constituent units; and
 - 8.5.10.2.** To convene policy forums as it considers appropriate, to which all Party members are invited; and
 - 8.5.10.3.** To report to each meeting of State Conference in accordance with the Rules; and
 - 8.5.10.4.** To acknowledge and reply to all correspondence received; and
 - 8.5.10.5.** To perform such other tasks as may be requested or directed by State Conference or the Administrative Committee; and
 - 8.5.10.6.** To conduct campaigns with the approval of the Administrative Committee on policy matters within the terms of reference of the Committee.
- 8.5.11.** Each Policy Committee shall submit a report to the Annual meetings of State Conference containing the following:
- 8.5.11.1.** Such a policy recommendations as the Committee may then wish to put forward. These recommendations are to include the case for and against (if applicable) the recommendation that were canvassed at the relevant Policy Committee meetings; and
 - 8.5.11.2.** Resolutions forwarded to it by constituent units of the Party which have been incorporated in or instrumental in formulating such recommendations; and
 - 8.5.11.3.** Such amendments or additional recommendations as may have been resolved by a Policy Assembly; and
 - 8.5.11.4.** Resolutions forwarded to the Committee by constituent units of the Party which relate to but have not been incorporated in the recommendations referred to in Rule 8.5.11.1; and
 - 8.5.11.5.** Resolutions received from constituent units of the Party which require no further action other than an acknowledgment to the constituent unit concerned for the reasons that they restate existing Platform or Policy; and
 - 8.5.11.6.** Resolutions received from constituent units of the Party which have not yet been considered; and
 - 8.5.11.7.** A report on projects under way; and
 - 8.5.11.8.** A report to on the activities of the Government in the policy area relevant to the Committee.
- 8.5.12.** The Agenda Committee shall ensure that sufficient time is allocated at the Annual State Conference in each year for the debate of each Policy Committee's recommendations, unless a Special State Conference has been called for this purpose according to Rule 6.1.2. The Agenda Committee may only reschedule Policy Committee

debate if this Special State Conference is scheduled through any of the methods listed in Rule 6.1.2.1 by two weeks prior to the Annual State Conference, and the Special State Conference must be scheduled for a date within that same calendar year.

- 8.5.13.** Only woman Party members can be elected to the Women’s Affairs Policy Committee.
- 8.5.14.** The Aboriginal & Torres Strait Islander Affairs Policy Committee shall be elected in the same manner as other policy committees (as set out in Rule 8.5, including provision for filling vacancies) except that all Aboriginal or Torres Strait Islander candidates for the Aboriginal & Torres Strait Islander Affairs Policy Committee must be elected to the Committee before any non Aboriginal or Torres Strait Islander candidates, subject to the Affirmative Action requirements of Rule 3.
- 8.5.15.** The President and Secretary of the Aboriginal & Torres Strait Islander Affairs Policy Committee shall be elected in the same manner as other policy committees (as set out in Rule 8.5.6) except that both the President and the Secretary must be Aboriginal or Torres Strait Islanders, unless there is less than two Aboriginal or Torres Strait Islanders on the Committee.
- 8.5.16.** The LGBTI Affairs Policy Committee shall be elected in the same manner as other policy committees (as set out in Rule 8.5, including provision for filling vacancies) except that candidates for the LGBTI Affairs Policy Committee should identify as lesbian, gay, bi-sexual, transgender, intersex or queer.
- 8.5.17.** Whenever multiple vacancies exist on a Policy Committee, the next ordinary meeting of State Conference may fill such vacancies by a special election under these Rules.

9. FEDERAL ELECTORATE ASSEMBLIES (FEA’S)

9.1. Powers and Duties

- 9.1.1.** There shall be established in each Federal electorate a Federal Electorate Assembly which shall consist of all members residing within the Federal electorate concerned.
- 9.1.2.** The powers and duties of the Federal Electorate Assembly shall be:
 - 9.1.2.1.** Subject to the Rules, to organise Branches and to recommend to the Administrative Committee the formation of new Branches within its area; and
 - 9.1.2.2.** To promote and encourage membership of the Party and membership development and training within the Party; and
 - 9.1.2.3.** To conduct Federal elections campaigns and to campaign on an ongoing basis between Federal elections; and
 - 9.1.2.4.** To conduct such other local or general campaigns on matters of Party policy as the Administrative Committee may direct or the FEA itself may direct; and
 - 9.1.2.5.** To elect a Returning Officer, a Deputy Returning Officer, an Executive and delegates to State Conference in accordance with the Rules; and
 - 9.1.2.6.** To appoint voluntary organisers to assist in the organisation and campaigns of the Party; and

- 9.1.2.7. To pass resolutions on all matters affecting the Party for consideration by State Conference and the Administrative Committee, in accordance with the Rules; and
 - 9.1.2.8. To further the interests and extend the influence of the Party within this area; and
 - 9.1.2.9. To request and consider reports on the work of the Federal Parliamentary Labor Party; and
 - 9.1.2.10. To raise and disburse funds for the above purposes; and
 - 9.1.2.11. To develop policy consistent with the objectives of the Party and its principles of action for submission to relevant policy committees and forums for consideration of State Conference.
- 9.1.3. The powers and duties of the Executive of the Federal Electorate Assembly shall be:
- 9.1.3.1. To implement the decisions of the Assembly; and
 - 9.1.3.2. To conduct such campaigns and other activities as are directed by State Conference or the Administrative Committee; and
 - 9.1.3.3. To convene meetings of the Assembly additional to the biennial meeting; and
 - 9.1.3.4. To prepare the agenda for all meetings of the Assembly; and
 - 9.1.3.5. To submit proposals for consideration by the Assembly; and
 - 9.1.3.6. At least once a year to present a written report to the Branches within the Federal Electorate concerned; and
 - 9.1.3.7. At its first meeting after the FEA elections, to appoint a Women's Contact Officer, a Community Activities Officer and a Policy Development Officer from amongst the members of the FEA. The Community Activities Officer and the Women's Contact Officer shall assist the local Branches to identify the major issues within the community, within which they should be active and assist in the development of candidates for local government and other community bodies. The Policy Development Officer shall be responsible for co-ordinating policy input on local matters, and communicating that input through the FEA Executive to the relevant Policy Committees; and
 - 9.1.3.8. To support and co-ordinate the work of the Women's Contact Officer, Community Activities Officer and Policy Development Officer, who shall be encouraged to attend FEA Executive meetings.
- 9.1.4. For the sole purpose of determining the location of polling places at the FEA elections and the location and commencement of the Annual General Meeting, the FEA Executive will be augmented to include the Returning Officer and Deputy Returning Officer as full voting members.

9.2. Meetings

- 9.2.1. The President of each Federal Electorate Assembly shall convene a biennial General Meeting of the Assembly on the most appropriate day as determined by the FEA Executive in consultation with the FEA Returning Officer, provided that the meeting shall be held during the month when FEA elections are held or the month after.

- 9.2.2.** The President of each Federal Electorate Assembly shall at the time of convening the biennial meeting of the Assembly invite all members within the electorate to submit items for the agenda of the meeting. The FEA Returning Officer shall call for nominations for all positions to be filled by an election at such meeting.
- 9.2.3.** The President of a Federal Electorate Assembly shall convene meetings of the Assembly other than the biennial meeting if required to do so by resolution of the Assembly or of a majority of the Executive Officers of the Assembly or on receipt by him/her of a resolution of at least three Branches within the electorate concerned, or 25% of Branches, whichever is the lesser.
- 9.2.4.** A quorum for any meeting of a Federal Electorate Assembly shall be twenty five per cent of the total number of members or twenty-five members whichever is the lesser, of the Assembly concerned; but in the case of country Assemblies the quorum shall be fifteen per cent of the total number of members or fifteen members whichever is the lesser.
- 9.2.5.** A quorum for any meeting of the Executive of a Federal Electorate Assembly shall be three members.
- 9.2.6.** Any member of the FEA Executive who is absent from three consecutive meetings shall have their position on the Executive declared vacant provided that the President of the FEA Executive may grant leave of absence from meetings of the FEA Executive to any member. Any person who obtains leave of absence for a period of more than twelve weeks shall for the duration of that leave, have their position on the FEA Executive occupied by the person elected in accordance with the casual vacancy provisions of Schedule B of those Rules. Any member who attends a meeting via teleconference or videoconference is deemed to be present.
- 9.2.7.** At each biennial meeting the following business shall be conducted:
- 9.2.7.1.** The consideration and determination of all resolutions submitted to the Assembly by members within the electorate; and
- 9.2.7.2.** The consideration of reports from all officers and Committees of the Assembly and from the Federal Parliamentary Labor Party.
- 9.2.8.** The Secretary shall keep proper minutes of FEA meetings and keep all other records as shall be necessary to the proper conduct of the FEA and its meetings.
- 9.2.9.** The Treasurer shall be responsible for all moneys received by the FEA and shall bank all such moneys and keep proper records and Statements of Account. The President, Secretary and Treasurer shall be registered as signatories to the FEA bank account, and all cheques drawn shall be signed by at least two of the three signatories. The Treasurer shall make available all bank records, accounts and all statements relating to FEA funds to the Auditor at the conclusion of the financial year who shall be appointed to audit the FEA accounts at least once a year.

9.3. Elections

- 9.3.1.** The FEA Returning Officer in conjunction with the FEA Deputy Returning Officer shall conduct an election by proportional representation in each odd numbered year (subject to a decision of the Administrative Committee under Rule 8.1.2.2) for the following offices and positions:

- 9.3.1.1. FEA Returning Officer and FEA Deputy Returning Officer. The first elected shall be the Returning Officer and the second elected the Deputy Returning Officer; and
 - 9.3.1.2. Five FEA Executive officers who shall appoint from among themselves a President, Vice-President, Secretary, Assistant Secretary and Treasurer; and
 - 9.3.1.3. Delegates to State Conference.
- 9.3.2. The FEA Returning Officer in conjunction with the FEA Deputy Returning Officer shall notify all potential voters by email of the details of the election under Rule 9.3.1 (including the email address to which candidates can lodge their nominations) at least ten days before nominations close, and again before the first day of voting. A potential voter will be notified by post of the details of the elections (including the email address to which candidates can lodge their nominations) at least five days before nominations close, and again before the first day of voting if:
- 9.3.2.1. the potential voter has not provided the Party with an email address; or
 - 9.3.2.2. the Returning Officer in conjunction with the Deputy Returning Officer attempts to notify the potential voter by email of the details of the election but receives a notification that the email could not be delivered.
- 9.3.3. The FEA Returning Officer and FEA Deputy Returning Officer shall not be candidates for any other office or position to be filled at that election, other than FEA Returning Officer or FEA Deputy Returning Officer.
- 9.3.4. A FEA Returning Officer or FEA Deputy Returning Officer who resigns their office after the calling of nominations shall not be eligible to be a candidate for any other office or position to be filled at that election.
- 9.3.5. The Chief Returning Officer and the four Deputy Chief Returning Officers are not eligible to be FEA Returning Officers.
- 9.3.6. If in the period leading up to FEA elections vacancies exist for the positions of FEA Returning Officer and/or FEA Deputy Returning Officer, and countbacks have been exhausted, the Administrative Committee may appoint suitable persons to act in those positions.
- 9.3.7. All persons elected to any office or position by a Federal Electorate Assembly (including State Conference delegates) shall subject to Rules 9.3.8 and 20.6 take such office at the declaration of the poll and shall hold such office or position until the conclusion of the next election.
- 9.3.8. All elections for FEA Returning Officers, Executive Members and delegates to State Conference shall be conducted in accordance with the following procedures:
- 9.3.8.1. Members are eligible to vote if:
 - 9.3.8.1.1. they are members of a Local Branch in the electorate at the close of nominations; and
 - 9.3.8.1.2. they have at least 12 months continuity of membership as a Local Branch member at the close of nominations, pursuant to Rules 5.7.2, 5.7.4.2, 5.7.5.2, 5.7.6 and 5.7.7.2

- 9.3.8.2.** Only members eligible to vote are eligible to nominate for election as State Conferencedelegates, FEA Returning Officers and FEA Executive members.
- 9.3.8.3.** Voters must produce evidence of their identity to the FEA Returning Officer or FEA Deputy Returning Officer.
- 9.3.8.4.** The State Secretary must compile a draft voters roll from the Party’s records, and send copies to the FEA Returning Officers and Branch Secretaries at least 10 days before the close of nominations. The FEA Returning Officers and Branch Secretaries must notify the State Secretary at least 5 days before the close of nominations of any inaccuracies in the draft voters roll. The State Secretary must consider the corrections submitted, and finalise the voters roll on the basis that, subject to proved errors or omissions notified within 3 days after closure of the roll, the roll closes at the close of nominations. The State Secretary must make the roll available at least 10 days before the election.
- 9.3.8.5.** The Administrative Committee by the affirmative vote of 22 members may abridge the time for preparation and distribution of the roll under Rule 9.3.8.4 in special cases requiring urgent elections (for example, by-elections).
- 9.3.8.6.** For the purposes of compiling the voters roll, the State Secretary must only include those members whose address from the Party records (“**Party address**”) corresponds with the address shown for that member on the Commonwealth electoral roll (“**AEC address**”). If there is any challenge to the eligibility of a member to nominate or vote on the basis of address, the challenger bears the onus of proving that the Party address of the challenged member at the close of nominations did not comply with Rule 5.5.5. On the challenger establishing a prima facie case, the challenged member bears the onus of proving that their Party address at the close of nominations did comply with Rule 5.5.5.
- 9.3.8.7.** In the case of members who are enrolled to vote in Federal elections, but who are “silent electors” whose address is not shown on the Commonwealth electoral roll, Rule 9.3.8.6 applies as if the member’s Party and AEC addresses corresponded. The address at which such a member lives must not be disclosed by the Party without the member’s express permission.
- 9.3.8.8.** All nominations for elections under these Rules shall be signed by the candidate and lodged with the FEA Returning Officer by 6.00 pm on the last Friday of the month prior to that of the first day of polling. Where practicable, the FEA Returning Officer must provide acknowledgment of receipt of the nomination to the nominee. All ballot papers for the FEA elections shall be printed at the State Office under the supervision of the Chief Returning Officer.
- 9.3.8.9.** If no more nominations than the number of vacancies for any office or position are received, the FEA Returning Officer shall forthwith call for nominations for the remaining vacancies and shall conduct a ballot if necessary among those present and eligible to vote to fill such remaining vacancies. If more nominations than the number of vacancies are received, the FEA Returning Officer shall conduct a ballot in accordance with the Rules at the Federal Electorate Assembly.
- 9.3.8.10.** The FEA Returning Officer shall on the second last Sunday in August open the ballot at 10.00 am and close the ballot at 6.00 pm. The FEA Returning Officer shall open the ballot on the last Sunday in August at 10.00 am and close it at 12.00 noon. At all times scrutineers representing the candidates must be able to observe the ballot. FEA Returning Officers shall ensure that the ballot box is secure from interference. Upon request by a candidate or by direction of the Chief Returning Officer, the ballot box will be held in the custody of State Office

or, in the case of Country FEAs, at a site agreed by the FEA Returning Officer and FEA Deputy Returning Officer.

In FEA's of more than 1,500 square kilometres, unless otherwise requested by an FEA Executive, appropriate ballot papers must be mailed, without request, to all members eligible to vote in one or more of the elections being conducted.

9.3.8.11. The ballot papers must be mailed to voters at least fifteen working days prior to the close of postal voting. All ballot papers must be returned to reach the nominated return address by 5.00 pm on the Friday preceding the second polling day.

9.3.8.12. FEA Returning Officers shall count the ballot immediately after the poll closes. The FEA Returning Officer shall delay the counting of the vote only if specifically instructed to do so by the Chief Returning Officer.

9.3.8.13. Any member who is aggrieved by a ruling of the FEA Returning Officer may appeal within twenty four hours of receiving notice of the ruling to the Chief Returning Officer who shall resolve the appeal forthwith; provided that the Chief Returning Officer may delegate powers under this Rule to any of the Deputy Chief Returning Officers. Subject to these Rules, no appeal shall lie from any decision made by the Chief Returning Officer or Deputy Chief Returning Officers delegated under this Rule.

9.3.8.14. No ballot shall be declared until all such appeals have been determined.

9.3.9. Committees of a Federal Electorate Assembly may be elected at any properly constituted meeting of the Assembly. Any member of the Assembly shall be eligible to stand and vote for any such Committee.

9.4. Miscellaneous

9.4.1. In the event of a casual vacancy occurring in any office or position through death, incapacity, resignation or transfer of residence out of the FEA of the member concerned or through his/her position being declared vacant in accordance with the Rules, such vacancy shall be filled in accordance with the Rules, and any officer or delegate so appointed shall hold office for the remainder of the term of the officer or delegate whose position is so filled.

9.4.2. In the event of there being a redistribution of Federal electorates:

9.4.2.1. The State Secretary shall notify all members of their new FEA and supply a list of Branches together with their meeting time and places to which the member is eligible to transfer; and

9.4.2.2. The Administrative Committee shall as soon as practicable call a meeting of the Party residing within each new Federal Electorate Assembly in accordance with the Rules. The Administrative Committee shall appoint from among the existing FEA President and FEA Returning Officers appropriate persons to preside over the conduct of the ballots at the inaugural meeting of each new Federal Electorate Assembly in accordance with the Rules.

9.4.3. In the event of any elected office holder's membership lapsing due to non-renewal, the State Secretary shall write to that office holder at their address recorded by the Party and advise that unless the member renews his/her membership with the State Secretary within 7 working days, their office shall be declared vacant and the relevant Returning Officer advised to fill the casual vacancy in accordance with the Rules.

- 9.4.4.** In the event of any delegate elected to State Conference being unable to attend all or part of a meeting of Conference, he/she shall not later than three days before the time set for the commencement of that meeting of Conference notify the State Secretary in writing of the name of a member of his/her FEA that he/she appoints as proxy for any part of the specified meeting that they are unable to attend. Only woman Party members can be appointed as a proxy in this manner for woman delegates to State Conference.
- 9.4.5.** In elections under these Rules for Party Officer and multi-position preselections, the relevant Returning Officer will count the ballot and declare elected the required number of persons in the order of their election. This order of election will stand unless within 24 hours of the declaration of the ballot, an elected candidate requests a recount of the vote in writing to the State Secretary as follows:
- 9.4.5.1.** Where a third placed candidate requests a recount, the relevant Returning Officer shall recount the ballot as if there were only two positions and only three candidates. As a consequence of the recount, the ticket will be reordered to a new first elected, a new second elected, and the remaining candidate in the third position; or
- 9.4.5.2.** Where a second placed candidate requests a recount, the relevant Returning Officer shall recount the ballot as if there was only one position and three candidates. As a consequence of the recount, the ticket will be reordered with the candidate elected heading the ticket and the other candidates remaining in their relative order of election.
- 9.4.6.** At any stage in the recount process under Rule 9.4.5, a candidate may decline to be elected to a higher position. In such circumstances, the relevant Returning Officer shall count past that candidate when distributing the ballot papers.

Refer to ALP By-Laws (Schedule E) for further information on the conduct of internal ALP ballots.

10. LOCAL BRANCHES

- 10.1.** The Administrative Committee may establish a Branch in any Federal electorate where ten people who comply with the membership requirements of these Rules wish to establish one. Where a new Branch is being established, the application forms of the prospective members may be signed by the FEA President and Secretary. The new Branch should elect a pro-tem President and Secretary, to hold office until the applications have been approved by the Administrative Committee.
- 10.2.** The objectives of Local Branches are:
- 10.2.1.** to promote and encourage membership of the Party and membership development and training within the Party; and
- 10.2.2.** to develop strong links with the community through participation in community activities; and
- 10.2.3.** to develop and promote the Policies and Platform of the Party; and
- 10.2.4.** to encourage members to participate in all Party forums; and
- 10.2.5.** to assist in the organisation of all electoral campaigns

- 10.3.** The Branch may pass resolutions on all matters affecting the Party for consideration by the State Electorate Assembly, Federal Electorate Assembly, State Conference or any other unit of the Party.
- 10.4.** Branches in the metropolitan area shall meet at least six times each year and Branches in country areas at least four times each year. Any Branch which fails to meet its required minimum number of meetings shall become defunct. A quorum for any Branch meeting shall be five for Branches of less than twenty-five members and seven for Branches of twenty-five members or more. The Branch Executive shall provide reasonable notice of all Branch meetings to all members. A Branch may only recommend approval of membership applications or receive transfers from Central Branch during the first two hours after the commencement time for the monthly meeting scheduled in accordance with Rule 10.11.1.
- 10.5.** The President or Vice-President of the Branch, or in their absence another member of the Branch Executive, shall preside at all meetings of the Branch, and shall conduct such meetings in accordance with the Standing Orders set out in these Rules.
- 10.6.** The Branch shall select by proportional representation five members who shall constitute the Executive and who shall appoint from among themselves a President, Vice-President, Secretary, Assistant Secretary and a Treasurer.
- 10.7.** The Branch Returning Officer shall provide all Branch members with written notification of the close of nominations and the time, duration and place of polling at least 5 days prior to the close of nominations.
- 10.8.** The Branch shall conduct elections for Branch Returning Officer and the Branch Executive at a meeting to be held in October, November or December each year. Nominations will be taken at the meeting preceding that at which the elections are held and shall close at 6.00 pm 5 days prior to such elections. Any person nominated must signify his/her consent to the nomination either personally or in writing. The duration of polling shall be two hours commencing at the start of the designated Branch meeting. The Branch Returning Officer and Branch Executive shall take office at the first meeting in the following year.
- 10.9.** The list of who is eligible to vote in Branch elections shall be determined at the close of nominations. New Membership Applications not yet approved by the Administrative Committee as at the close of nominations are ineligible to vote in or to contest an election.
- 10.10.** The Executive shall meet for the purpose of ensuring the proper management and conduct of the Branch. A quorum for Executive meetings shall be three.
- 10.11.** The Secretary shall:
- 10.11.1.** Keep proper minutes of Branch meetings and keep all other records as shall be necessary to the proper conduct of the Branch and its meetings and advise the State Secretary by the end of February of each year the Branch Office-holders and a schedule of meetings for that year, setting out the date, time and place of each meeting. Amendments to the schedule shall be accepted if:
 - 10.11.1.1.** they are received by the State Secretary in writing at least 5 days prior to the meeting; or
 - 10.11.1.2.** the Administrative Committee resolves to make an exception.
 - 10.11.2.** At the end of each calendar month, forward to the State Secretary certification of transfers, so they are received by the State Secretary on or before the seventh day of the next calendar month.

- 10.12.** The Treasurer shall be responsible for all moneys received by the Branch and shall bank all such moneys and keep proper records and Statements of Account. The President, Secretary and Treasurer shall be registered as signatories of the Branch bank account, and all cheques drawn shall be signed by at least two of the three signatories. The Treasurer shall make available all bank records, accounts and all statements relating to Branch funds to the Auditor who shall be elected to audit the Branch accounts at least once a year.
- 10.13.** It is a requirement of these Rules that MPs, the State Office, Party Committees and Party Officials respond promptly to correspondence from Local Branches.
- 10.14.** The provisions of this Rule 10 apply to member forums, in so far as they are applicable and with any changes that are necessary.

11. STATE ELECTORATES

- 11.1.** In each State Legislative Assembly electorate there shall be established a State Electorate Assembly of all the current members of the ALP in that electorate.
- 11.2.** Each State Electorate Assembly may establish a State Electorate Campaign Committee (the “SECC”) which shall consist of the candidate and the campaign director, and, unless the State Electorate Assembly determines its own formula to the contrary, five members of the State Electorate Assembly, elected by and from the Assembly.
- 11.3.** The Administrative Committee shall convene within six months of State preselections a meeting of the State Electorate Assembly for the purposes of:
 - 11.3.1.** Selecting the SECC; and
 - 11.3.2.** Electing a Legislative Returning Officer and a Legislative Assembly Deputy Returning Officer by proportional representation; and
 - 11.3.3.** Considering a report from the State Parliamentary Labor Party.
- 11.4.** The SECC has the power to co-opt further members, and to fill casual vacancies.
- 11.5.** A quorum for any such meeting shall be fifteen per cent of the total number of members residing in the State electorate concerned or ten members whichever is the lesser.
- 11.6.** The SECC members shall appoint from amongst themselves a President, Vice-President, Secretary, Assistant Secretary and Treasurer.
- 11.7.** The powers and duties of the SECC shall be:
 - 11.7.1.** To conduct State election campaigns within the State electorate concerned and to campaign on an ongoing basis between State elections; and
 - 11.7.2.** To raise and disburse funds for the above purpose; and
 - 11.7.3.** At least once a year to meet and subsequently present a written report to the Branches within the State electorate concerned.
- 11.8.** A quorum of the SECC shall be one-third of the members.
- 11.9.** For the purpose of inaugurating State Electorate Campaign Committees, or in the event of a redistribution of State Electorates, the Administrative Committee shall appoint appropriate

persons from among the officers of previous State electorate organisations to convene, preside over and conduct the ballots at such inaugural meetings.

11.10. The Administrative Committee will authorise a timetable for SECC meetings.

11.11. In each Legislative Council Province, the Administrative Committee shall elect a Legislative Council Returning Officer and Legislative Council Deputy Returning Officer from among the Legislative Assembly Returning Officers and Deputy Returning Officers in the Legislative Council Province.

12. MUNICIPAL ELECTORATES

12.1. Overarching Objective

12.1.1. The Party will actively engage in local government to:

- 12.1.1.1.** improve, shape, influence and contribute to effective decision-making at the local level; and
- 12.1.1.2.** pursue Labor values and relevant policies at the local level; and
- 12.1.1.3.** develop a Labor team approach that is tailored to specific local areas; and
- 12.1.1.4.** support Labor MPs and candidates in each local area.

12.2. Municipal Forum Executive

12.2.1. In each municipality there shall be established a Municipal Forum Executive which shall consist of:

- 12.2.1.1.** Any Party member who holds the office of councillor in the municipality; and
- 12.2.1.2.** Any Party member who is a member of an FEA executive and is a resident in the municipality; and
- 12.2.1.3.** Any Party member who is endorsed as ALP candidate for election in the municipality; and
- 12.2.1.4.** Any Party Member who is a Member of Parliament (or their representative) whose electorate includes any part of the municipality; and
- 12.2.1.5.** Any other member who is co-opted by the Municipal Forum Executive from time to time.

12.2.2. The power and duties of the Municipal Forum Executive shall be:

- 12.2.2.1.** To convene Municipal Forums; and
- 12.2.2.2.** To provide recommendations for consideration by members at Municipal Forums; and
- 12.2.2.3.** To organise municipal election campaigns; and
- 12.2.2.4.** To assist in facilitating and maintaining a Labor team approach outside of municipal election campaigns.

- 12.2.3. A quorum for a meeting of the Municipal Forum Executive shall be one third of the members of the Municipal Forum Executive.

12.3. Municipal Forum

- 12.3.1. In each municipality there shall be established a Municipal Forum which shall consist of all the current members of the ALP in that municipality.
- 12.3.2. A quorum for a Municipal Forum shall be twenty five per cent of the total number of members eligible to vote or 25 members eligible to vote whichever is the lesser.
- 12.3.3. The Municipal Forum Executive must convene a meeting of the Municipal Forum in February, March or April in the year prior to a municipal election. This meeting of the Municipal Forum shall elect a Municipal Returning Officer and determine the following matters as recommendations to the Administrative Committee:
 - 12.3.3.1. Whether the Party should formally endorse candidates to contest the local municipal election as ALP candidates; and
 - 12.3.3.2. If the Party should formally endorse candidates, how many candidates should be endorsed in each electoral contest or ward; and
 - 12.3.3.3. If the Party should formally endorse candidates, whether there should be a common how-to-vote card for each electoral contest used by all candidates or whether each candidate can have their own how-to-vote card.
- 12.3.4. In making its recommendations to the Administrative Committee under Rules 12.3.3.1 – 12.3.3.3, the Municipal Forum Committee must consider the presumption in favour of endorsing candidates to contest local municipal elections as ALP candidates.
- 12.3.5. Eligibility to vote in the Municipal Forum shall be restricted to members who have at least 12 months continuity of membership as a Member of the Party on the date of the Municipal Forum, pursuant to Rules 5.7.1, 5.7.3, 5.7.4.1, 5.7.5.1, 5.7.6 and 5.7.7.1.
- 12.3.6. Where it exists the municipal caucus shall be obliged to formally report to the Municipal Forum on its performance.

12.4. Administrative Committee determining participation in Municipal Elections

- 12.4.1. In May or June in the year prior to a municipal election, the Administrative Committee must determine in relation to each municipality:
 - 12.4.1.1. Whether the Party should formally endorse candidates to contest the local municipal election as ALP candidates; and
 - 12.4.1.2. If the Party should formally endorse candidates, how many candidates should be endorsed in each electoral contest or ward; and
 - 12.4.1.3. If the Party should formally endorse candidates, whether there should be a common how-to-vote card for each electoral contest used by all candidates or whether each candidate can have their own how-to-vote card.
- 12.4.2. In making its determination under Rule 12.4.1, the Administrative Committee must consider:
 - 12.4.2.1. any recommendations made by the relevant Municipal Forum under Rule 12.3.3; and

12.4.2.2. the presumption in favour of endorsing candidates to contest local municipal elections as ALP candidates.

12.4.3. If a Municipal Forum has made recommendations to the Administrative Committee under Rule 12.3.3, the Administrative Committee can make a determination under Rule 12.4.1 that is inconsistent with these recommendations but only if such a resolution is carried by an affirmative vote of at least 22 members.

12.5. Candidate Selection

12.5.1. Selection for ALP endorsed candidates shall be in accordance with Rules 18.7.4, 18.7.5 and 18.7.6.

12.5.2. The selection for ALP endorsed candidates for Municipal Electorates shall be conducted by the Municipal Returning Officer elected under Rule 12.3.3.

12.6. Preferencing Requirement

12.6.1. Any Party member standing for election to a municipal vacancy shall be required to direct preferences to any other Party member (provided the other Party member/s have at least 12 months continuity of membership as a Member of the Party on the date nominations close, pursuant to Rules 5.7.1, 5.7.3, 5.7.4.1, 5.7.5.1, 5.7.6 and 5.7.7.1) standing for the same vacancy before any other candidate.

12.6.2. A Party member must comply with Rule 12.6.1 regardless of whether or not they have at least 12 months continuity of membership as a Member of the Party on the date nominations close, pursuant to Rules 5.7.1, 5.7.3, 5.7.4.1, 5.7.5.1 and 5.7.6.

12.6.3. The preferencing requirement under Rule 12.6.1 may be waived if:

12.6.3.1. all ALP members standing for the relevant vacancy so agree in writing and that their written agreement is lodged with State Office prior to the relevant ballot; or

12.6.3.2. upon application by one of the candidates the Administrative Committee so determines by a vote of at least 22 members of the Administrative Committee.

12.7. Obligations of Non Endorsed Supported Candidates

12.7.1. If the Party decides not to formally endorse candidates in a local municipal election, any Party member standing for a municipal vacancy in that election shall be required to notify State Office of his or her nomination (including council and ward) by no later than one hour after the close of nominations. The Party member must also provide an email address to State Office which can be used to communicate with the member for the duration of the election.

12.7.2. Within 48 hours after the close of nominations, State Office must advise all Party members who notified State Office of his or her nomination under Rule 12.7.1:

12.7.2.1. of the names of any other Party members who have nominated for the same local municipal election and have at least 12 months continuity of membership as a Member of the Party on the date nominations closed (pursuant to Rules 5.7.1, 5.7.3, 5.7.4.1, 5.7.5.1, 5.7.6 and 5.7.7.1); and

12.7.2.2. of the preferencing requirement under Rule 12.6.1.

- 12.7.3.** A Party member who notified State Office of his or her nomination under Rule 12.7.1 will not be in breach of the preferencing requirement under Rule 12.6.1 if they fail to preference a Party member before any other candidate and State Office did not advise them of the name of that Party member under Rule 12.7.2.1.
- 12.7.4.** A Party member who is a non endorsed candidate elected to office shall not be obliged to caucus with ALP endorsed councillors except in regard to the election or appointment of councillors to official positions and delegations, including mayor. It is further expected that such elected candidates would act within ALP policy parameters as determined by State Conference.
- 12.7.5.** A Party member who is a non endorsed candidate elected to office may join an ALP Caucus within the municipality but in doing so shall be bound to remain in that Caucus and abide by ALP Caucus Rules for the duration of their term of office.

12.8. Municipal Caucus Rules

- 12.8.1.** In each municipality there shall be established a Municipal Caucus which shall consist of:
 - 12.8.1.1.** the ALP endorsed candidates elected to the office of councillor in the municipality; and
 - 12.8.1.2.** any non endorsed candidates elected to the office of councillor in the municipality that elect to join the Municipal Caucus under Rule 12.7.5.
- 12.8.2.** If there are no ALP endorsed candidates elected to the office of councillor in a municipality but there are two or more Party members who were non endorsed candidates elected to office, these non endorsed candidates may establish a ALP Municipal Caucus.
- 12.8.3.** The Municipal Caucus shall meet as a caucus:
 - 12.8.3.1.** prior to council meetings at which councillors are to be elected or appointed to official positions and delegations, including mayor, to discuss these matters and determine upon such matters; and
 - 12.8.3.2.** from time to time, as determined by the caucus.
- 12.8.4.** The vote of an absolute majority of eligible caucus members shall bind all members of caucus and no member shall oppose in debate in council any matter which has been determined by Caucus, except by the agreement of caucus. A vote of an absolute majority of eligible caucus members shall also bind non endorsed candidates obliged to caucus under Rule 12.7.4 insofar as the vote relates to the election or appointment of councillors to official positions and delegations, including mayor.

12.9. Access to Party resources

- 12.9.1.** State Office shall provide ALP endorsed candidates with access to Party resources to assist with their municipal election campaign.
- 12.9.2.** Upon receiving an application from a non endorsed candidate, the Campaign Committee may decide to provide that non endorsed candidate with access to the Party resources to assist with their municipal election campaign.
- 12.9.3.** Any Party member standing for election to a municipal vacancy that receives access to Party resources under Rule 12.9.1 or 12.9.2 must pay a candidate levy to the Party.

The Campaign Committee will determine the amount of the levy and when it must be paid.

12.10. Special Municipal Election

- 12.10.1.** A Special Municipal Election is a municipal election held in any of the following municipalities:
 - 12.10.1.1.** City of Melbourne; and
 - 12.10.1.2.** Any other municipality nominated by the Administrative Committee, but only if such a nomination is carried by an affirmative vote of at least 22 members.
- 12.10.2.** The preferencing requirement under Rule 12.6.1 does not apply to any Party member standing in a Special Municipal Election.
- 12.10.3.** Any Party member who nominates against an endorsed Labor candidate in a Special Municipal Election will not be in breach of the Membership Pledge for the purposes of Rule 5.14.

13. COUNTRY LABOR – COUNTRY LABOR EXECUTIVE POLICY COMMITTEE

13.1. Membership

- 13.1.1.** Country Labor consists of all ALP members residing in FEA's of not less than 4000 square kilometres in size.

13.2. Country Labor Executive

- 13.2.1.** Country Labor Executive (CLX) is charged with policy development and advocacy for Rural and Regional Victoria.
- 13.2.2.** Country Labor Executive (CLX) consists of 20 members elected from and by Country Labor members, by a single postal ballot held in conjunction with FEA elections.

13.3. Regional Forums

- 13.3.1.** Three forums for rural and regional ALP members shall be held annually, one in each of the Eastern, Northern and Western Legislative Council Regions, at such times and venues as are fixed by the Administrative Committee in consultation with the President and Secretary of CLX.
- 13.3.2.** The regional forums of Country Labor may propose policy to the State Conference on State and National issues that affect rural and regional areas.

13.4. Meetings of the Country Labor Executive

- 13.4.1.** Meetings of the Country Labor Executive shall be held on the third Sunday of every month.
- 13.4.2.** Decisions of the Country Labor Executive shall be made by a majority of those members present and voting.
- 13.4.3.** If members of the Country Labor Executive in attendance at the venue of the meeting at the time and date advertised by the Secretary and not cancelled previously, find there is not a voting quorum, said members are authorised to make decisions which

can be ratified by 75% of members of the Country Labor Executive, signifying their assent to the Secretary for such measures by a verifiable communications source.

- 13.4.4.** A quorum of any meeting of the Country Labor Executive shall be five members. Recommendations to State Conference or resolutions can only be adopted by Country Labor Executive if at least 75% of members eligible to vote confirm their agreement to the Secretary via a verifiable communication.
- 13.4.5.** Any member of the Executive who fails to attend three consecutive meetings, without gaining leave of absence from the President, may have their position declared vacant by a vote of the CLX.

14. YOUNG LABOR

14.1. Membership

- 14.1.1.** All members of the Victorian Branch who were under the age of 26 on 1 January are members of Victorian Young Labor (“VYL”) for that year.
- 14.1.2.** Despite Rule 14.1.1, financial members of the Victorian Branch remain VYL members whilst they:
 - 14.1.2.1.** Are delegates to AYL National Conference; or
 - 14.1.2.2.** Hold an office in VYL or AYL under these rules.
- 14.1.3.** Central Branch members who are under the age of 26 on 1 January are members of Victorian Young Labor and are eligible to participate in the election of the VYL Executive, VYL Officers and Delegates and Alternate Delegates to AYL Conference.

14.2. Aims

- 14.2.1.** The aims of Victorian Young Labor are:
 - 14.2.1.1.** To support the objectives and platform of the Australian Labor Party; and
 - 14.2.1.2.** To provide a forum for young people across the state to debate progressive issues and ALP policies within the labour movement; and
 - 14.2.1.3.** To develop campaign skills and support endorsed ALP candidates; and
 - 14.2.1.4.** To encourage young people to join the ALP; and
 - 14.2.1.5.** To engage with ALP Branches and support young members involvement in party structures; and
 - 14.2.1.6.** To engage with young people, and encourage young people to join the ALP in rural and regional Victoria; and
 - 14.2.1.7.** To advise the Australian Labor Party and the Victorian and Federal Parliamentary Caucuses on matters concerning young people; and
 - 14.2.1.8.** To involve young ALP members in the ALP Policy development process, and provide an independent forum to debate and develop policy across a wide range of issues; and

- 14.2.1.9. To advocate the policy adopted at VYL Conferences; and
- 14.2.1.10. To foster youth involvement with Trade Unions and the general community; and
- 14.2.1.11. To increase the profile and act as a lobby group for youth issues in the community; and
- 14.2.1.12. To organise social events and regular meetings.

14.3. Annual Young Labor Conference

- 14.3.1. There shall be an annual Victorian Young Labor Conference which shall be convened by the Administrative Committee on the first weekend of August, unless otherwise resolved by the Administrative Committee.
- 14.3.2. The Administrative Committee may convene additional Young Labor Conferences as required.
- 14.3.3. The Young Labor Conference is the principal policy making and governing body of Young Labor in Victoria.
- 14.3.4. The President shall chair the Young Labor Conference, subject to the decision of the conference.
- 14.3.5. Subject to these rules and State Conference, the Young Labor Conference shall have the power to determine all matters affecting Victorian Young Labor, including:
 - 14.3.5.1. To elect in accordance with these rules, the President, Senior Vice President, Junior Vice President, Executive of Victorian Young Labor and delegates and alternate delegates to AYL Conference; and
 - 14.3.5.2. To receive and consider reports from the VYL President, Vice Presidents, Executive and any other committee of Victorian Young Labor; and
 - 14.3.5.3. To review, amend or revoke any decision or action of the VYL Officers or the Executive; and
 - 14.3.5.4. To determine agenda items put before it; and
 - 14.3.5.5. To formulate policy for Victorian Young Labor, in accordance with the aims of the organisation.
- 14.3.6. The business of the Young Labor Conference shall be conducted in accordance with the standing orders contained in these Rules.
- 14.3.7. A quorum of conference the Young Labor Conference shall be one quarter of delegates registered to attend. No motion shall be put to the Young Labor Conference unless a quorum is present.
- 14.3.8. A simple majority shall carry all resolutions moved at the Young Labor Conference.

14.4. Composition of Young Labor Conference

- 14.4.1. The Young Labor Conference shall consist of all VYL members who are registered delegates.

- 14.4.2. A registered delegate is a VYL member who registers their intent to attend the conference with State Office in the registration period set out in Rule 14.4.4.
- 14.4.3. A VYL member must have at least three months continuous membership at the date set under Rule 14.3.1 to be entitled to register as a delegate.
- 14.4.4. State Office will open registration 28 days from the commencement of Conference, and close registration at 12.00 noon, the Friday two clear weeks before the commencement of conference.
- 14.4.5. The State Secretary must notify all VYL members of the opportunity to register for the conference.

14.5. VYL Conference Agenda Committee

- 14.5.1. A Young Labor Conference Agenda Committee (“**Agenda Committee**”) of five (5) members shall be appointed by the VYL Executive prior to VYL conference.
- 14.5.2. The Agenda Committee shall comprise of the President, Secretary, Assistant Secretary/Treasurer and three other members elected by VYL Executive by proportional representation.
- 14.5.3. The President shall be a non-voting ex-officio member of the committee.
- 14.5.4. The Secretary shall convene these meetings in accordance with Rules 14.7.7 and 14.7.8.
- 14.5.5. The power and duties of the VYL Agenda Committee shall be:
 - 14.5.5.1. To prepare an agenda for Young Labor Conference including time allocations for discussions; and
 - 14.5.5.2. To distribute a current version of the VYL policy volume to all participants; and
 - 14.5.5.3. Accept and collate policy proposals and motions (from any constituent unit, affiliated union or participant) for debate at the upcoming conference; and
 - 14.5.5.4. Circulate VYL Officer reports; and
 - 14.5.5.5. Perform other duties as required by these rules.
- 14.5.6. Policy proposals or motions that are not debated at any Young Labor Conference shall be considered lapsed at the conclusion of the conference.
- 14.5.7. All agenda items must be received by the Secretary at least 10 days before the Victorian Young Labor Conference.
- 14.5.8. The VYL Agenda Committee will set the agenda for the Young Labor Conference, subject to VYL Conference.

14.6. Election of Victorian Young Labor Executive and Officers

- 14.6.1. The Young Labor Conference must elect from its registered delegates a VYL Executive consisting of:
 - 14.6.1.1. A VYL President, Senior Vice-President and Junior Vice-President elected in one ballot by proportional representation; and

- 14.6.1.2.** 15 other members elected in one ballot by proportional representation.
- 14.6.2.** Nominations for election to the VYL Executive close with the Chief Returning Officer at the State Office at 12.00 noon on the Friday two clear weeks before commencement of the Young Labor Conference.
- 14.6.3.** The ballot for positions elected at the Young Labor Conference will be open for at least five (5) hours on the Sunday of Young Labor Conference.
- 14.6.4.** Any registered delegate of Young Labor Conference as determined by Rule 14.4 shall be eligible to nominate for any VYL position.
- 14.6.5.** Delegates whose party address is in an FEA of more than 2,000 square kilometres may, at the time of registration, request a postal ballot. Any such ballots must be mailed by State Office on the Monday 2 weeks before the conference and must be returned to State Office by 5.00 pm the last working day before the commencement of the VYL conference.

14.7. Victorian Young Labor Executive

- 14.7.1.** The Victorian Young Labor Executive (“**the Executive**”) consists of 15 members elected in accordance with Rule 14.6, and the VYL President, Senior Vice President and Junior Vice President as non-voting members.
- 14.7.2.** The powers and duties of the Executive shall be:
 - 14.7.2.1.** To carry out all decisions of the Young Labor Conference; and
 - 14.7.2.2.** To convene VYL General meetings by a 2/3 majority; and
 - 14.7.2.3.** To ensure notification of all members and constituent units of the date, place and duration of the conference; and
 - 14.7.2.4.** Have the power to create working groups to make recommendations to the VYL Executive, provided that such power cannot be delegated further. These committees will be elected by the VYL Executive must be elected by a proportional representation. Working groups can only be established by a two-thirds majority resolution of the VYL Executive; and
 - 14.7.2.5.** To be responsible for publicity, including publications and journals; and
 - 14.7.2.6.** To ensure accurate record of VYL policy and minutes is maintained; and
 - 14.7.2.7.** To appoint an Agenda Committee in accordance with Rule 14.7; and
 - 14.7.2.8.** To appoint three (3) Assistant Returning Officers by proportional representation in accordance with the Affirmative Action Rule to work at the sole direction of the Chief Returning Officer or nominee. An Assistant Returning Officer cannot be a candidate in any ballot with which they are assisting.
- 14.7.3.** The VYL Executive must elect from its members at the first meeting;
 - 14.7.3.1.** A VYL Secretary and Assistant Secretary/Treasurer elected in one ballot by proportional representation; and
 - 14.7.3.2.** A VYL Women’s Officer, who must be a female member of VYL Executive, elected by optional preferential ballot; and

- 14.7.3.3. An LGBTI officer elected in one ballot by optional preferential voting. Candidates must identify as LGBTI; and
- 14.7.3.4. A Regional Officer elected in one ballot by optional preferential voting.
- 14.7.4. The Victorian Young Labor Executive (“**the Executive**”) shall meet monthly, with a minimum of 8 meetings per year except by resolution of the VYL Executive.
- 14.7.5. A meeting of the Executive can only take place when a quorum of 50% plus 1 of executive members is present. If the required number of members is not present thirty minutes after the meeting commencement time, the meeting shall not take place.
- 14.7.6. Proxies to VYL Executive
 - 14.7.6.1. Any member of the VYL Executive who is absent from more than three meetings during their term of office shall have their position declared vacant. Replacement of Executive members shall be done in accordance with the casual vacancy provisions of Schedule B.
 - 14.7.6.2. In the event of any member of the Executive (including an Officer of VYL) being unable to attend a meeting of the VYL Executive he/she shall notify in writing the VYL Secretary (by letter, email or facsimile) of the name of any VYL member that he/she appoints as proxy for that meeting of the VYL Executive he/she would otherwise be eligible to attend, provided such proxy is a current member of VYL. The Secretary must provide a confirmation of receipt of the proxy.
 - 14.7.6.3. Only female members of VYL can hold a proxy for female members of the VYL executive.
- 14.7.7. Agenda items for meetings of the Executive and other committees must be submitted in writing to the Secretary at least five (5) days prior to such meetings.
- 14.7.8. The Secretary shall ensure that agenda items and papers for meetings of the Executive are forwarded to all members at least three (3) days prior to the meeting.

14.8. VYL General meetings

- 14.8.1. A General Meeting of the VYL membership must take place at least once every two months.
- 14.8.2. The General Meeting has the power to formulate policy for Victorian Young Labor.
- 14.8.3. The VYL Secretary and President must provide notice to VYL members via email at least 10 days in advance.
- 14.8.4. Agenda items for General meetings must be submitted in writing to the Secretary at least five (5) days prior to the meeting.

14.9. Women’s Forum

- 14.9.1. All female members of VYL under Rule 14.1 are members of the VYL Women’s Forum.
- 14.9.2. The VYL Women’s Forum must convene at least 3 times per year.
- 14.9.3. The VYL Women’s Officer shall convene all meetings of the VYL Women’s Forum by letter or email not later than 5 days prior to the meeting.

- 14.9.4. The VYL Women’s Forum will work in conjunction with the VYL Women’s Officer to implement the policy of VYL.

14.10. Australian Young Labor (“AYL”)

- 14.10.1. The VYL delegates to the AYL National Conference must be elected at the Young Labor Conference.

14.11. Application of Affirmative Action

- 14.11.1. All elections held within VYL must be conducted in accordance with the following Affirmative Action provisions:

- 14.11.1.1. The affirmative action model for Victorian Young Labor is that a minimum 40% of relevant positions be held by women. No less than 40% of relevant positions shall be held by women, provided that sufficient female candidates nominate ("**the basic entitlement**"). There shall be no minimum percentage of positions that shall be held by men; and
- 14.11.1.2. All elections for more than one position shall comply with the VYL affirmative action model; and
- 14.11.1.3. If the calculation to determine the basic entitlement results in a fraction of one half or more then the basic entitlement shall be the next higher whole number, and where it results in a fraction of less than one half it shall be the next lower number.

15. VICTORIAN LABOR WOMEN’S NETWORK

15.1. Aims

- 15.1.1. The aims of the Victorian Labor Women’s Network (“**VLWN**”) are:

- 15.1.1.1. to encourage women to join and participate in the Australian Labor Party; and
- 15.1.1.2. to increase the number of women in the Party; and
- 15.1.1.3. to maintain and expand e-communication between Labor women; and
- 15.1.1.4. to devise and promote training programs to improve skills, confidence and participation of Labor women throughout the ALP; and
- 15.1.1.5. to organise social and networking activities for women ALP members; and
- 15.1.1.6. to encourage women to participate in political education programs; and
- 15.1.1.7. to encourage women to participate in political education programs; and
- 15.1.1.8. to develop support systems for elected women, especially at the local government level; and
- 15.1.1.9. to alert women to career opportunities within the Party; and
- 15.1.1.10. to co-ordinate a State based women’s conference; and

- 15.1.1.11. to work with the Executive of the National Labor Women’s Network to assist, with other interested groupings, the co-ordination of National Women’s Conference; and
- 15.1.1.12. to promote contact between the ALP and women’s organisations in the community; and
- 15.1.1.13. to be responsible for determining a proposal for the introduction of local Labor Women’s Networks in consultation with FEA Women’s Officers.

15.2. Membership

- 15.2.1. Every woman member of the Party is automatically a member of the VLWN.
- 15.2.2. There is no membership fee.

15.3. Executive

- 15.3.1. The Executive consists of 15 voting members.
- 15.3.2. The Executive must be elected from and by women members of the Party by a single ballot held in conjunction with the FEA elections.
- 15.3.3. The Executive must elect 2 Co-Convenors, a Secretary and a Communications Officer at its first meeting after the FEA elections.
- 15.3.4. The Executive must co-opt 2 members of the Women’s Policy Committee as non-voting members.
- 15.3.5. The Women’s Policy Committee must co-opt 2 members of the Executive as non-voting members.
- 15.3.6. The Executive must provide an annual report on its activities to the Annual meeting of State Conference.
- 15.3.7. The Co-Convenors are to represent the Victorian Labor Women’s Network as non-voting members of the Administrative Committee.

16. VICTORIAN LABOR ADVISORY COUNCIL

- 16.1. There will be a Victorian Labor Advisory Council (“**VLAC**”), consisting of the Leader and senior members of the State Parliamentary Labor Party, the State President and State Secretary or their nominees, and representatives of the Victorian Trades Hall Council.
- 16.2. The role of VLAC will be to provide a formal consultative mechanism between the Party and the union movement in Victoria.

17. VICTORIAN INDIGENOUS LABOR NETWORK

- 17.1. There will be a Victorian Indigenous Labor Network (“**VILN**”), consisting of all Indigenous people who are members the Party.
- 17.2. Non-Indigenous Party members can nominate to be associate members of VILN.
- 17.3. VILN is responsible for determining its own objectives and procedure including means of

participation of indigenous supporters of the Party in the VILN.

18. SELECTIONS FOR PUBLIC OFFICE

- 18.1.** Subject to any direction of State Conference, the Administrative Committee shall arrange for the selection of Party candidates throughout Victoria for the Senate, the House of Representatives, the Legislative Assembly, the Legislative Council, and for Municipal office.
- 18.2.** No person shall be eligible as a candidate for endorsement for Federal or State Parliament or Municipal Council:
- 18.2.1.** Unless he/she at least 12 months continuity of membership as a Member of the Party on the date of closing of nominations (pursuant to Rules 5.7.1, 5.7.3, 5.7.4.1, 5.7.5.1 and 5.7.6) and a member of an affiliated union, if eligible, for at least three months prior to the date of closing of nominations; and
- 18.2.2.** If he/she already holds any Public Office(s) as an endorsed Party candidate, unless he/she undertakes in writing to relinquish such existing office(s) within twelve months of being elected to the office for which he/she now seeks endorsement.
- 18.3.** The Administrative Committee may waive any one or more of the provisions of Rule 18.2, pursuant to Rule 8.1.8.
- 18.4.** An applicant for selection shall submit a nomination form (Schedule C) signed by himself/herself and any ten other members of the Party who live within the electorate the applicant is nominating for and a questionnaire in a form approved by the Administrative Committee.
- 18.5.** Where the applicant for selection is applying for a position for the Victorian Upper House or Australian Senate the applicant for selection shall submit a nomination form (Schedule C) signed by himself/herself and any thirty other members of the Party who live within the electorate the applicant is nominating for and a questionnaire in a form approved by the Administrative Committee.
- 18.6.** The provisions of Rules 9.3.8.1 and 9.3.8.4 - 9.3.8.7 (with any necessary adaptations, including all references to "FEA Returning Officer" replaced with "the relevant Returning Officer") apply to selections for Public Office, except that in addition only members who are enrolled to vote in Federal elections are eligible to vote.
- 18.7.** The selection of candidates for Public Offices shall be made by the following:
- 18.7.1.** For the House of Representatives, the Legislative Assembly and the Legislative Council, members of the Public Office Selection Committee sitting and voting after a plebiscite of Local Branch member voters residing in the electoral area concerned with a weighting of 1/100 of the total vote of the valid local votes cast.
- 18.7.2.** The plebiscite component of Legislative Council selection shall take place by postal ballot of all local voters residing in the electoral area concerned, after a determination by the Administrative Committee of the positions considered winnable by the party at the next State election at the time it arranges for candidate selection pursuant to Rule 18.1. The process for selection of Legislative Council Candidates must commence before July in the year prior to a State election.
- 18.7.3.** For the Senate, the Public Office Selection Committee.

- 18.7.4.** For Municipal Electorates, a plebiscite of local voters residing in the ward, division or other geographic area for which candidate endorsement is to occur. The plebiscite/s must be held in July, August, September or October in the year prior to a municipal election.
- 18.7.5.** At the commencement of its life, the Public Office Selection Committee will elect a ten member municipal preselection panel which will serve for the two-year life of the Central panel. Following the plebiscite of local voters under Rule 18.7.4, the municipal preselection panel must be convened to consider the suitability of the selected candidates and either confirm the results of the local plebiscite or recommend to the Administrative Committee that, in the interests of the Party, changes should be made the candidates selected.
- 18.7.6.** Upon a recommendation by the municipal preselection panel, the Administrative Committee may vary the selected candidates but only if such a resolution is carried by an affirmative vote of at least 22 members.
- 18.8.** Subject to the direction of the Administrative Committee, the Executive of the Public Office Selection Committee may determine a schedule for the times of meeting of the various Selection Panels and the dates and times of the plebiscites of local voters.
- 18.9.** In the event of any member of the Public Office Selection Committee being unable to attend a Selection Panel he/she shall notify in writing the POSC President of the name of any member that he/she appoints as proxy for all or any particular Selection Panels he/she would otherwise be eligible to attend, provided such proxy is a current member of the Party. Only woman Party members can hold a proxy for woman members of the POSC.
- 18.10.** Where in any election in the opinion of the Administrative Committee the time between the calling of nominations for any by-election and the holding of such by-election makes it impossible to conduct a plebiscite of local members, then the members of the POSC and any local preselection voters present at the scheduled time for the preselection shall proceed to elect a candidate with their ballots weighted in accordance with these Rules.
- 18.11.** Where only one nomination is received for an electorate, the State Secretary shall forthwith notify in writing the POSC Executive and the Secretaries of all Branches with eligible local preselection voters of the nomination, and shall advise that, unless 20% of the Central panel or 20% of the local pre-selection voters object to the acceptance of the nomination within 10 days of such written notification, the nominee shall be endorsed as candidate. If there is an objection, the selection panel shall meet so as to determine whether the nominee shall be endorsed as candidate or nominations shall be re-opened.
- 18.12.** At any preselection, before any ballot is taken, it will be competent for any member of the POSC to move that the Administrative Committee re-open nominations. This motion shall be required to be passed by a two-thirds majority of those entitled to vote, subject to Rule 18.14.
- 18.13.** Where in any selection ballot only one candidate is to be selected, the method of election shall be by preferential ballot. Where in any such ballot more than one candidate is to be selected, the method of election shall be by proportional representation.
- 18.14.** Any sitting MP or Public Office holder who does not intend to re-nominate for preselection for the position they currently hold, must give at least one month's notification before nominations close of his/her intention in writing to the State Secretary. In the event that the sitting MP or Public Officer holder fails to provide this one month's notice and does not re-nominate, nominations shall be re-opened for twenty-four hours and it will be competent for any member of the POSC to move that the Administrative Committee re-open

nominations for a longer period. This motion shall be required to be passed by a simple majority of those entitled to vote.

- 18.15.** Endorsed candidates shall not withdraw from an election contest without the consent of State Conference or the Administrative Committee. Notice of intention to withdraw from candidacy shall be given no less than one month before the close of nominations for that Public Office.
- 18.16.** The Administrative Committee may, in circumstances where the continued endorsement of a candidate is no longer viable, re-open nominations for any seat and upon nominations closing, if in the opinion of the Committee time does not permit, determine the replacement candidate provided such resolution is supported by 75% of all the Administrative Committee members.
- 18.17.** Endorsed Public Office holders wishing to resign their office shall give adequate notification to the Administrative Committee of their intention to do so and will provide their reasons. Such resignations will only take place with the consent of State Conference or the Administrative Committee and in accordance with a timetable approved by State Conference or the Administrative Committee.
- 18.18.** Any Party member contesting an election for Public Office without Party endorsement shall not:
 - 18.18.1.** have access to financial assistance from the Party (subject to Rule 12.9.2); and
 - 18.18.2.** use the Party's name or logo; and
 - 18.18.3.** in any way give the impression that they are an endorsed candidate or supported by the Party.
- 18.19.** POSC ballots shall be conducted by the POSC Returning Officer elected under Rule 8.4.3.
- 18.20.** The plebiscite component of House of Representative selection shall be conducted by the FEA Returning Officer and the FEA Deputy Returning Officer elected under Rule 9.3.1.1.
- 18.21.** The plebiscite component of Legislative Assembly selection shall be conducted by the Legislative Assembly Returning Officer and the Legislative Assembly Deputy Returning Officer elected under Rule 11.3.2.
- 18.22.** The plebiscite component of Legislative Council selection shall be conducted by the Legislative Council Returning Officer and the Legislative Council Deputy Returning Officer elected under Rule 11.11.
- 18.23.** The State Secretary will inform members within the electorate of the outcome of a preselection via email.

19. ELECTIONS GENERALLY

19.1. The Chief Returning Officer and Deputy Returning Officers

- 19.1.1.** The Administrative Committee shall appoint in December of each year a Chief Returning Officer and a panel of four Deputy Returning Officers.
- 19.1.2.** The powers and duties of the Chief Returning Officer and four Deputy Returning Officers shall be as follows:

- 19.1.2.1. To conduct all elections for Committees of State Conference, Officers, Trustees and Federal Executive and National Conference delegates; and
- 19.1.2.2. To conduct or supervise the conduct of all elections at Policy Assemblies; and
- 19.1.2.3. To generally advise Federal Electorate Assemblies and other units of the Party on the conduct of elections; and
- 19.1.2.4. To report to State Conference on any matters relating to the conduct of elections; and
- 19.1.2.5. To establish by-laws by which elections must be conducted. Any such by-law may be revoked by simple majority of State Conference. No by-law shall contravene any provision of the ALP Constitution. (See By-Laws of the Chief Returning Officer, Schedule E)

19.2. Casual vacancies

- 19.2.1. Where any casual vacancy occurs in any elected position then the following procedure shall be observed:

- 19.2.1.1. Where the position was a single position, by the relevant Returning Officer calling for nominations and if necessary conducting a ballot as soon as practicable.
- 19.2.1.2. Where the position was filled by an election under the principles of proportional representation, by the relevant Returning Officer calling for nominations from among the unsuccessful candidates in the last election and then conducting a recount of the previous ballot as soon as practicable. If there had not previously been an election then the relevant Returning Officer shall call for fresh nominations and conduct a new election if necessary as soon as practicable. This Rule does not apply to preselections.

- 19.2.2. Where a casual vacancy arises on any Committee the following procedure shall be observed:

- 19.2.2.1. The Committee shall report the vacancy to State Office within 10 days of becoming aware of a vacancy.
- 19.2.2.2. State Office shall notify the relevant Returning Officer within 5 days of receiving notification of a vacancy.
- 19.2.2.3. Where the position was a single position, by the relevant Returning Officer calling for nominations and if necessary conducting a ballot as soon as practicable.
- 19.2.2.4. Where the position was filled by an election under the principles of proportional representation, by the relevant Returning Officer calling for nominations from among the unsuccessful candidates in the last election and then conducting a recount of the previous ballot as soon as practicable. If there had not previously been an election then the relevant Returning Officer shall call for fresh nominations and conduct a new election if necessary as soon as practicable.

19.3. Secret ballot

- 19.3.1. To ensure voting secrecy all Returning Officers elected by any unit of the Party under these Rules shall ensure that a voting compartment or private place is set aside so as to

screen voters from observation by any other person while they are marking their ballot papers and provide such voting compartment or area with a pencil for the use of voters.

19.4. Counting of ballots and election appeals and disputes

- 19.4.1.** The counting of ballots and procedures for dealing with election appeals and disputes as outlined in Rules 9.3.8.12, 9.3.8.13 and 9.3.8.14 shall apply to other internal elections unless otherwise stated.

20. DISPUTES TRIBUNAL

20.1. Appointment of Panel

- 20.1.1.** The Administrative Committee must, at its first meeting after a new Administrative Committee has been elected, by resolution passed with at least 25 members in favour appoint 3 persons to form the panel for the Disputes Tribunal.
- 20.1.2.** Whenever there is a vacancy in a position on the panel of the Disputes Tribunal, the Administrative Committee must by resolution passed with at least 25 members in favour appoint a replacement to fill that vacancy.
- 20.1.3.** All members of the panel must:
- 20.1.3.1.** be members of the Party; and
 - 20.1.3.2.** be experienced in participating in tribunal or disciplinary hearings or similar dispute resolution processes; and
 - 20.1.3.3.** have a good understanding of the rules of procedural fairness.
- 20.1.4.** A member of the panel may only be removed by the affirmative vote of at least 25 members of the Administrative Committee.

20.2. Constitution of Tribunal

- 20.2.1.** In respect of each complaint, the Disputes Tribunal is constituted by a member of the panel chosen by lot by the State Secretary.
- 20.2.2.** Despite Rule 20.2.1, where a number of complaints concern the same subject-matter and it is appropriate that they be heard together, all those complaints are to be heard and decided by the same member of the panel.

20.3. Responsibilities

- 20.3.1.** The Disputes Tribunal is responsible for hearing and deciding all complaints by members, affiliated unions and constituent units of the Party that relate to:
- 20.3.1.1.** compliance with these Rules; or
 - 20.3.1.2.** enforcement of the rights and obligations of members, affiliated unions and constituent units under these Rules.
- 20.3.2.** Without limiting Rule 20.3.1, the Disputes Tribunal is specifically responsible for hearing and deciding:

- 20.3.2.1. under Rule 20.5 – charges in relation to disciplinary offences; and
- 20.3.2.2. under Rule 20.6 – disputes as to the results of elections; and
- 20.3.2.3. under Rule 20.7 – challenges to the credentials of delegates to State Conference.

20.4. Powers

20.4.1. In addition to its specific powers under Rules 20.5.5, 20.6.4, 20.7.3 and 20.7.4, the Disputes Tribunal may:

- 20.4.1.1. make declarations and give directions for compliance with, and the enforcement of these Rules; and
- 20.4.1.2. subject to these Rules:
 - 20.4.1.2.1. regulate its own procedure; and
 - 20.4.1.2.2. make regulations for that purpose, including the form of complaints and responses; and
- 20.4.1.3. without limiting Rule 20.4.1.2:
 - 20.4.1.3.1. conciliate disputes, if it thinks appropriate; and
 - 20.4.1.3.2. require any member to attend to give evidence; and
 - 20.4.1.3.3. summarily dismiss any complaint that it finds is frivolous, vexatious or made without reasonable grounds; and
 - 20.4.1.3.4. do everything necessary or desirable to give effect to this Rule 20; and
- 20.4.1.4. make recommendations to State Conference and the Administrative Committee for the prevention and resolution of disputes, including amendments to these Rules.

20.5. Disciplinary Offences

20.5.1. The following are offences under these Rules:

- 20.5.1.1. disloyalty to the Party.
- 20.5.1.2. publicly attacking:
 - 20.5.1.2.1. the Party; or
 - 20.5.1.2.2. any member of the Party.
- 20.5.1.3. failure to comply with:
 - 20.5.1.3.1. these Rules; or
 - 20.5.1.3.2. the National Constitution; or
 - 20.5.1.3.3. the State Platform or Policy; or
 - 20.5.1.3.4. the National Platform or Policy; or

- 20.5.1.3.5. a decision of State Conference; or
- 20.5.1.3.6. a resolution of the Administrative Committee passed by the affirmative vote of at least 17 members.
- 20.5.1.4. branch stacking, as defined in Rule 5.17.
- 20.5.2. A member may charge another member with an offence under Rule 20.5.1 by making a complaint in accordance with Rule 20.8.
- 20.5.3. The complaint must be made within 6 months of the offence being committed, unless the Disputes Tribunal is satisfied there is good reason for the delay.
- 20.5.4. The member charged is the respondent to the complaint.
- 20.5.5. If the Disputes Tribunal is satisfied that the member charged has committed an offence under Rule 20.5.1, it may impose the following penalties:
 - 20.5.5.1. a reprimand; or/and
 - 20.5.5.2. a disqualification from holding any party officer and from endorsement for public office for a period of 5 years; or/and
 - 20.5.5.3. suspension for a specified period of not more than 12 months of all or some rights of membership; or/and
 - 20.5.5.4. expulsion from the Party indefinitely or for a specified period of at least 12 months; or/and
 - 20.5.5.5. in cases where an official is found to have breached Rule 5.18, any such Official shall forfeit all positions and be expelled from the Party; or/and
 - 20.5.5.6. where members are found to have had membership fees paid for in contravention of Rules 5.17.1 or 5.17.2 such members shall be deemed to be no longer members and all membership rights shall be forfeited.

20.6. Disputed Elections

- 20.6.1. A member who disputes the declared result of an election may make a complaint in accordance with Rule 20.8.
- 20.6.2. The complaint must be made within 10 days of the declaration of the result by the relevant Returning Officer.
- 20.6.3. The respondents to the complaint are:
 - 20.6.3.1. the Returning Officer who conducted the election; and
 - 20.6.3.2. each candidate who may be affected by a change in the result.
- 20.6.4. If the Disputes Tribunal is satisfied that there has been a defect in the conduct of the election that has or may have affected the result, it may decide that:
 - 20.6.4.1. there be a recount of votes by the relevant Returning Officer or the Chief Returning Officer; or

- 20.6.4.2. a candidate declared elected was not elected, and a candidate not declared elected was elected; or
 - 20.6.4.3. the election is void, and a new election be held.
- 20.6.5. If the Disputes Tribunal decides that new election be held, it must fix the necessary times and give any necessary directions for the new election.

20.7. Challenges to Credentials

- 20.7.1. Challenges to the whole of a delegation, including a union's entitlement to delegates, must be received by State Office by 5.00 pm on the Monday prior to Conference.
- 20.7.2. The delegate whose credentials have been challenged is the respondent to the complaint.
- 20.7.3. If the Disputes Tribunal is satisfied that a delegate whose credentials have been challenged is not eligible to be a delegate, it may decide that the delegate is not a delegate, and that another person is a delegate instead.
- 20.7.4. If the Disputes Tribunal is satisfied that a union delegate whose credentials have been challenged has not been appointed in accordance with these Rules, it may decide that the union delegate is not a delegate and that another person is a union delegate instead.

20.8. Complaints and Responses

- 20.8.1. Every complaint must:
- 20.8.1.1. be in writing signed by the member making the complaint (“the complainant”); and
 - 20.8.1.2. state the specific rules that the complainant alleges have not been complied with or that the complainant seeks to enforce; and
 - 20.8.1.3. set out a concise statement of the facts relied upon by the complainant; and
 - 20.8.1.4. be accompanied by a deposit of \$100; and
 - 20.8.1.5. be given to the State Secretary.
- 20.8.2. A member may make a complaint on behalf of a number of members with the authority of each of those members.
- 20.8.3. The State Secretary must send a copy of the complaint to each respondent within 5 days.
- 20.8.4. For the purposes of this Rule 20, the respondent is:
- 20.8.4.1. in the case of complaints under Rules 20.5, 20.6 and 20.7 – the persons identified in Rules 20.5.4, 20.6.3 and 20.7.2 respectively; and
 - 20.8.4.2. otherwise – each member against whom it is sought to enforce these Rules.
- 20.8.5. Each respondent must give a response to the complaint within 10 days. The response must:

- 20.8.5.1. be in writing signed by the respondent; and
 - 20.8.5.2. set out a concise statement of the facts relied upon by the respondent; and
 - 20.8.5.3. include copies of all documents relied upon by the respondent; and
 - 20.8.5.4. be given to the State Secretary.
- 20.8.6. The State Secretary must send copies of the complaint and all responses received to the Disputes Tribunal chosen in accordance with Rule 20.2 within 5 days after the expiry of the 10 day time limit in Rule 20.8.5.
- 20.8.7. In cases of urgency, the Disputes Tribunal may:
- 20.8.7.1. permit complaints to be made and responses given orally, or without written statements of facts; and
 - 20.8.7.2. vary the time periods in this Rule 20.8.

20.9. Hearings

- 20.9.1. The Disputes Tribunal must promptly schedule a hearing of the complaint, and notify the complainant and respondent (“**the parties**”).
- 20.9.2. The parties must attend the hearing at the time and date fixed by the Disputes Tribunal.
- 20.9.3. Any party is entitled to be represented or assisted by another member.
- 20.9.4. Hearings may be held by teleconference.

20.10. Procedure of Tribunal

- 20.10.1. The Disputes Tribunal must:
 - 20.10.1.1. comply with the rules of procedural fairness; and
 - 20.10.1.2. subject to Rule 20.10.1.1, deal with complaints and conduct its hearings as expeditiously as possible; and
 - 20.10.1.3. promptly give written reasons for its decisions to the parties and the Administrative Committee.
- 20.10.2. The Disputes Tribunal is not bound by the rules of evidence, and may inform itself as it thinks appropriate. For the purposes of this Rule 20, a matter of fact is to be taken to be proved if it is established to the reasonable satisfaction of the Disputes Tribunal, and a reference to the Disputes Tribunal being satisfied has a corresponding meaning.

20.11. Deposits

- 20.11.1. If the Disputes Tribunal finds the complaint to be frivolous, vexatious or made without reasonable grounds (whether the complaint is dismissed summarily or not), the complainant forfeits the deposit. Otherwise, the State Secretary must return the deposit to the complainant.

20.12. Effect of Decisions

- 20.12.1. Decisions of the Disputes Tribunal are binding on all members of the Party, affiliated unions and constituent units.
- 20.12.2. Decisions of the Disputes Tribunal are final, subject only to the National Rules.
- 20.12.3. Without limiting the execution of any other rules, decisions of the Disputes Tribunal must be communicated to the Administrative Committee.

21. FINANCE, PROPERTY, TRUSTEES AND AUDITORS

21.1. General

- 21.1.1. Subject to Rule 21.3, all property including all moneys, all books, stationery, furniture, office equipment and all other assets, whether of a like kind or not, of the Party shall be vested in three Trustees (“**The Trustees**”). The Trustees shall be the Officers of the Party for the time being, as elected in accordance with the Rules. The funds of the Party shall be banked in the name of the Party and no funds shall be drawn from the bank except by a cheque signed by a trustee or other person designated by the Administrative Committee, and counter-signed by the State Secretary. All such funds shall be applied to the management and conduct of the Party and furtherance of its aims and objectives. The Trustees shall be empowered to give indemnities on behalf of the Party.
- 21.1.2. Subject to Rule 21.3, all property of any Branch, Conference or Assembly shall vest in the Trustees referred to, who shall hold such property on behalf of and for the purposes of the members of such Branch, Conference or Assembly. The income and property of the Party whensoever derived shall be applied solely towards the promotion of the objects of the Party as set forth in these Rules and no portion thereof shall be paid or transferred directly or indirectly by way of profit to members of the Party provided that nothing hereunder contained shall prevent the payment in good faith of remuneration to any Officers or employees of the Party in return for any services actually rendered to the Party nor for goods supplied in the ordinary way of business nor prevent the payment of interest at a market rate on money borrowed from any member of the Party or reasonable or proper rent for premises demised or let by any member of the Party.
- 21.1.3. The Administrative Committee may, for any purpose set out in existing Rules and subject to any terms and conditions the Administrative Committee thinks fit to impose, authorise the Trustees to raise and borrow money and secure the repayment of that money by granting a mortgage, charge or other security over property belonging to the Party. Without limiting the generality of the foregoing, the Administrative Committee may authorise the Trustees to borrow money using a bill facility provided by a bank.
- 21.1.4. State Conference shall at its Annual meeting each year appoint an Auditor who shall be a qualified practising accountant. The Auditor shall present to the Annual meeting of State Conference of each year a report on the statements of account and balance sheet of the Party for the previous financial year. The State Secretary shall provide the Auditor with all books of account, bank statements, used cheques, duplicate receipts and any other documents or vouchers he/she may be required to produce for the purpose of such audit.
- 21.1.5. All units of the Party shall prepare an annual financial statement as of June 30 and shall forward this to the State Secretary no later than the end of July.

21.2. Capital Investment Fund

- 21.2.1.** There shall be a fund of the Party to be known (subject to Rule 21.2.2) as the “Capital Investment Fund” (in this Rule “**the Fund**”).
- 21.2.2.** Notwithstanding Rule 21.2.9, the Administrative Committee may by resolution passed with 17 votes in favour rename the fund to commemorate an individual who has made an outstanding contribution to the labour movement.
- 21.2.3.** Subject to Rule 21.3, the Fund shall comprise:
- 21.2.3.1.** all bequests made to the Party or its Trustees; and
 - 21.2.3.2.** all other donations made to the Party or its Trustees where the donor has expressed a wish that the donation be held in the Fund; and
 - 21.2.3.3.** interest earned on the Fund.
- 21.2.4.** Subject to Rule 21.3, the Fund shall be vested in the Trustees.
- 21.2.5.** The Trustees may use interest earned on the assets of the Fund but only for the purposes contemplated by these Rules. The Trustees must not use or apply, nor allow, permit or enable the use or application of, interest earned on the assets of the Fund for any other purpose.
- 21.2.6.** The Trustees must not use or apply any money or other asset which comprises the whole or part of the corpus of the Fund for any purpose other than:
- 21.2.6.1.** a purpose approved by a resolution of the State Conference passed by 75% of the members of the Conference present and voting on that resolution (and, for the purposes of Rule 6.4.8, a resolution under this Rule 21.2.6.1 will be deemed to be a change of the Rules); and
 - 21.2.6.2.** the purpose of making a loan to the Federal Branch or another State Branch of the ALP:
 - 21.2.6.2.1.** for a term of not more than 2 years; and
 - 21.2.6.2.2.** on commercial terms (including a commercial interest rate) approved, before the loan is made, by the Administrative Committee; and
 - 21.2.6.3.** with the approval of a resolution of the Administrative Committee passed by 75% of the members of the Committee present and voting on that resolution, for the purpose of making an advance providing short term (not exceeding 6 months) operating cash flow to the ALP Victorian Branch:
 - 21.2.6.3.1.** on terms that require the repayment in full of the amount advanced by the earlier of 6 months after the advance was made or the end of the financial year (30 June) in which the advance is made; and
 - 21.2.6.3.2.** at an interest rate on the amount advanced equal to the rate charged from time to time by the Commonwealth Bank of Australia on overdraft accounts of under \$100,000; and
 - 21.2.6.3.3.** on such other terms (which must not be inconsistent with the terms set out in this Rule 21.2.6.3) as the Administrative Committee may determine and specify in their resolution authorising the advance.

21.2.7. The Trustees must not allow, permit or enable anything to be done to use or apply any asset comprised in the corpus of the Fund for any purpose other than those specifically permitted by this Rule 21.2.6.

21.2.8. The Trustees:

21.2.8.1. in their capacities as trustees of the Fund, must not borrow any money for any purpose; or

21.2.8.2. must not and must not allow, permit or enable any asset of the Fund to be mortgaged, charged, pledged, secured or otherwise provided as a security interest for any liability or obligation of the Trustees or any other person (including the ALP); or

21.2.8.3. in their capacity as the trustees of the Fund, must not give any guarantee or other undertaking of any nature to any person except that the Trustees may, with the approval of a resolution of the Administrative Committee passed by 75% of the members of the Committee present and voting on that resolution and for the purpose only of improving real estate which is an asset of the Fund, borrow funds not exceeding, in aggregate, 25% of the value of that real estate and grant a mortgage or other security over that real estate as security for that borrowing.

21.2.9. Rule 21.2 shall not be altered, deleted or otherwise modified, whether directly or indirectly, except by resolution of State Conference passed by a 75% majority of delegates entitled to attend that meeting.

21.2.10. Each Trustee of the Party shall on taking office make a declaration of trust that they will:

21.2.10.1. hold the Fund on the terms of this Rule; and

21.2.10.2. in particular, not permit any amount to be withdrawn from the Fund except in accordance with this Rule.

21.3. Labor Services & Holdings Trust

21.3.1. There shall be a trust to be known as the Labor Services & Holding Trust ("**LSH Trust**") and established to:

21.3.1.1. provide all necessary services, support and infrastructure to the Party and any other entity established and controlled by the Party; and

21.3.1.2. as determined by the Officers, to hold the property (including all monies, books, stationery, furniture and office equipment) and other assets of the Party on trust for all of the Members.

21.3.2. The trustee of the LSH Trust must be a proprietary limited company incorporated in Victoria and called "Labor Services & Holdings Pty Ltd" ("**LSH Trustee**").

21.3.3. The shareholders and directors of the LSH Trustee must at all times be the Officers and 2 other nominees of the Administrative Committee determined with 22 votes in favour of the nomination (being a total of 5 persons).

21.3.4. Each director of LSH Trustee will hold one ordinary share in LSH Trustee. A person who ceases to be an Officer or whose nomination is withdrawn or cancelled by the

Administrative Committee must promptly following his or her retirement or the withdrawal or cancellation of his or her nomination, do everything necessary to:

- 21.3.4.1.** retire as a director of the LSH Trustee; and
- 21.3.4.2.** transfer his or her share in the LSH Trustee to the person appointed as a director of the LSH Trustee in his or her stead.
- 21.3.5.** Neither the trust deed constituting the LSH Trust nor the constitution of LSH Trustee may be changed in any way without the approval of a resolution of the Administrative Committee passed with 22 votes in favour of the resolution.
- 21.3.6.** The Administrative Committee may at any time by resolution passed with 22 votes in favour of the resolution require the trust deed constituting the LSH Trust to be varied to limit the rights and powers of the LSH Trustee as trustee of the trust in respect of:
 - 21.3.6.1.** any change to the purpose of the LSH Trust; or
 - 21.3.6.2.** the creation or acquisition of any sub-trust or the acquisition of securities in or of any corporation; or
 - 21.3.6.3.** the sale or disposition of any assets of the LSH Trust; or
 - 21.3.6.4.** the acquisition of any asset having a value of over \$100,000 by or for the LSH Trust; or
 - 21.3.6.5.** the incurrance of any liability of over \$100,000 by the LSH Trustee; or
 - 21.3.6.6.** the giving of any security over the assets of the LSH Trust or the provision of any guarantee by the LSH Trustee either in its own right or as trustee of the LSH Trust.
- 21.3.7.** Subject to Rule 21.3.5, the LSH Trustee has all powers and may do anything necessary for the purposes of providing all necessary services, support and infrastructure to the Party, and any other entity established or controlled by the Party, including, without limitation, the power to employ such persons as may be necessary to provide those services, support and infrastructure.
- 21.3.8.** The Officers may direct the Trustees to transfer any property or assets of the Party held by them including, but not only, assets held in or as part of the Fund to the LSH Trustee.
- 21.3.9.** In addition to assets transferred to the LSH Trustee as contemplated by Rule 21.3.7, the LSH Trustee may hold any and all future assets of the Party including electoral campaign contributions received from any source.
- 21.3.10.** The LSH Trustee will hold all property and assets transferred or given to or acquired by the LSH Trustee on trust for the Members and for no other person and solely for the purposes of the promotion of the objects of the Party as set out in these Rules.
- 21.3.11.** The LSH Trustee may use and apply all income derived from any property or assets held by it to fund the cost for providing services, support and infrastructure to the Party and any other entity controlled by the Party.
- 21.3.12.** The LSH Trustee may at any time donate any surplus income (being income that is not required to fund the provision of services, support and infrastructure as contemplated by Rule 21.3.10) to the Party.

- 21.3.13.** Rules 21.1.1 and 21.1.2 will apply to the LSH Trustee and the LSH Trust as if all references to the Trustees in those Rules was to the LSH Trust and the LSH Trustee.
- 21.3.14.** The appointment of an Auditor under Rule 21.1.4 will be deemed to be for all purposes the appointment of that Auditor to audit and report on statements and account and balance sheet of the LSH Trustee and LSH Trust for the relevant financial year and Rule 21.1.4 will apply to the LSH Trustee as if the reference to the State Secretary in Rule 21.1.4 was a reference to the LSH Trustee.
- 21.3.15.** Rules 21.2.5 and 21.2.6 will apply to and in respect of any part of the Fund transferred by the Trustees to the LSH Trustee.
- 21.3.16.** The LSH Trustee may charge the Party (and any other entity controlled by the Party to whom it provides services) a fee for the provision of those services. Any fee charged must be on a cost recovery basis only and limited to an amount equal to the actual cost (including any on-costs and indirect costs) of providing those services.

22. STANDING ORDERS

22.1. Applicability

- 22.1.1.** At all meetings of State Conference and of any Branch, Assembly or Committee within the Party the following Rules shall be observed in relation to the order of business and rules of debate.

22.2. The Chair

- 22.2.1.** The President of the body that is meeting must preside. Subject to Rules 7.2.4 and 10.5, if the President cannot preside, a member present shall be appointed by the meeting to preside.
- 22.2.2.** The Chair shall have the power to direct any member to direct his/her remarks to the Chair, to resume his/her seat, or to withdraw any remark which, in the opinion of the Chair, is an unwarranted personal attack on any other member. In the event of a member refusing to accept any such direction, or engaging in behaviour deemed to be disruptive to the good order of the meeting, the Chair shall have the power to name the member concerned and to require that he/she withdraw from the meeting.

22.3. Order of Business

- 22.3.1.** Subject to the meeting at any time on motion without debate determining some other order of business, the order of business shall be:
 - 22.3.1.1.** Acknowledgment of Country.
 - 22.3.1.2.** Values Statement.
 - 22.3.1.3.** Reading and confirmation of minutes.
 - 22.3.1.4.** Reports.
 - 22.3.1.5.** Correspondence.
 - 22.3.1.6.** General business.

- 22.3.2.** No discussion shall be allowed except on motion or amendment duly proposed and seconded.
- 22.3.3.** Any member desiring to propose a motion or amendment or to discuss any matter under consideration, must rise and address the Chair. No member shall address the meeting unless called by the Chair.
- 22.3.4.** All questions shall be determined in the following manner:
 - 22.3.4.1.** The mover of the motion shall have seven minutes to present argument in support of his/her motion and five minutes to reply.
 - 22.3.4.2.** The seconder of such motion, and all other speakers, shall be limited to five minutes.
 - 22.3.4.3.** The meeting on motion without debate may extend the time of any speaker; such extension of time shall not exceed five minutes. The meeting may agree to further extensions on the same basis.
 - 22.3.4.4.** The Chair shall call attention to the time of all speakers one minute before such time expires. Motions for extensions may be made when the President so calls, but not later.
 - 22.3.4.5.** The movers and seconders of motions and amendments must exercise the right to speak at the time of moving and not subsequently, subject to the right of reply by the mover of the motion.
 - 22.3.4.6.** Other than movers of motions, no member shall speak more than once to any question before the Chair, unless by way of personal explanation or with the consent of the meeting. Such consent shall not be given unless by a majority of those present.
 - 22.3.4.7.** Other than movers and seconders, no more than two members in succession shall speak for or against any question, unless the meeting has moved into cognate debate pursuant to Rule 22.4.
 - 22.3.4.8.** After a motion has been moved and seconded, and no speaker rises to oppose or move an amendment, the Chair shall proceed to put such motion to a vote of the meeting.
 - 22.3.4.9.** After a motion has been moved and seconded and at least one speaker rises to oppose or move an amendment, the Chair shall only call for the right of reply and then put the motion to a vote of the meeting once:
 - 22.3.4.9.1.** if one or more amendments have been moved, the amendments have been dispensed with pursuant to Rule 22.5; and
 - 22.3.4.9.2.** there is no further member rising to speak to the motion in accordance with Rule 22.3.4.7 or the meeting has agreed “that the question be now put” pursuant to Rule 22.6.
 - 22.3.4.10.** All votes of the meeting shall be subject to the following procedure:
 - 22.3.4.10.1.** The Chair shall call upon those who support the question to say Aye, and those who are opposed to say No; and
 - 22.3.4.10.2.** he/she shall then declare the question carried or lost.

22.3.5. Any member not satisfied with the Chair’s decision may, by standing in his/her place, call for a show of hands. The Chair shall proceed to determine the question by calling upon those who support the motion to raise their right hands, and those opposed to act similarly. The Chair shall appoint two tellers to take the count and they shall be representative of the opposing viewpoints. When the tellers are agreed upon their count the Chair shall declare the result by quoting the figures for and against.

22.3.6. Any delegate not satisfied with the count as declared by the Chair may, by standing in his/her place call for a division. If supported by not less than a quarter of those present standing in their place, the Chair shall proceed to conduct a division. This shall be done by the Chair calling upon all members who support the question to leave their places and stand on his/her right. He/she shall then call upon those who oppose, to stand on his/her left. He/she shall appoint a teller or tellers representative of the opposing viewpoints to count the members so standing. When tellers are agreed upon their count the Chair shall declare the result by quoting the figures for and against.

22.4. Cognate Debate

22.4.1. If two or more motions relate to the same subject-matter and are inconsistent with each other, they may be debated together.

22.4.2. Subject to Rule 22.7, the Chair must rule on the order the motions are to be moved.

22.4.3. Once all the motions in cognate debate have moved and seconded, the Chair shall only call for the rights of reply and than put the motions to a vote of the meeting once:

22.4.3.1. there is no further member rising to speak to the motions; or

22.4.3.2. excluding the movers and seconders, seven members have spoken to the motions.

22.4.4. Notwithstanding Rule 22.4.3.2, the meeting may on motion without debate increase the number of speakers for cognate debate.

22.4.5. The rights of reply must be exercised in the reverse order to the moving of the motions.

22.4.6. The motions must be put in the order they were moved, until either a motion is carried, in which case the remaining motions lapse, or until all motions are lost.

22.5. Amendments

22.5.1. Any time during debate on any motion it shall be competent for any member to move an amendment. All amendments must be seconded. Motions may be amended by adding words, by deleting words, or by deleting words and inserting others in their place, provided that the effect of any proposed amendment is not to establish a direct negative to the question contained in the motion.

22.5.2. Any number of amendments may be proposed and discussed simultaneously with the original motion. At the close of debate amendments shall be put in the order they have been moved.

22.6. The closure

22.6.1. At any time during debate on any question it shall be competent for the Chair to accept a motion “that the question be now put” or “that the question be adjourned” or “that

the item be referred to ...”, provided at least two speakers, other than the movers and seconders, have spoken. A member having spoken to the question shall not be competent so to move. Such motions shall be immediately put without debate, provided that in the event of the meeting agreeing “that the question be now put” the mover of the original motion shall have the right to reply.

- 22.6.2.** On the meeting agreeing “that the question be now put” it shall mean not only the question contained in the motion, but any and all amendments.

22.7. Dissent in the Chair

- 22.7.1.** Rulings given by the Chair on any question shall be subject to a motion calling upon the meeting to disagree with any ruling. In the event of such motion, the mover shall be permitted not more than five minutes to support the motion and the Chair shall be permitted not more than five minutes to defend his/her ruling. There shall be no other speakers. A Vice-President or any other member appointed by the meeting shall occupy the Chair during the currency of such motion.

22.8. Non-voting members

- 22.8.1.** Any members designated to be a non-voting member of a body under these Rules shall not have the ability to move or second motions at meetings of the body of which they are non-voting member.

23. RULES NOT ENFORCEABLE IN LAW

- 23.1.** It is intended that these Rules and everything done in connection with them, all arrangements relating to them (whether express or implied) and any agreement or business entered into or payment made by or under them, will not bring about any legal relationship, rights, duties or outcome of any kind, or be enforceable by law, or be the subject of legal proceedings. Instead all arrangements, agreements and business are only binding in honour.
- 23.2.** Without limiting Rule 23.1, it is further expressly intended that all disputes within the Party, or between one member and another that relate to the Party be resolved in accordance with these Rules and the National Constitution and not through legal proceedings.
- 23.3.** By joining the Party and remaining members, all members of the Party consent to be bound by Rule 23.

24. REVOCATION OF MEMBERSHIP

NATIONAL EXECUTIVE COMMITTEE RESOLUTION OF 29 APRIL 2011

The National Executive resolved:

1. The following rule is added with immediate effect at the end of the rules of each State and Territory Branch:

Revocation of Membership

- (a) In this rule “serious criminal offence” means an indictable offence that is punishable by imprisonment for 5 years or more.
- (b) Despite anything to the contrary in these rules, the Administrative Committee may revoke the membership of a member found guilty of a serious criminal offence.

- (c) Before the Administrative Committee revokes the membership of a member under paragraph (b):
 - (i) the State Secretary must notify the member in writing of the proposed revocation; and
 - (ii) the member must be given an opportunity to make a written submission to the Administrative Committee as to why his or her membership should not be revoked.
 - (d) Despite anything to the contrary in these rules, the Administrative Committee may immediately suspend the membership of a member who has been charged with a serious criminal offence pending the hearing of the charge.
2. In paragraph 1:
- (a) in the case of the ACT Branch, “State Secretary” is replaced with “ACT Branch Secretary/Treasurer”;
 - (b) in the case of the New South Wales Branch, “State Secretary” is replaced with “General Secretary”;
 - (c) in the case of the Northern Territory Branch, “State Secretary” is replaced with “Territory Branch Secretary”; and
 - (d) in the case of the South Australian Branch, “Administrative Committee” is replaced with “State Executive”.
3. Each State and Territory Branch must as soon as practicable pass an amendment to its rules to incorporate the rule in paragraph 1 into an appropriate place in its rules with any modifications in relation to terminology that are necessary to make the rule consistent with the other rules of the Branch. On approval of the amendment by the National Executive:
- (a) the rule in paragraph 1 is deleted from the rules of the Branch; and
 - (b) the amendment passed by the Branch takes effect.
4. Rule 24 will be repealed in its entirety once the National Executive has approved the inclusion of paragraph 1 into Rules 4.18 and Rules 8.1.2, pursuant to paragraph 3. Rule 8.1.2.34 and 8.1.2.35 will not come into effect until Rule 24 has been repealed.

25. STATE PARLIAMENTARY LABOR PARTY

- 25.1.** All members of the Party elected to the Victorian Legislative Assembly and the Victorian Legislative Council shall form and comprise the State Parliamentary Labor Party (SPLP).
- 25.2.** The SPLP may make rules to govern the business of Caucus but those rules shall not conflict with any other Rule of the Party.
- 25.3.** The Leader of the SPLP shall be elected by:
 - 25.3.1.** members of the SPLP; and
 - 25.3.2.** members eligible to vote under Schedule G.
- 25.4.** The election under Rule 25.3 shall occur in accordance with Schedule G.

26. TEMPORARY RULES APPLICABLE DURING THE PERIOD OF THE ADMINISTRATION

26.1. Interpretation

26.1.1. For the purposes of this Rule:

"The administration" means the conduct of the affairs of the Victorian Branch by the Administrators on behalf of the National Executive commencing on 16 June 2020.

"The Administrators" are The Hon. Steve Bracks AO and The Hon. Jenny Macklin or any person appointed by the National Executive to replace them.

26.1.2. This Rule applies for the period of the administration and prevails over any other Rule to the extent of any inconsistency.

26.2. Pending applications for membership

26.2.1. This Rule applies to applicants for membership whose applications were pending at the date of the making of this Rule, and whose applications have not been accompanied by a payment made by traceable means.

26.2.2. Despite anything to the contrary in these Rules, the Administrators must provide the applicant for membership with an opportunity to make payment by traceable means.

26.2.3. If the applicant for membership subsequently makes a payment by traceable means, the Administrators will consider the application in accordance with the Rules.

26.2.4. In the event that the applicant does not make a payment by traceable means within 28 days of being given the opportunity to do so, the application will lapse.

26.3. Pending renewals

26.3.1. This Rule applies to members whose renewals were not processed as at the date of making this Rule, and whose renewals have not been accompanied by a payment made by traceable means.

26.3.2. Despite anything to the contrary in these Rules, the Administrators must provide the member with an opportunity to make a payment by traceable means.

26.3.3. In the event that the member subsequently makes a payment by traceable means, the Administrators will cause the renewal to be processed and the member will be deemed to have continuity of membership.

26.3.4. In the event that the member does not make a payment by traceable means within 28 days of being given the opportunity to do so, the member's membership will lapse.

26.4. Breach of branch stacking rules

26.4.1. This Rule applies when the Administrators allege that a member has breached the branch stacking rules.

26.4.2. The Administrators may, in their absolute discretion, charge a member with a breach of the branch stacking rules.

26.4.3. In the event that the Administrators charge a member under sub-rule 26.4.2, the charge will be dealt with by the Disputes Tribunal in accordance with Rule 20 of these Rules, subject to sub-rules 26.4.4 and 26.6.

26.4.4. For the purposes of sub-rule 26.4.3, a member charged with branch stacking is presumed to have engaged in the activity or activities in question:

26.4.4.1. for the predominant purpose of influencing the outcome of ballots of members within the Party; and/or

26.4.4.2. with the intention of enrolling as a member, or retaining as a member, a person who is not a genuine member;

unless the member satisfies the Disputes Tribunal otherwise.

26.4.5. Despite anything in these Rules to the contrary, the Administrators may suspend the membership of a member who has been charged under sub-rule 26.4.2 pending a decision by the Disputes Tribunal in accordance with sub-rule 26.4.3.

26.5. Revocation of membership

26.5.1. This Rule applies when the Administrators suspect that a member has provided false or misleading information about their membership of the Party or the membership of another member or applicant for membership, when members are suspected of not being genuine members, and when members are suspected of not complying with resolutions of the Administrators.

26.5.2. The Administrators may, in their absolute discretion, revoke the membership of a member where they are satisfied that:

26.5.2.1. False or misleading information in relation to an application for membership, a renewal of membership or a transfer between branches by the member has been provided by or on behalf of the member;

26.5.2.2. The member is not a genuine member within the meaning of Rule 5.17.1.1;

26.5.2.3. The member is a member for the predominant purpose of influencing the outcome of ballots of members within the Party; or

26.5.2.4. The member has not complied with a resolution of the Administrators, that is, a resolution made by the Administrators exercising the powers of the Administrative Committee to require members to cooperate with steps taken by the Administrators in the course of the administration.

26.5.3. Before the Administrators take action in accordance with sub-rule 26.5.2:

26.5.3.1. The Administrators must cause the member to be notified in writing of the proposal to take action under sub-rule 26.5.2 and provide particulars of the alleged breach of sub-rule 26.5.2; and

26.5.3.2. The member must be given an opportunity to make a written submission to the Administrators providing reasons why their membership should not be revoked.

26.5.4. For the purposes of sub-rule 26.5.2, the onus is on the member concerned to satisfy the Administrators that there has not been a breach of sub-rule 26.5.2.

26.6. Modification of Disputes Tribunal rules

26.6.1. The Administrators must appoint 3 persons to form the panel for the Disputes Tribunal, 1 of whom the Administrators must designate as the President.

26.6.2. In respect of each complaint, the Disputes Tribunal is constituted by:

26.6.2.1. a member of the panel nominated by the President, or

- 26.6.2.2.** at the discretion of the President – all 3 members of the panel.
- 26.6.3.** The Administrators have sole responsibility for receiving and investigating complaints of branch stacking.
- 26.6.4.** The Administrators have sole responsibility for charging members with breaches of the branch stacking rules.
- 26.6.5.** The Administrators may also charge members with any other disciplinary offences under Rule 20.5.
- 26.6.6.** Rule 20.5.3 does not apply.
- 26.6.7.** A decision made by the Administrators in relation to the administration is not subject to review by the Disputes Tribunal.

SCHEDULE A1 – REPRESENTATION AT STATE CONFERENCE

- 1.** In order to determinate the number of delegates to which each affiliated union is entitled, the following procedure shall be followed:
 - 1.1.** The total number of members of affiliated unions shall be calculated. For the purposes of this Schedule, an affiliated union is a union that:
 - 1.1.1.** is entitled to delegates to State Conference that year under Rules 6.3.4 and 6.3.5;and
 - 1.1.2.** has paid 25% of its affiliation fees by 4.00 pm on the last Friday in March in accordance with Rule 5.2.6.
 - 1.2.** The total shall be divided into 300.
 - 1.3.** The resulting dividend shall be multiplied by the number of members of each affiliated union in respect of whom affiliation fees have been paid.
 - 1.4.** The resulting product (quota) shall be the number of delegates to which the affiliate union is provisionally entitled.
 - 1.5.** Affiliates with an entitlement of less than half a quota will be allocated to the Small Unions Group. For the purposes of this Schedule, affiliates outside the Small Unions Group will be referred to as Large Unions.
 - 1.6.** All Large Unions and the Small Unions Group shall be entitled to a delegate for each quota. The remaining positions shall be allocated to the Large Unions (with the Small Unions Group being deemed a Large Union) with the greatest remaining fractions of the quota until the full compliment of 300 union positions is allocated. If at the end of this second allocation an affiliate not in the Small Unions Group ends up without a delegate, that affiliate shall be incorporated into the Small Unions Group and the process recommenced.
 - 1.7.** In the lead-up to Annual Conference each year, the Chief Returning Officer shall conduct a ballot within the Small Unions Group to determine its voting delegates to State Conference. In this ballot:
 - 1.7.1.** Each affiliate in the Small Unions Group will be entitled to nominate a candidate for the ballot; and
 - 1.7.2.** A voting paper will be issued to each affiliate in the Small Unions Group marked with the number of members for which sustention fees have been paid; and
 - 1.7.3.** For the purposes of this Schedule, the commencement value of each ballot paper in the count for the Small Unions Group election will be that marked on it by the Chief Returning Officer according to this Schedule and the Rules generally.
 - 1.8.** In the event that there is an increase (new affiliation) and/or decrease (disaffiliation) in the number of unions affiliated since the March calculation in clause 1.1 of this Schedule, the above calculation process will be conducted afresh by the State Secretary (taking into account any new affiliations or disaffiliations) at least 6 weeks prior to the next State Conference in that calendar year.
- 2.** In order to determine the number of delegates to which each Federal Electorate Assembly is entitled, the following procedure shall be adopted:
 - 2.1.** Pursuant to Rule 6.3.3, the total number of members of all FEAs eligible to vote under Rule 9.3.8.1 shall be calculated as at 31 May in odd numbered years.

- 2.2.** This total shall be divided into 300.
- 2.3.** The resulting dividend shall be multiplied by the number of members of each Federal Electorate Assembly in respect of whom membership fees have been paid.
- 2.4.** Each FEA shall be entitled to a delegate for each full quota. The remaining positions shall be allocated to the FEAs with the greatest remaining fractions of the quota until the full complement of 300 FEA positions is allocated.
- 3.** Notwithstanding anything contained above, each Federal Electorate Assembly and affiliated union shall be entitled to be represented at Conference by at least one non-voting delegate.
- 4.** Newly-affiliated unions shall be entitled to the following temporary representation at the State Conference which grants them affiliation:
 - 4.1.** Up to 1,500 members – 1 delegate
 - 4.2.** 1,501 – 5,000 members – 2 delegates
 - 4.3.** 5,001 and above members – 3 delegates
- 5.** Additional delegates under clause 4 of this Schedule will be additional to pre-existing union representation in clause 1 of this Schedule.
- 6.** The maximum number of additional delegates under clause 4 of this Schedule shall be six. In the event that the above calculation of representation for newly affiliated exceeds six, the State Conference shall allocate six delegates between the newly affiliated unions.

SCHEDULE A2 – UNION AFFILIATION TO THE ALP

- 1.** The number of members of each affiliated union must be determined each year by an independent audit by a registered auditor of:
 - 1.1.** the number of members eligible to vote in a ballot for an office in that union at 30 June under the Rules of the union, as conducted by the Australian Electoral Commission (unless exempt); and
 - 1.2.** the number of members identified in clause 1.1 of this Schedule for whom the union received an amount of dues in relation to the period between 1 April and 30 June inclusive for that year.
- 2.** The independent audit must be carried out as follows:
 - 2.1.** Each union must engage a registered company auditor.
 - 2.2.** The terms of engagement must:
 - 2.2.1.** include advice to the auditor on the scope of the audit in the form prescribed by the Administrative Committee by resolution passed with 22 votes in favour; and
 - 2.2.2.** require that the audit be conducted in accordance with Australian Auditing Standard 802 “The Audit Report on Financial Information Other than a General Purpose Financial Report” and Auditing Guidance Standard 1044 “Audit Reports on Information Provided Other than a Financial Report” (or the equivalent successors to those standards).
 - 2.3.** The independent audit report must include:
 - 2.3.1.** an audit certificate in the form prescribed by the Administrative Committee by resolution passed with 22 votes in favour, signed by the auditor; and
 - 2.3.2.** a statistical return that includes a maximum figure for the purposes of clause 1.2 of this Schedule.
- 3.** Each affiliated union must by 4.00 pm on the last Friday in February each year provide to the State Secretary in a sealed envelope:
 - 3.1.** the independent audit report for the previous year; and
 - 3.2.** advice on the number of members in respect of whom the union will pay affiliation fees for the current year, up to a maximum of the number determined under clause 1.2 of this Schedule.
- 4.** All such sealed envelopes provided under clause 3 of this Schedule must be opened at the same time in the presence of those scrutineers appointed by affiliated unions who attend. Each affiliated union may nominate one scrutineer.
- 5.** Union delegation sizes must be based on the three year rolling average of the number of members in respect of whom the union has paid affiliation fees for the current and two preceding years (except that affiliation figures before 2003 must not be used to determine a union’s rolling average).
- 6.** If a union fails to lodge its independent audit report in time, the maximum number of members in respect of whom it may pay affiliation fees for the current year is 85% of the number for the previous year.

SCHEDULE B – METHOD OF VOTING (QUOTA PREFERENTIAL)

1. Complete the normal arrangements for the proper conduct of the ballot ensuring that:
 - 1.1. Voting papers are prepared with the names of candidates listed in an order determined by lot and showing the number of persons to be elected; and
 - 1.2. Only members properly qualified in accordance with the ALP Rules can obtain a vote; and
 - 1.3. Voters are instructed either verbally or in writing, whichever is the more convenient, to the following effect: "For your vote to be valid you must vote for at least one candidate by placing the figure 1 opposite the first candidate of your first choice. You may then show continuing preferences by placing the continuing figures 2, 3, 4 and so on, opposite the names of the other candidates in the order of your choice."
2. Fix the time, date and place at which the ballot will be held and counted and advise all concerned; conduct and proceed with the count in the following manner:
 - 2.1. After the close of the ballot, remove all voting papers from the ballot boxes, scrutinise each and exclude as informal all voting papers that do not comply with the instruction given under clause 1.3 of this Schedule.
 - 2.2. Sort the formal papers according to the first preferences shown for each candidate and record the tallies of each in the respective columns of the "Count Sheet", with each voting paper having the value of 1,000 points.
 - 2.3. Total the number of formal votes and work out the "quota" in accordance with the following formula:

$$\frac{\text{Total number of formal votes cast} \times 1,000 \text{ points}}{\text{Number of vacancies to be filled} + 1}$$

The result obtained is taken to the next whole figure, which becomes the "quota".

Example: To elect six candidates from a total of 150 formal votes polled.

$$\begin{aligned} \frac{150 \times 1,000}{6 + 1} &= \frac{150,000}{7} \\ &= 21,428 \frac{4}{7} &= 21,429 \text{ points} \end{aligned}$$

Note: this formula provides that only the required number of vacancies can receive a "quota" of points.

- 2.4. Subject to the Affirmative Action principles of clause 7 of this Schedule, record as elected all candidates whose value of first preference papers equals or exceeds the quota, in order of their election, commencing with the highest number of points polled, then next and so on. In the circumstances where there is an equality of the value of first preference papers, the Returning Officer shall determine the order by lot.
3. If number of candidates elected in accordance with clause 2.4 of this Schedule does not fill all the vacancies, the preference votes of the elected candidates are then distributed among the remaining candidates in the following manner:
 - 3.1. Re-sort the first preference papers of the highest candidate according to the next preference shown for a continuing candidate (who is not yet recorded as elected or defeated), and count the total papers allotted to each continuing candidate. Note: Voting

papers which show no further preference are called exhausted papers; record the number of them.

- 3.2.** Work out the transfer value of each voting paper of the candidate whose surplus of first preference papers is being transferred. Find the surplus by subtracting the quota from the value of his/her preference papers. Divide the surplus by the number of papers, including the exhaustive papers. The whole number part of the result is the transfer value; the small remainder is entered opposite the Remainders entry on the counting sheet in order to keep the total points correct. Any exhausted ballot papers are then excluded and their value is then recorded on the counting sheet.
- 3.3.** Work out the value of the papers allotted to each continuing candidate, by multiplying the number of pages allotted to him/her by the transfer value of each paper.
- 3.4.** Credit the value in points for each continuing candidate to him/her on the counting sheet and add to the previous progress totals. The new grand total must agree with the previous grand total if all the work has been done correctly. Find and correct any errors.
- 3.5.** Repeat the steps in clauses 3.1 – 3.4 of this Schedule with the papers of the candidates with the second highest value of first preference papers, and so on in order of reducing number of points. If two surpluses are equal, the Returning Officer must decide which to take first.
- 3.6.** Subject to the Affirmative Action principles of clause 7 of this Schedule, any candidate who, whenever step in clause 3.4 of this Schedule is done, obtains a quota or more of points, is recorded as elected. No more papers are allotted to him/her beyond the bundle which gave the surplus. But all elected candidates who obtained their quota earlier than him/her, must have their surpluses dealt with first, even if his/her is larger.
- 3.7.** When, occasionally, a candidate receives an exact quota and no surplus, his/her papers are set aside, since they will not be required again in this election.
- 3.8.** When a candidate receives a surplus of points as a result of the preference distribution of another elected candidate, only the last bundle of papers received which produces the surplus is used to spread that surplus among the continuing candidates at a new transfer value. The earlier papers are removed from the ballot, as they are not involved in any of the surplus points still available for distribution.
- 3.9.** When two equal surpluses are made by the transfer of one bundle of papers, transfer first the surplus of the candidate who had the higher progress total of points when they were last unequal. If every previous progress total was equal the Returning Officer must decide.
- 3.10.** The Returning Officer may, if he/she chooses, delay the transfer of a surplus, if the value of that surplus together with the value of any other surplus not yet transferred:
 - 3.10.1.** is less than the difference between the quota and the highest progress total of a continuing candidate; and
 - 3.10.2.** is also less than the difference between the progress totals of the two lowest continuing candidates.
- 3.11.** Where a transfer of a surplus is delayed, the situation must be examined after every candidate is dealt with in order to see if both conditions are still being fulfilled. Transfer of one surplus may not be delayed so that a later one can be done. To postpone the transfer of a surplus may save considerable time in sorting later on, but is not recommended for beginners.

4. When the transfer of all surplus points of the elected candidates have been carried out or safely delayed, and vacancies remain to be filled, candidates then remaining are dealt with as follows:
 - 4.1. Record as defeated all candidates with no points and remove their names from the counting table.
 - 4.2. Declare the candidate with the lowest progress total of points defeated and distribute his/her papers bundle by bundle in the order in which they were received. Each continuing candidate is allotted those papers, on which he/she is indicated as preferred to any other continuing candidate, at the same values at which the papers were originally received by the defeated candidate. Keep every bundle of papers separate even though a candidate has other papers of the same transfer value.
 - 4.3. Clauses 3.6 to 3.7 of this Schedule apply to each bundle of voting papers dealt with in Clause 4.2 of this Schedule.
 - 4.4. When a candidate receives his/her quota in this way, no further papers are allotted to him/her, and the distribution of the defeated candidate's papers must be completed before the new surplus is transferred. On the other hand, transfer of the new surplus must be either done or safely delayed, before another candidate is eliminated.
 - 4.5. When it becomes necessary to eliminate a candidate and two (or more) candidates have equal progress totals lower than any other progress total, the Returning Officer shall decide by lot which candidate is to be eliminated first.
 - 4.6. The procedure, of transferring the surpluses of successful candidates and of eliminating in succession the defeated candidates, is continued until the election is finished. The election is finished when:
 - 4.6.1. The number of candidates recorded as elected equals the number of vacancies; or
 - 4.6.2. Only one vacancy remains unfilled and two continuing candidates remain, in which case the candidate with the higher progress total is recorded as elected (since all the papers of the other candidate must go either to him/her or to exhausted); or
 - 4.6.3. In very rare where the number of exhausted papers in eliminations is large, the number of continuing candidates is equal to the number of vacancies not yet filled, in which case all these candidates are recorded as elected.
5. The result of an election or any part of it is not to be challenged because the Returning Officer did not use the official counting sheet.
6. The voting papers must be retained by the current Returning Officer for the term of office of the elected member, so that casual vacancies may be filled by a recount of the papers.
7. To meet the affirmative action requirements of Rule 3, in all elections the Returning Officer must ensure that the minimum percentage of positions are filled by women. If the calculation to determine the minimum percentage results in a fraction of more than one half then the minimum percentage shall be the next higher whole number, and where it results in a fraction of one half or less it shall be the next lower number. This shall be achieved by the following procedure:
 - 7.1. Immediately before recording as elected any male candidate, the Returning Officer must calculate whether the election of that candidate would be contrary to the Affirmative Action requirements. If so, the Returning Officer must reverse the last distribution of papers.
 - 7.2. Exclude the remaining male candidates.

- 7.3. Take all the papers off the table (including those of unelected female candidates).
 - 7.4. Make a new place marker for each female candidate not yet elected, and a new count-sheet for the affirmative action count carrying forward previous quotas, remainders, etc. (note: all such candidates are reintroduced to the count at zero votes, regardless of how many votes they had earlier in the count), then re-introduce any defeated female candidates into the count at a zero number of points.
 - 7.5. Distribute any surpluses not previously distributed from the already elected candidates, in the order they were declared elected, between the female candidates on the table. If a candidate is elected on this surplus, she is not allocated any further ballot papers.
 - 7.6. Re-distribute any previously exhausted papers bundle by bundle in the order in which they were previously declared exhausted. Each continuing female candidate is allotted those papers on which she is indicated as preferred to any other continuing female candidate, at the same values at which the papers were originally excluded, keeping every bundle of papers separate. Once a candidate reaches the quota she is not allocated any further ballot papers beyond the bundle that elected her.
 - 7.7. Re-distribute in an order determined by lot the papers of any female candidate still in the count at the time the Rule in clause 7.1 of this Schedule was applied, bundle by bundle in the order in which they were received by the female candidate. Each continuing female candidate is allotted those papers on which she is indicated as preferred to any other continuing female candidate, at the same values at which the papers were originally received by the first mentioned female candidate, keeping every bundle of papers separate. Once a candidate reaches the quota she is not allocated any further ballot papers beyond the bundle that elected her.
 - 7.8. Re-distribute in an order determined by lot the papers of the excluded male candidate, bundle by bundle in the order in which they were received by the male candidate. Each continuing female candidate is allotted those papers on which she is indicated as preferred to any other continuing female candidate, at the same values at which the papers were originally received by the excluded male candidate, keeping every bundle of papers separate. Once a candidate reaches the quota she is not allocated any further ballot papers beyond the bundle that elected her.
 - 7.9. After all the votes taken off the table under this clause have been allocated, commence the distribution of any surpluses of the women elected by virtue of the Affirmative Action provisions.
 - 7.10. Continue the count in accordance with clauses 3 and 4 of this Schedule.
8. To meet the requirements of Rule 7.3.2.1 in the elections of National Conference delegates under Rule 7.3.2, the Returning Officer must ensure no less than two positions are filled by non-metropolitan candidates. This shall be achieved by the following procedure:
 - 8.1. After recording as elected the last candidate/s pursuant to clause 4.6 of this Schedule and complying with the Affirmative Action requirements in Rule 3, the Returning Officer must calculate whether at least two of the positions have been filled by non-metropolitan candidates. If not, the Returning Officer must then calculate the number of additional non-metropolitan candidates that would need to be elected to satisfy the requirements of Rule 7.3.2.1.
 - 8.2. Starting from the last candidate elected, the Returning Officer must unelect and exclude elected metropolitan candidates until there are enough vacancies for the requirements of Rule 7.3.2.1 to be satisfied. If unelecting and excluding any elected metropolitan candidates

would contravene any of the Affirmative Action requirements in Rule 3, the Returning Officer must unelect and exclude the last elected candidate/s whose unelection and exclusion would not contravene any of the Affirmative Action requirements.

- 8.3.** Exclude any unelected metropolitan candidates.
 - 8.4.** Take all the papers off the table (including those of unelected non-metropolitan candidates).
 - 8.5.** Make a new place marker for each non-metropolitan candidate not yet elected, and a new count-sheet for the non-metropolitan delegate count carrying forward previous quotas, remainders, etc. (note: all such candidates are reintroduced to the count at zero votes, regardless of how many votes they had earlier in the count), then re-introduce any defeated non-metropolitan candidates into the count at a zero number of points.
 - 8.6.** Re-distribute the papers of the metropolitan candidate/s unelected and excluded in clause 8.2 of this Schedule, in the order they were declared elected. Each continuing non-metropolitan candidate is allotted those papers on which he/she is indicated as preferred to any other continuing non-metropolitan candidate. These papers will be allocated at the same values at which the papers were originally received by the metropolitan candidate/s, unless the surplus of these papers has been used to elect another candidate who has not subsequently been unelected. In that case, the value of these papers will be the value at which the papers were originally received minus the transfer value of the surplus. Once a candidate reaches the quota he/she is not allocated any further ballot papers beyond the bundle that elected him/her.
 - 8.7.** Distribute any surpluses not previously distributed from the already elected candidates, in the order they were declared elected, between the non-metropolitan candidates on the table. If a candidate is elected on this surplus, he/she is not allocated any further ballot papers.
 - 8.8.** Re-distribute any previously exhausted papers bundle by bundle in the order in which they were previously declared exhausted. Each continuing non-metropolitan candidate is allotted those papers on which he/she is indicated as preferred to any other continuing non-metropolitan candidate, at the same values at which the papers were originally excluded, keeping every bundle of papers separate. Once a candidate reaches the quota he/she is not allocated any further ballot papers beyond the bundle that elected him/her.
 - 8.9.** Re-distribute in an order determined by lot the papers of any non-metropolitan candidate still in the count at the time clause 8.1 of this Schedule was applied, bundle by bundle in the order in which they were received by the non-metropolitan candidate. Each continuing non-metropolitan candidate is allotted those papers on which he/she is indicated as preferred to any other continuing non-metropolitan candidate, at the same values at which the papers were originally received by the first mentioned non-metropolitan candidate, keeping every bundle of papers separate. Once a candidate reaches the quota he/she is not allocated any further ballot papers beyond the bundle that elected him/her.
 - 8.10.** After all the votes taken off the table under this clause have been allocated, commence the distribution of any surpluses of the non-metropolitan candidates elected by virtue of Rule 7.3.2.1.
 - 8.11.** Continue the count in accordance with clauses 3 and 4 of this Schedule.
- 9.** To meet the requirements of Rule 8.5.14, in the election of the Aboriginal & Torres Strait Islander Affairs Policy Committee the Returning Officer must ensure all Aboriginal or Torres Strait Islander candidates are elected to the Committee before any non Aboriginal or Torres Strait Islander

candidates, subject to the Affirmative Action requirements of Rule 3. This shall be achieved by the following procedure:

- 9.1.** Before declaring any candidates elected in accordance with clause 2.4 of this Schedule, the Returning Officer must ascertain if there is Aboriginal or Torres Strait Islander candidate/s in the ballot. If so, the Returning Officer must exclude all non Aboriginal or Torres Strait Islander candidates and re-distribute their first preference papers at full value according to the first preference shown for an Aboriginal or Torres Strait Islander candidate. Voting papers which show no preference for an Aboriginal or Torres Strait Islander candidate shall be set aside and treated as exhausted papers.
 - 9.2.** Record as elected all Aboriginal or Torres Strait Islander candidates whose bundle of voting papers equals or exceeds the quota, in order of their election, commencing with the highest number of points polled, then next and so on. In the circumstances where there is an equality of the value of first preference papers, the Returning Officer shall determine the order by lot.
 - 9.3.** If the number of Aboriginal or Torres Strait Islander candidates elected in accordance with clause 9.2 of this Schedule does not fill all vacancies, the Returning Officer must follow the steps outlined in clauses 3 and 4 of this Schedule in relation to the continuing Aboriginal or Torres Strait Islander candidates.
 - 9.4.** If all Aboriginal or Torres Strait Islanders have either been elected or defeated and there are still vacancies to fill, the Returning Officer will re-introduce the defeated Aboriginal or Torres Strait Islanders candidate/s and elect them to the remaining vacancies, starting from the candidate last defeated, until all vacancies have been filled or there is no remaining defeated Aboriginal or Torres Strait Islanders candidates.
 - 9.5.** If the number of Aboriginal or Torres Strait Islander candidates elected in accordance with clauses 9.2 – 9.4 of this Schedule does not fill all vacancies, the Returning Officer must re-introduce all non Aboriginal or Torres Strait Islander candidates into the ballot.
 - 9.6.** Distribute any surpluses not previously distributed from the already elected Aboriginal or Torres Strait Islander candidates, in the order they were declared elected, between the non Aboriginal or Torres Strait Islander candidates on the table. If a candidate is elected on this surplus, they are not allocated any further ballot papers.
 - 9.7.** Any voting papers treated as exhausted papers under clause 9.1 of this Schedule will be re-introduced into the ballot and distributed to the highest non Aboriginal or Torres Strait Islander candidate preferenced, at the value they held when they were set aside and treated as exhausted papers.
 - 9.8.** Commence the distribution of any surpluses of the non Aboriginal or Torres Strait elected by virtue of clauses 9.6 and 9.7 of this Schedule.
 - 9.9.** Continue the count in accordance with clauses 3 and 4 of this Schedule.
 - 9.10.** If at any point the election of any candidate would be contrary to the Affirmative Action requirements of Rule 3, the Returning Officer must continue the count in accordance with clause 7 of this Schedule. However, if there are any female Aboriginal or Torres Strait Islanders in the ballot, the Returning Officer must ensure all female Aboriginal or Torres Strait Islander candidates are elected to the Committee before any female non Aboriginal or Torres Strait Islander candidates. This shall be achieved by following clauses 9.1 – 9.9 of this Schedule and applying it to female candidates only.
- 10.** Except in preselections between the end of the voting in the Local Plebiscite and the POSC meeting, no candidate shall be permitted to withdraw from the election between the close of the

poll and the declaration of the ballot. A candidate for preselection may only withdraw in writing to the State Secretary.

Australian Labor Party - Victorian Branch Federal Parliamentary Nomination Form and Pledge

We hereby nominate

as the ALP candidate for

Print Name	ALP No.	Signature

I certify that the above mentioned candidate is a financial member of the ALP and has met the membership continuity requirements for nomination.

State Secretary

PARLIAMENTARY CANDIDATE'S PLEDGE - "I hereby pledge myself not to oppose the candidate selected by the Australian Labor Party and, if elected, to do my utmost to carry out the principles embodied in the Platform, and on all questions affecting the Platform to vote as a majority of the Parliamentary Party may decide at a duly constituted Caucus meeting. I further pledge not to withdraw from the election contest after being duly nominated, without the consent of the State Conference of the Australian Labor Party, nor to resign my seat in Parliament without the consent of the Administrative Committee of the Victorian Branch. I agree to pay such contributions as are recommended from time to time by the Victorian Administrative Committee."

I hereby consent to the above nomination, and make the above the pledge. I also declare that:

- (if eligible) I have been a financial member of the Union for the past three months.
- I am an Australian Citizen due to the fact that:
 - I was born in Australia; OR
 - I obtained my citizenship on the following date at

Signature of Nominee..... Date

This nomination form must be accompanied by appropriate signed Parliamentary Levy Deduction Authority, photocopy of birth certificate and Citizenship Certificate (if applicable).

SCHEDULE C2 – STATE NOMINATION FORM

SCHEDULE C2

**Australian Labor Party - Victorian Branch
State Parliamentary Nomination Form and Pledge**

We hereby nominate

as the ALP candidate for

Print Name	ALP No.	Signature

I certify that the above mentioned candidate is a financial member of the ALP and has met the membership continuity requirements for nomination.

State Secretary

PARLIAMENTARY CANDIDATE'S PLEDGE - "I hereby pledge myself not to oppose the candidate selected by the Australian Labor Party and, if elected, to do my utmost to carry out the principles embodied in the Platform, and on all questions affecting the Platform to vote as a majority of the Parliamentary Party may decide at a duly constituted Caucus meeting. I further pledge not to withdraw from the election contest after being duly nominated, without the consent of the State Conference of the Australian Labor Party, nor to resign my seat in Parliament without the consent of the Administrative Committee of the Victorian Branch. I agree to pay such contributions as are recommended from time to time by the Victorian Administrative Committee."

I hereby consent to the above nomination, and make the above the pledge. I also declare that:

1. (If eligible) I have been a financial member of the Union for the past three months.

2. I am an Australian Citizen due to the fact that:

I was born in Australia; OR

I obtained my citizenship on the following date at

Signature of Nominee Date

This nomination form must be accompanied by appropriate signed Parliamentary Levy Deduction Authority, photocopy of birth certificate and Citizenship Certificate (if applicable).

SCHEDULE C3 – MUNICIPAL NOMINATION FORM

Victorian Labor	AUSTRALIAN LABOR PARTY - VICTORIAN BRANCH MUNICIPAL NOMINATION FORM & PLEDGE FOR ENDORSEMENT OF CANDIDATES	SCHEDULE C3a
----------------------------	-------------------------------------------------------------------------------------------------------------------------------	--------------

We hereby nominate _____
as the ALP candidate for _____

Print Name	ALP No.	Signature

I certify that the above mentioned candidate is a financial member of the ALP and has met the membership continuity requirements for nomination.

State Secretary _____

MUNICIPAL CANDIDATE’S PLEDGE - "I consent to the above nomination, and hereby pledge myself to the Australian Labor Party of Victoria not to oppose the selected candidate and, if successful in my candidature, to loyally vote and work for the Party Platform, and to comply with the Municipal Rules. I further pledge not to resign my seat on Council without the consent of the Administrative Committee of the Victorian Branch."

I hereby consent to the above nomination, and make the above the pledge. I also declare that:

1. *(if eligible)* I have been a financial member of the _____ Union for the past three months.
2. I am an Australian Citizen due to the fact that:
 - I was born in Australia; OR
 - I obtained my citizenship on the following date _____ at _____

Signature of Nominee _____ Date _____

NB: Pecuniary Interest Form and Information Sheet to be completed in conjunction with this.

SCHEDULE D – PROSCRIBED ORGANISATIONS

The following organisations are proscribed for ALP members:

- Citizens Initiated Referenda Groups
- Endeavour Forum
- League of Rights
- Industrial Action Fund
- National Civic Council

SCHEDULE E – BY-LAWS OF THE CHIEF RETURNING OFFICER

(As determined by the Chief Returning Officer on 29/5/1995 pursuant to Rule 19.2.5 to cover FEA Elections.)

These by-laws are intended to be a guide for FEA elections, however in all cases the Rules have precedence.

1. Each FEA Returning Officer must notify the State Secretary by 31st May of the location of the polling places, and also where nominations can be directed to the Returning Officer. The Chief Returning Officer will have the power to over-rule any designated place unsuitable for receiving nominations.
2. All nominations must be received at the place specified by the Returning Officer and the Deputy Returning Officer in the notice calling for nominations under Rule 9.2.2.
3. The FEA Returning Officer will be available 30 minutes before the close of nominations in which candidates may check if all nominations have been received and are in order. The Returning Officer is also expected to be available at other advertised times during the last week.
4. Any member whose right to vote is challenged shall have their vote placed in the ballot box inside a double envelope so that the matter can be ruled on later. This by-law applies to those conditions under Rule 9.3.8.4. The Returning Officer must supervise any ballots issued under this by-law.
5. No ballot will be declared until challenged votes have been resolved, if necessary, by the Chief Returning Officer, noting Rule 9.3.8.14.
6. The Returning Officer and Deputy Returning Officer shall complete a draw for positions at the place specified for the receipt of nominations immediately after nominations close.
7. Each election will be on separate, different coloured ballot papers.
8. If there are insufficient nominations, all those candidates who have nominated shall be declared elected. The remaining vacancies shall be filled based on a timetable provided by the Chief Returning Officer.
9. Either or both the Returning Officer and Deputy Returning Officer may place an appropriate lock on each ballot box.
10. In metropolitan areas, between ballot days, at the request of any candidate the ballot box will be taken to State Office immediately after the ballot closes at 6.00 pm. Telephone notice that the ballot box will be arriving is mandatory. Scrutineers are welcome to accompany the ballot box to StateOffice.
11. In country FEAs, between ballot days, the ballot box may be placed in a safe place, e.g. local police station, provided all candidates agree. Any disagreement will be resolved by the direction of the Chief Returning Officer. State Office must be notified where the ballot box is.
12. The Returning Officer will again collect the said ballot box after 8 a.m., on the second polling day. Scrutineers will again be entitled to accompany the transfer of the ballot box to the polling place.
13. The Returning Officer and the Deputy Returning Officer shall each have a discretion to exclude any person, who causes disruption, from the count.

- 14.** Other than State Conference ballot papers and count sheets which shall be retained by the Chief Returning Officer, the FEA Returning Officer or his successor will retain all ballot papers and will dispose of them only after the next election is declared.
- 15.** FEA Voters Rolls will be made available to any candidate onrequest.
- 16.** No alcohol shall be consumed at the location of the polling place during pollinghours.
- 17.** All Returning Officers must notify State Office within a week of the declaration of the poll, in writing, of the results of all elections.
- 18.** The Returning Officer in those electorates of larger than 5,000 square kilometres may issue postal votes to any member who resides more than 30 kilometres from a polling place. All ballot papers must be initialled by the Returning Officer and Deputy Returning Officer. Commonsense should be the guide as to whether such member is more than 30 kilometres from a polling place. If this does not prevail the Chief Returning Officer shall rule. Applications for postal votes will close on the Friday immediately preceding the first polling day and all votes must be returned by 5.00 pm on the Friday preceding the second polling day. All applications for postal votes must arrive by post. All postal ballot papers must be posted to the applicant by return mail. All such ballot papers must be returned by post. The voter shall place inside the flap of the outside envelope, their printed name, their Branch and their signature. The Returning Officer must differentiate postal ballot papers from ordinary ballot papers in order that late postal ballot papers cannot be inserted during polling day.
- 19.** Where a person is challenged on identity, the production of a photo ID is to be encouraged. Where this or another form of ID is not agreed to by both the Returning Officer and Deputy Returning Officer, the Chief Returning Officer will determine.
- 20.** Candidates may withdraw in writing up until noon on the second day of voting. Where a candidate had withdrawn, but his/her name remains on the ballot paper, the Returning Officer shall count the vote through to the next candidates as if it were a count-back in an election.

SCHEDULE F – RAINBOW LABOR NETWORK VICTORIA

Rainbow Labor Network Victoria

1. Aims

- 1.1.** To ensure that the human rights of lesbians and gay men, and bi-sexual, transgendered and intersex people are protected and advanced within ALP policies.
- 1.2.** To promote the ALP within the LGBTI communities.
- 1.3.** To encourage membership of the ALP.
- 1.4.** To develop strong links with the community through participation in community activities.
- 1.5.** To encourage members to participate in all party forums.
- 1.6.** To assist in the organisation of electoral campaigns.
- 1.7.** To create social and support networks for LGBTI party members and their supporters.
- 1.8.** To devise and promote training programs to improve skills, confidence and participation of LGBTI party members throughout the ALP.

2. Membership

- 2.1.** Membership is open to ALP members who
 - 2.1.1.** identify as lesbian, gay, transgender, intersex or bi-sexual; or
 - 2.1.2.** wish to support the human rights of members of these communities.
- 2.2.** There is no membership fee
- 2.3.** ALP members may join by contacting a member of the Rainbow Labor Network Victoria Executive care of Head Office with their contact details and ALP membership number.
- 2.4.** Membership shall be advertised to current members and offered at the point of joining the party and when renewing membership.
- 2.5.** The Secretary shall maintain an up to date membership list for the purposes of communication and ballots. The Executive shall have access to this list but acknowledges that all member information will be held in a strictly confidential manner.
- 2.6.** The Executive may remove a member from the network if they behave in a disruptive or offensive manner.

3. Executive

- 3.1.** Rainbow Labor Network Victoria shall by proportional representation elect five members who shall constitute the Executive and who shall appoint from amongst themselves 2 Co-Convenors, a Secretary, an Assistant Secretary and a Treasurer.
- 3.2.** This ballot shall take place at the same time as FEA elections by postal ballot to members of Rainbow Labor Network Victoria.
- 3.3.** The Executive must ensure the aims of Rainbow Labor Network Victoria are fulfilled.

- 3.4.** The Executive must report regularly to the membership on its activities via email and/or at meetings or events and must provide an annual report on its activities to the Annual meeting of State Conference.

SCHEDULE G – STATE PARLIAMENTARY LABOR PARTY LEADERSHIP ELECTIONS

1. Returning Officer

- 1.1.** The election shall be conducted by the SPLP Returning Officer. The State Secretary shall provide such administrative support as necessary to ensure the effective conduct of the ballot.
- 1.2.** The SPLP Returning Officer will have the same powers as the ALP Chief Returning Officers as described in the Rules for the purposes of the SPLP election.

2. Election of SPLP Leader required

- 2.1.** Elections for Leader of the SPLP shall be held:
 - 2.1.1.** Following the conclusion of an Victorian general election where the SPLP does not form government; or
 - 2.1.2.** Following the resignation or death of the incumbent Leader; or
 - 2.1.3.** At the request of the Leader; or
 - 2.1.4.** Following a resolution to declare the position of Leader vacant, carried by the affirmative vote of more than 50% of the members of the SPLP.

3. Interim SPLP Leader

- 3.1.** On the announcement of a vacancy of the SPLP Leader or during the period before the election of a new leader, the Deputy Leader of the SPLP shall act as the interim SPLP Leader. Where there is no SPLP Deputy Leader or the SPLP Deputy Leader is a candidate for Leader, the SPLP must elect an interim SPLP Leader in accordance with the SPLP caucus rules.
- 3.2.** The interim SPLP Leader cannot be a candidate for Leader.

4. Nominations

- 4.1.** The SPLP Returning Officer will open nominations for SPLP Leader:
 - 4.1.1.** If it is following the conclusion of an Victorian General election where the SPLP does not form government, on the first Monday of January following an election or on the swearing in of a new Government, whichever is the latter.
 - 4.1.2.** If it is following the request of the SPLP Leader, within 24 hours of the request.
 - 4.1.3.** If it is following a vacancy in the position of SPLP Leader, within 24 hours of the vacancy arises.
- 4.2.** The SPLP Returning Officer will close nominations for SPLP Leader at 5.00 pm on the day which is three days after the opening of nominations.
- 4.3.** For a nomination to be valid, it must be:
 - 4.3.1.** From a current member of the SPLP; and
 - 4.3.2.** Must be in writing and signed by the nominee along with at least 20% of the members of the SPLP. No member of the SPLP may sign more than one nomination form. If a

SPLP member signs more than one nomination form their signature shall not be counted towards the 20% requirement for any candidate; and

4.3.3. Delivered to the SPLP Returning Officer prior to the close of nominations.

4.4. Upon receipt of a nomination, the SPLP Returning Officer shall determine whether the nomination is valid and publically announce that the nomination has been accepted.

4.5. If only one valid nomination is received that candidate will be immediately declared the new SPLP Leader.

4.6. If more than one valid nomination is received, a ballot shall be conducted of SPLP Members and Eligible Party members.

4.7. If no valid nomination is received on the basis of not attaining the support of 20% or more of the SPLP the SPLP Returning Officer shall reopen nominations for 24 hours, disregarding the requirement for candidates to be supported by 20% of SPLP members.

5. Voting entitlements

5.1. Eligible Party Members

5.1.1. Any Victorian ALP member, including a Central Branch member, who has at least 12 months continuity of membership as a Member of the Party at the close of nominations (pursuant to Rules 5.7.1, 5.7.3, 5.7.4.1, 5.7.5.1, 5.7.6 and 5.7.7.1), or who was a member on the day of the previous Victorian general election, is entitled to vote in this election.

5.1.2. The State Secretary will compile the voters' roll at the close of nominations subject to proved errors or omissions notified within 3 days after closure of the roll. Any Member may inspect the roll for the purposes of proved errors or omissions.

5.2. SPLP Members

5.2.1. SPLP members are entitled to one ballot and may only vote in the SPLP component of the ballot.

5.2.2. The SPLP Returning Officer will compile the voters roll for the leadership ballot at the opening of nominations

6. Voting rolls

6.1. The State Secretary will provide the final rolls to the SPLP Returning Officer 4 days after the close of nominations.

6.2. All candidates are entitled to a copy of the rolls and any contact details that members have provided for the use in the SPLP Leadership election.

7. Ballots

7.1. The SPLP Returning Officer shall complete a draw for positions on the ballot at the place specified for the receipt of nominations immediately after nominations close.

7.2. Eligible Party Members

7.2.1. Ballot papers will be sent to eligible Party members 14 days after the close of nominations.

- 7.2.2. All ballot papers must be posted to each voter included on a roll and include a return mail envelope. All such ballot papers must be returned by post. Ballots for each voting component must be distinguishable. The voter shall place on the flap of the outside envelope, their printed name and their signature.
- 7.2.3. All ballot papers must be received at the address nominated by the SPLP Returning Officer by 5.00 pm 28 days after the close of nominations.
- 7.2.4. If a returning ballot paper is challenged, the SPLP Returning Officer will request from the State Secretary, who must provide, a copy of a signature from the eligible Party Member's application or renewal. If such sample is not available, the SPLP Returning Officer may request the eligible Party Members to provide an official sample, which may include, but is not limited to, a drivers license.

7.3. SPLP members

- 7.3.1. The SPLP members shall cast their votes at a meeting of the SPLP convened for that purpose as soon as practicable after the close of ballot of Eligible Party members.
- 7.3.2. The ballot of SPLP members must be secret, and shall otherwise be in accordance with the SPLP caucus rules.

8. Counting of ballots

- 8.1. Following the close of the ballot of Eligible Party members, the State Secretary shall confirm the eligibility of all ballots received and provide them to the SPLP Returning Officer sealed and uncounted.
- 8.2. Following the casting of votes by SPLP members the SPLP Returning Officer shall:
 - 8.2.1. Separately count the votes of Eligible Party members and SPLP Members weighting each ballot at 100 divided by the total number of valid votes casts in each separate ballot.
 - 8.2.2. The ballots shall then be combined.
 - 8.2.3. If a candidate has received more than 50% of the combined vote, declare the candidate elected as SPLP Leader.
 - 8.2.4. If there are more than two candidates and no candidate has received more than 50% of combined votes, the candidate that received the lowest total shall be eliminated and his or her preferences allocated to the remaining candidates. This process should continue until a candidate has more than 50% of the vote, or only one candidate remains in the ballot, and that candidate shall be declared elected.
- 8.3. The new SPLP Leader shall be declared at the conclusion of the ballot count.
- 8.4. The ballot shall be counted in accordance with this Schedule and the Rules.

9. Expenditure and publicity

- 9.1. Candidates will be required to conduct all financial transactions in relation to the election through ALP Victorian Branch accounts established for this purpose. An expenditure cap of \$1,500.00 will apply to each candidate.

- 9.2.** At the same time as being sent a postal ballot or notice in person, each voter will also be sent a publication containing a photo of each candidate and a statement of up to 500 words from each candidate, in the reverse order those candidates appear on the ballot. Such statements and photos will also be available on the Victorian ALP website.
- 9.3.** The State Secretary is encouraged to organise forums for eligible voters to attend.
- 9.4.** No candidate or other party may use any paid advertising (including print, TV, radio, outdoor or the internet) and paid canvassing in relation to the ballot for the Leader of the SPLP. Bulk Short Message Service (SMS) and email distribution services are permitted.
- 9.5.** Enforcement of this Schedule shall be the responsibility of the Administrative Committee and penalties may include the disqualification of a candidate. A disqualified candidate may use the provisions of Rule 20.6 of the Rules.

SCHEDULE H – LABOR FOR AN AUSTRALIAN REPUBLIC GROUP

Labor for an Australian Republic Group

1. Aims

- 1.1. Promote Labor’s belief that modernising our Constitution also entails a transition to an Australian Republic, with an Australian Head of State, who can fully represent our traditions, values and aspirations as a nation.
- 1.2. LFAR is also committed to consulting with the Australian people, other political parties and the states and territories as to the form that the Republic should take.
- 1.3. LFAR will promote community debate about the advantages and disadvantages of the various republican models.
- 1.4. LFAR will encourage Labor to conduct a plebiscite to establish support for an Australian Head of State and the preference for different forms of a Republic. When a preference has emerged Labor will initiate an appropriate referendum under section 128 of the Constitution.
- 1.5. Develop dialogue and relationships with like-minded organisations committed to action on establishing an Australian Republic.
- 1.6. Promote ALP membership throughout Australia.

2. Membership

- 2.1. Membership is open to ALP members who support Australia becoming a Republic.
- 2.2. There is no membership fee
- 2.3. ALP members may join by contacting ALP State Office.
- 2.4. Membership shall be advertised to current members and offered at the point of joining the party and when renewing membership.
- 2.5. The Secretary shall maintain an up to date membership list for the purposes of communication and ballots. The Executive shall have access to this list but acknowledges that all member information will be held in a strictly confidential manner.
- 2.6. The Executive may remove a member from the group if they behave in a disruptive or offensive manner.

3. Executive

- 3.1. Labor for as Australian Republic Group Victoria shall by proportional representation elect five members who shall constitute the Executive and who shall appoint from amongst themselves 2 Co-Convenors, a Secretary, an Assistant Secretary and a Treasurer.
- 3.2. This ballot shall be conducted in the manner and timing as the Rainbow Labor ballot.
- 3.3. The Executive must ensure the aims of LFAR are fulfilled.

- 3.4.** The Executive must report regularly to the membership on its activities via email and/or at meetings or events and must provide an annual report on its activities to the Autumn meeting of State Conference.